

April 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 United States Environmental Protection Agency (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 in Drinking Water

The Proposed PFAS MCL Rulemaking was published in the PA Bulletin on February 26, 2022, for a 60-day public comment period closing on April 27, 2022. Five virtual public hearings were held the week of March 21st. The Proposed Rulemaking is available on DEP’s PFAS webpage here: [DEP Involvement \(pa.gov\)](#)

The purpose of the proposed rulemaking is to set maximum contaminant levels (MCLs) and maximum contaminant level goals (MCLGs) for PFOA and PFOS, two contaminants that are part of a larger group of PFAS, to be protective of adverse developmental and immune system effects. The proposed levels are 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.

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. *The proposed rule was published in the Pennsylvania Bulletin on February 26, 2022, with a 60-day public comment period that will close on April 27, 2022. Five virtual public hearings were held on March 21, 22, 23, 24 and 25, 2022, with 29 witnesses providing testimony.*
- 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 *closed* on February 14, 2022. *IRRC had no comments on the rulemaking.*
- 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 *closed* on March 1, 2022. *One virtual public hearing was held on February 16, 2022, but no one provided testimony. IRRC had no comments on the rulemaking.*
- 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 were held on March 1, 3, and 4, 2022, with no attendees.*
- 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. IRRC's comments were received on March 24, 2022.*
- 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 – Radiation Safety Requirements for Non-Healing Arts Radiation Generating Devices (#7-555): The rule was adopted by the EQB on May 19, 2021. The proposed rule was published in the Pennsylvania Bulletin on August 14, 2021, with a 30-day public comment period that closed on September 13, 2021. IRRC's comments were received on October 13, 2021. *The draft final Annex A was presented to the Radiation Protection Advisory Committee on March 3, 2022.*
- Draft Final Rulemaking – Coal Refuse Disposal Revisions (#7-565): The rule was adopted by the EQB on June 15, 2021. The proposed rule was published in the Pennsylvania Bulletin on November 6, 2021, with a 30-day public comment period that closed on December 6, 2021. *IRRC had no comments on the rulemaking. The draft final Annex A was presented to the Mining and Reclamation Advisory Board on January 20, 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 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. *The EQB adopted the final rule on March 15, 2022. IRRC is scheduled to consider the final rule at its May 19, 2022 public meeting.*
- 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. *The final rule was published in the Pennsylvania Bulletin on March 26, 2022 and is effective upon publication.*

- 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: VOC RACT Requirements for Shipbuilding, Large Petroleum Dry Cleaning, SOCMCI Processes for the 2015 Ozone NAAQS (#7-568) (Closes 4/4)
- Environmental Assessment Approvals for PENNVEST Funding Consideration (Apr 2022) (Closes 4/11)
- Proposed Rulemaking: Safe Drinking Water PFAS MCL Rule (#7-569) (Closes 4/27)
- Interim Final Guidance: Utilizing Published Data in Performing a Background Demonstration and Equivalent Site Evaluation for Naturally Occurring Vanadium (Closes 4/27)
- Draft Environmental Justice Policy (012-0501-002) (Closes 5/11)
- Draft Technical Guidance: Trenchless Technology Guidance (310-2100-003) (Closes 5/18)

Recently Closed Comment Periods

- Proposed Rulemaking: Municipal Waste Rural Transfer Facility Permit-By-Rule (#7-564) (Closed 2/14)
- Proposed Rulemaking: Exclusion for Identification and Listing Hazardous Waste at MAX Environmental Technologies, Inc. Bulger & Yukon Facilities (#7-566) (Closed 2/22)
- Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Stormwater Associated with Industrial Activity (PAG-03) (Closed 2/22)
- Proposed Rulemaking: National Pollutant Discharge Elimination System (NPDES) Schedules of Compliance (#7-563) (Closed 3/1)
- Draft 2022 Integrated Water Quality Monitoring and Assessment Report (Closed 3/1)
- Draft General Permit: Short Duration Processing and Beneficial Use of Oil and Gas Liquid Waste (WMGR163) (Closed 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) (Closed 3/29)

Communications Monthly Press Releases

Press Releases Issued

January 26 - DEP Awards Borough of Jim Thorpe Growing Greener Grant for Stream Restoration Work in Carbon County

January 26- DEP Announces More than \$1.7 Million to Fund Local Water Clean Up Projects in PA's Northwest Region

January 30 - ADVISORY – DAUPHIN COUNTY – MONDAY – DEP to Announce Funding for Watershed Restoration and Protection Projects

January 31 - Wolf Administration Announces \$4.7 Million for Watershed Restoration and Protection Projects in Southcentral PA

February 4 - DEP to Receive Comments, Host Virtual Public Hearing on Mariner East 2 Pipeline Amendment Application, Chester County

February 7 - Gov. Wolf Announces \$244.9 Million Bipartisan Infrastructure Law Investment to

February 8 - ADVISORY – ERIE COUNTY – TOMORROW – DEP to Announce Funding to Protect Lake Erie Coastal Zone

February 9 - Wolf Administration Announces Funding to Protect Lake Erie

February 25 - DEP Announces Public Comment Period on New PFAS Drinking Water Regulation

March 7 - ADVISORY – TOMORROW – DAUPHIN COUNTY – Wolf Administration, Fish and Boat Commission, and Game Commission Encourage Pennsylvanians to Protect Themselves from Ticks

March 8 - ADVISORY – PHILADELPHIA – TOMORROW – DEP to Celebrate Latest Funded Electric Vehicle DC Fast Charger in Ribbon Cutting at Wawa

March 8 - ADVISORY – PHILADELPHIA – TOMORROW – DEP to Celebrate \$30 Million in Low-Interest Loans for High-Impact Commercial Energy Efficiency Projects

March 8 - Pennsylvanians Encouraged to Protect Themselves Against Tickborne Diseases When Venturing Outdoors

March 9 - ADVISORY – WESTMORELAND COUNTY – THURSDAY – Wolf Administration to Announce Funding for Water Cleanup Projects

March 9 - DEP Celebrates \$30 Million Invested in Low-Interest Loans for High-Impact Commercial Energy Efficiency Projects

March 9 - DEP Celebrates Latest Funded Electric Vehicle DC Fast Chargers in Ribbon-Cutting Event at Wawa

March 10 - Wolf Administration Announces Nearly \$3 Million for Water Cleanup Projects in Southwestern Pennsylvania

March 11 - DEP Underscores Commitment to Environmental Justice with Policy, Newly Appointed Director of the Office of Environmental Justice

March 15 - DEP Declares Code Orange Air Quality Action Day for Fine Particulate Matter for Tuesday, March 15, 2022, in the Liberty-Clairton area in Allegheny County

March 15 - ADVISORY – FRANKLIN COUNTY – WEDNESDAY – Wolf Administration Celebrates Driving PA Forward Grant Success

March 15 - DEP Declares Code Orange Air Quality Action Day for Fine Particulate Matter for Wednesday, March 16, 2022, in the Liberty-Clairton Area of Allegheny County

March 15 - ADVISORY – WYOMING COUNTY – WEDNESDAY Wolf Administration and Wyoming County Conservation District Encourage Pennsylvanians to Protect Themselves from Ticks

March 16 - Wolf Administration Celebrates Driving PA Forward Grant Impact on Franklin County’s Air Quality

March 16 - Deer Tick Virus Detected at Popular Wyoming County Trail

March 17 - ADVISORY – WAYNESBORO – TOMORROW – DEP and PennDOT to Join Community Leaders and Honor Students in “Pick Up Pennsylvania” Litter Cleanup

March 18 - DEP and PennDOT Encourage Everyone to Join Litter Cleanup Events and ‘Pick Up Pennsylvania’

March 23 - ADVISORY – MONTGOMERY COUNTY – TOMORROW – Wolf Administration and DEP to Celebrate Environmental Education, Highlight Riverbend Environmental Education Center

March 24 - Wolf Administration Promotes Environmental Education, Showcases Riverbend Environmental Education Center

March 28 - ADVISORY – TOMORROW – HARRISBURG – Wolf Administration and Rep. Donna Bullock Highlight Draft Environmental Justice Policy

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 Mining and Reclamation Advisory Board’s (MRAB) Regulatory, Legislative and Technical (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. *At the MRAB meeting of January 20, 2022, the Department reviewed the public comments received with the Board who unanimously voted to recommend that the Department proceed with the final-form rulemaking. DEP is currently preparing the final rulemaking package for an EQB meeting in Spring 2022.*

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, made minor revisions, and is finalizing the version for final publication. DEP will present the draft final version to the MRAB on April 7, 2022.*

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 published for public comment on October 31, 2020, and nearly 200 comments were received, suggesting considerable additional detail should be added. The DEP identified components of the manual that were outdated or not needed. Considering this, the Bureau of Mining Programs (BMP) decided to split the TGD whereby particular areas could be worked into separate tools (such as SOPs, publications, web content, or application items/instruction). BMP arranged a joint meeting with the RLT Committees of both the MRAB and Aggregate Advisory Board to present the plan for moving forward with the engineering updates. Representatives from each Board will coordinate workgroup meetings with the District Mining Office and BMP staff to prioritize topics to address and what format this new information will take.*

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 *is updated every 6 months and includes claims for water supplies, structural damage, and also stream and wetlands impacts from underground mining. Ongoing data reports allow for more timely public input, more effective understanding of problem resolution, and increase transparency and timeliness.*

OSM has partnered with the DEP for the 6th report. *DEP and OSM meet monthly to examine and discuss the data produced from the BUMIS claim system and other tracking records. Data collection for the next report will close at the end of 2022. At that point OSM will work with BMP to analyze the findings and produce recommendations for the program to meet the statutory obligations for the Act 54 reporting.*

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.

The Office of Surface Mining Reclamation and Enforcement (OSMRE) announced on February 7 that \$244.9 million is available in federal fiscal year (FFY) 2022 to Pennsylvania for reclaiming abandoned mine lands (AML) as part of President Biden's Bipartisan Infrastructure Law. OSMRE released additional IIJA FAQs on March 16. The new information is available in the FAQs section at the following link: <https://www.osmre.gov/bil>.

In FFY 2022 Pennsylvania will receive a traditional AML grant based on the fee collected from coal producers in FFY2021 and also an AML Economic Revitalization (AMLER) program grant passed by congress in the federal budget. The AML grant is \$26.4 million and the AMLER grant is \$26.6 million. This brings the total federal funding for AML and AMD reclamation in FFY 2022 to \$297.9 million. The federal funding received last year (FFY 2021) was \$52.4 million.

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 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 adds 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, and the Independent Regulatory Review Commission approved the final-form rulemaking on January 26, 2022. *The rulemaking was published as final on March 26, 2022, and the Bureau of Air Quality has a [Stage II Decommissioning website](#) to assist the regulated community.*

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.

On March 15, 2022, the EQB approved the final-form rulemaking by a vote of 17-2. IRRC has scheduled the final rule for consideration at its May 19, 2022 public meeting.

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, on *June 16, 2022* (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 will be presenting the draft final-form rulemaking to AQTAC and SBCAC on April 7 and 27, 2022, respectively. The Department anticipates presenting it to the CAC on April 19, 2022, and the EQB in the third 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 were held on March 1, 3, and 4, 2022. No testimony was received.*

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 were made and the amended Operating Permits were 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.

On March 17, 2022, EPA published a proposed partial approval/partial disapproval of Pennsylvania's SIP revision for the Indiana 2010 SO₂ 1-Hour NAAQS Nonattainment Area. The partial disapproval focuses on the calculation of the SO₂ permit limit averaging periods. The public comment period closes on April 18, 2022.

Driving PA Forward Grants and Rebates

- **Onroad Rebate (ORR) Program:** The CY21 Program application period closed on October 15, 2021. The Department received 55 applications requesting total project funds of over \$7.0 million. *All applications have been reviewed and processed, and rebate vouchers are currently being issued. All projects have 365 days to complete and submit redemption applications. The CY22 Onroad Rebate funding cycle is expected to open for applications in late summer/early fall 2022.*
- **Truck & Bus Fleet Grant (T&BFG) Program:** The CY21 Program application period closed on October 9, 2021 and the Department received 12 applications requesting total project funding of over \$7.8 million. Applications are being reviewed and scored. *The CY22 T&BFG program is expected to open for applications in late summer/early fall 2022.*
- **PA State Clean Diesel Grant Program (DERA):** The FY19 projects are underway; the project completion deadline is September 30, 2022. 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 are currently underway. FY21 is anticipated to open for applications *in early 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 was rolled into the CY21-22 funding cycle. The CY21-22 ECH Grant Program will open for applications in *spring 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 *late spring/early summer 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:** The CY21 program opened on November 5, 2021, and *closed on January 31, 2022, with \$2.2 million available to award. DEP received 60 applications, requesting over \$11.5 million for the installation of DC fast chargers and hydrogen fueling stations. Application review and scoring is underway. The CY22 funding cycle is expected to open this summer.*
- **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 *early summer 2022.* To date, approximately 1,700 Level 2 EV charging plugs have been installed across PA under this Program. Version 4 will be the final version of this Program and 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 *February 22, 2022*. *The meeting featured a presentation by Natasha Fackler and Roy Gothie of PennDOT and Colton Brown of DEP on Pennsylvania's clean transportation initiatives. Dr. Julie Becker of Physicians for Social Responsibility provided a presentation and discussion on public health impacts of climate change, and Tim Evans of NJ Future presented on the organization's proposals for vehicle miles traveled (VMT) reductions for the state of New Jersey. Dave Althoff of EPO also provided a presentation on the forthcoming federal energy and infrastructure funding. The next CCAC meeting will be held on April 14, 2022, and will feature presentations and discussions on climate action strategies in the agricultural, land use and forestry sectors.*

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. To date, ETAC and PennTAP have completed *eighteen* site assessments this fiscal year for companies throughout Pennsylvania representing the *advanced materials, health care, textile and apparel, lumber, wood and paper, metal fabrication, and agricultural industries.*

Energy Assurance

EPO and 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 contractor, *Protogen, delivered three webinars in March regarding onsite generation and energy storage at critical facilities. A recording of the webinar can be found on DEP's Energy Assurance webpage. The contractor will now develop five no cost preliminary feasibility studies for selected local government participants from the webinar.* Participants in environmental justice areas will be given higher priority.

EPO is also participating in US DOE's Technology Action Group that facilitates partnership with other states and National Laboratories related to onsite generation and energy storage at critical facilities. 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 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, *commercial kitchens*, and manufacturers; clean energy workforce development; energy assurance and resiliency planning and training activities; energy storage outreach; and building energy code trainings. *The FY 2022 application is due on May 3, 2022.* EPO staff are currently managing twelve 2021 FY State Energy Program projects.

PA Climate Leadership Academy

The fourth & fifth training opportunities of the PA Climate Leadership Academy ("Academy") continued during the month of March, with multiple live webinars being conducted for the Certified Climate Change Professional (CC-P) cohorts. The daytime and evening cohorts began in February and will have one final session each in

early April. Approximately twenty-three representatives from state and local government, as well as representatives from private sector and higher education institutions, are participating in these two cohorts. The Certified Climate Change Professional (CC-P) training is being 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. Two additional CC-P cohorts will begin in April & May. The third training opportunity of the Academy, the Climate Leadership Activator (“Activator”), was conducted in January & February 2022 with approximately 90 registrants. The Activator is a high-level/abbreviated version of CC-P training and is meant for leaders/decision-makers. Another round of Activator training will be offered in May 2022. The next Academy Advisory Board meeting will be held on April 7th.

Agriculture Energy Efficiency Rebate Program

Revisions to DEP’s agriculture energy efficiency rebate program were published in the March 5th PA Bulletin. 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 efficient pumps and motors, and VFDs for ventilation, as well as efficient fans and motors. 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 March 22, seventeen rebate vouchers were approved, and eight rebate vouchers were redeemed for reimbursement. The rebate program was a recommendation from 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. Marketing for the program is on-going through agricultural stakeholder organizations.

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. DOE and EPO have conducted two educational sessions and are planning on having 3 more educational sessions for the plants. The contractor is scheduling audits to be conducted in April and May.

Alternative Fuel Incentive Grant (AFIG)

The AFIG Program offers grant funding for clean, alternative fuel projects in Pennsylvania and investment in Pennsylvania’s energy sector. Approximately \$5 million in grants is available for school districts, municipal authorities, political subdivisions, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in the Commonwealth.

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. Awards will be announced this spring, and AFIG will reopen for 2022 in the spring as well.

Clean Energy Workforce

EPO will be working with BW Research to issue two reports in summer 2022. The 2022 Pennsylvania Energy Employment Report will provide an update to energy employment across Pennsylvania through the last quarter of 2021. The 2022 Energy and Employment Report is inclusive of all energy technologies—not just clean energy—as defined in the USEER methodology and will be similar in form and substance to last year’s report. The 2022 Pennsylvania Clean Energy Employment Report will feature the impacts of the COVID-19 pandemic on Pennsylvania’s clean energy industry. This report will include employment data by clean energy sub-technologies and value chain segments. Additional features of the 2022 Clean Energy Employment Report include a Clean Energy Supply Chain Analysis of Strengths and Weaknesses in Pennsylvania as well as the Role of Unions in the Clean Energy Transition.

Pennsylvania Energy Storage Consortium

The Energy Programs Office, along with hired contractor Strategen, held the *third* session of the Pennsylvania Energy Storage Consortium on *March 1, 2022*. 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 update on opportunities for federal funding for energy storage provided by the DOE Office of Electricity, an overview of state policy levers for energy storage deployment provided by the Pacific Northwest National Laboratory, and a panel discussion on developer perspectives on optimizing storage policies and programs in Pennsylvania. More than 95 individuals participated in the consortium meeting representing 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 May 17, 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 Solid Waste Association of North America (SWANA) Keystone Chapter Recycling Summit on March 15, 2022 as well as the Pennsylvania Recycling Markets Center Organics Summit on March 31, 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. *General sessions conducted under this phase of the contract have been held monthly since December 2021 and will continue through June 2022. The first targeted outreach session was conducted in Mercer County on February 17, 2022, and five additional sessions are planned through the end of June 2022. Extension’s outreach is being funded through DEP’s State Energy Program funds from the U.S. Department of Energy.*

Shared Energy Manager

On March 2nd, 2022, EPO staff held a call with the SEP-funded contractor Wilson Engineering Services

(Wilson), on the Shared Energy Manager Program. Wilson provided updates regarding the status of work for the five SEM participant local governments: Abington Township, Ben Avon Borough, Cumberland County, City of Easton, and City of Shamokin. Wilson has completed site visits to multiple municipal facilities to complete energy audits for Abington and Ben Avon. *Site visit reports have been provided with recommendations for each of those facilities. Wilson produced a complete energy management plan draft and energy benchmarking report for the City of Easton evaluating 19 municipal facilities including their wastewater treatment plant and pump stations on March 16th. It is anticipated that a vehicle fleet electrification study for Cumberland County will be completed by early April at which time Wilson can begin scoping utilization of solar PV for Cumberland County as well. Initial energy assessments will begin for the City of Shamokin in April as well.*

Commonwealth-University Capstone Partnership

On March 18th EPO staff held a weekly call with Centre Region COG, the East Stroudsburg University student team, and the Governor's Office of Performance through Excellence (OPE). The student team provided a mid-semester update to OPE on their energy efficiency (EE) toolkit research and plans for a public energy efficiency education event to provide building EE information to local contractors, residents, and businesses. The DEP Climate Change Advisory Committee Chair Steve Krug was also present for the meeting to provide input and answer questions for Centre Region COG/ESU about their toolkit and education event plans. The Forest Hills/Carnegie Mellon University team completed their mid-semester update for the Governor's Office of Performance through Excellence on their plans for the Forest Hills urban tree canopy on Friday, March 25th.

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 closed on February 18th. A PEDA subcommittee reviewed the responses to PEDA's Request For Proposals (RFP) on March 16th and agreed with DEP staff's recommendation. The PEDA Board will meet to make a final selection, and the program administrator is expected to begin work on July 1st.*

Electric Vehicle Charging Electricity Rate Design Study

DEP released an RFQ for an electric vehicle charging electricity rate design study and received 6 qualified proposals. DEP recently scored the proposals and is in the process of issuing a purchase order with the successful proposer. The contractor will complete the study over the 9 months following contract execution. 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. *The EQB will consider this proposed rule in Spring 2022.* 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. *DEP received three responses to the ANPR, and that information will be considered in the development of the lead portion of the proposed rulemaking.*

Cleanup Standards Scientific Advisory Board (CSSAB)

The April 6, 2022 CSSAB meeting was rescheduled to June 30 to allow more time for the Lead and PAH workgroups to finish their evaluations. Additional CSSAB meeting dates for 2022 include August 17, and December 14. Information about 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 March 8, 2022 meeting of the Storage Tank Advisory Committee (Committee) was cancelled. The next meeting is scheduled for Tuesday, June 7, 2022. Information about 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 “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 \$11 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, and *grant announcements will be made in April 2022.*

Governor’s Residence Earth Day Celebration

First Lady Frances Wolf has announced a virtual Earth Day celebration on Friday, April 22, 2022 from 10 am to 11 am. This year’s Earth Day theme is “Investing in our Planet.” Middle and high schoolers are encouraged to watch this live-streamed event to learn more about Pennsylvania’s environmental efforts. The event will be streamed on the Governor’s Residence website at www.residence.pa.gov and on Facebook at www.facebook.com/governorsresidence.

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.

This Task Force has unveiled a new website entitled “PA Gateway to Green”, which serves as an online hub for Pennsylvania educators to access environmental education resources from government agencies, non-profits, and other partners to improve environmental literacy (ELIT) of citizens across the commonwealth. See: <https://pagatewaytogreen.org/>

The annual meeting of the Pennsylvania Environmental Literacy Taskforce was held in February. Most of this meeting was devoted to preparation for the 2022 virtual PAEE Conference held March 21 and 22. During this conference Task Force members promoted the Meaningful Watershed Educational Experience (MWEE) framework. This Task Force also recognized two entities with the MWEE School of Excellence and the MWEE Partner of Excellence awards. For 2022, the “School of Excellence” award was presented to the West Chester Area School District for the construction of outdoor classrooms at Stetson Middle School. Allegheny College’s Creek Connections program was recognized as the “Partners of Excellence” award. Both awardees were funded through DEP.

Environmental Justice

The EE&IC continues to reflect this priority for the 2022 DEP Environmental Education Grant program. Again in 2022, over 90% of awardees will go to 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 Third Space 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 Content Committee. The proposed revised standards can be viewed on the Pennsylvania Department of Education’s (PDE) [Pennsylvania's science standards](#).

In March, the PA Department of Education (PDE) asked the Steering and Content Committees to review, refine, and finalize the content of foundation boxes in the revised performance expectations/standards. This work is in parallel to the regulatory process and in anticipation of an adopted revised set of the Environmental Literacy and Sustainability standards. The final-form regulatory package is currently being prepared.

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 is scheduled for release *in early April*. This issue provides updates on the DEP Environmental Education Grant Program, projects previously funded by the Environmental Education Grant program, *the winners of the 2021 MWEE Awards, more information on the PA Litter Action Plan*, the RCSOB falcons, and MWEE 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.

Environmental Justice

Environmental Justice Advisory Board (EJAB)

EJAB’s most recent meeting was on Thursday, February 17, and included updates from the Office of Environmental Justice and an introduction of three new EJAB members. The next EJAB meeting will be held on Thursday, May 19.

EJAB members and OEJ together with other partners planned and hosted an Environmental Justice symposium in 2021, titled “[EJ in PA](#)”. 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 (EJIC). *DEP held the inaugural meeting on EJIC on Thursday, March 17.* 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 scheduled several virtual and in person meetings and events throughout April. 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, Chester Environmental Partnership, Chesapeake Bay Program Diversity Workgroup, Shamokin Creek Restoration Alliance, Internal Lead Workgroup, Superfund Community Advisory Groups (CAG), Chesapeake Bay County Wide Action Plan Team, and others.

Strategy and Planning

Environmental Justice Planning

The draft EJ Policy was released for public comment on March 12, 2022, for a 60-day public comment period that will end on May 11. OEJ will host three virtual public hearings on April 5, April 12, and April 28. OEJ also developed a community engagement strategy to discuss recommendations around revisions to the EJ Policy to ensure more extensive community engagement and participation.

OEJ continues to convene the Environmental Justice Internal Work Group (EJ IWG) to inform and educate DEP staff 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 worked with the Office of Administration, Communications, and other programs to finalize and internally 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.

Infrastructure Investment and Jobs Act (IIJA)

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.

On March 17, the DOI released a draft Initial Grant Guidance under the IIJA to the public hosted two public comment webinars on the guidance on March 23 and 24. The Department submitted written comments on the draft Initial Grant Guidance to DOI on March 30. DOI indicated that it intends to have the final Initial Grant Guidance available by mid-April. The deadline for Pennsylvania to request the initial grant of \$25 million from the DOI is May 16, 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 *second* quarter of 2022.

New Oil and Gas Forms Training

On March 9 and 10, 2022, Bureau of Oil and Gas Planning and Program Management (BOGPPM), Division of Well Development and Surface Activities and Bureau of Waste Management staff provided two separate online training sessions (internal training and external training, respectively) regarding seven recently posted new and updated forms and documents. A number of the forms and documents were posted to DEP eLibrary on or before January 6, 2022, because DEP agreed to create or edit these documents based on the Marcellus Shale Coalition (MSC) vs. Commonwealth of Pennsylvania litigation settlement agreement. The training included presentations on each form as well as a follow up Q&A session at the end of each presentation. The forms training that was presented to the regulated community is available at the [DEP Oil and Gas Website](#).

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. *The Bureau of Radiation Protection presented the draft final-form Annex to the Radiation Protection Advisory Committee (RPAC) on March 3, 2022, and RPAC expressed support for the Department moving forward with the final-form rulemaking. The Bureau of Radiation Protection is preparing a final rulemaking package for an EQB meeting in Quarter 2, 2022.*

Three Year Fee Report and Radiological Fees Rulemaking

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 presented the report to the EQB on February 15, 2022. *The Department has concluded a proposed rulemaking for a fee increase is necessary and has developed a proposed Annex, which was presented to RPAC on March 3, 2022. RPAC expressed support for the proposed rulemaking, and the Bureau of Radiation Protection is preparing a proposed rulemaking package for an EQB meeting in Quarter 2, 2022.*

Radiation Protection Technical Guidance Documents

The Department has revised the Pennsylvania Radon Mitigation Standards technical guidance document (TGD). This TGD has not been updated since 1997 and new standards and best practices related to radon mitigation have been implemented since then. A draft of the updated technical guidance was shared with RPAC on March 3, 2022, and the Department is now preparing the draft document to be published in the Pennsylvania Bulletin for public comment.

Waste Management

Waste Management Rulemakings

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. A copy of the proposed rulemaking as adopted is available on the Board's webpage.

The proposed rulemaking was published in the Pennsylvania Bulletin on January 15, 2022, opening a 30-day public comment period that closed on February 14, 2022. *No public comments were received. IRRC completed its review mid-March and also had no comments/questions. DEP is proceeding with preparation of the final rulemaking package.*

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. A copy of the proposed rulemaking as adopted is available on the Board’s webpage.

The proposed rulemaking was published in the *Pennsylvania Bulletin* on January 8, 2022, opening a 45-day public comment period that *concluded* on February 22, 2022. The Board also *held* three public hearings on the proposed rulemaking on January 19, 20, and 26, 2022. *DEP is currently reviewing the comments received and drafting the final rulemaking documents.*

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

BWM has drafted a new General Permit (GP) No. WMGR163 (WMGR163). This GP, like GP No. WMGR123, authorizes 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 *closed* on March 15, 2022. *Comments were received from 7 public commenters, and BWM is in the process of drafting responses to the comments and will revise language in WMGR163 as needed.*

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. *The final guidance will be published in the second quarter of 2022.*

Solid Waste Advisory Committee (SWAC)

The March 9, 2022 SWAC meeting was cancelled due to lack of sufficient agenda items. The next regular

SWAC meeting will be held on *Tuesday, June 14*, 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 *was held* on February 16, 2022 *although nobody provided testimony. Three public comments were received on the proposed rulemaking and comments were also submitted by EPA. IRRC had no comments or questions on the proposed rulemaking. DEP is reviewing the comments received and preparing the final-form rulemaking documents for EQB adoption.*

Draft Chapter 105 Alternatives Analysis Technical Guidance Document (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.

Draft Trenchless Technologies Guidance (310-2100-003)

This draft TGD outlines the steps and options to consider, and implement as appropriate, when proposing to use a trenchless technology installation method on any portion of a project. This draft TGD has been prepared to provide information to project proponents that may help to prevent environmental issues, improve project planning, permitting and compliance with applicable regulatory requirements. It is important to note, this is recommended guidance that does not require a new permit. Notice of availability of this draft technical guidance document was published in the Pennsylvania Bulletin on March 19, 2022 [[52 Pa.B. 1693](#)]. The 60-day public comment period will end on May 18, 2022.

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. A six-part PAG-01 training course was posted to DEP's Pennsylvania [Clean Water Academy](#) in January 2022 for DEP, conservation district, and public use, and a Questions and Answers webinar was held with DEP/district staff on February 11, 2022.

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](#).

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 *dates for an April 2022 meeting are being coordinated*. 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. *The Department has received written comments from several workgroup members and is considering those comments in the development of draft permit documents.*

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

The Bipartisan Infrastructure Law (BIL) provides funding to the Clean Water State Revolving Fund (CWSRF) and the Drinking Water State Revolving Fund (DWSRF). These programs will see increases to base program funding as well as new supplemental program funding programs.

The BIL reauthorizes the base DWSRF program funding and establishes new supplemental DWSRF pots for general infrastructure projects, emerging contaminants projects, and lead service line replacement projects. Base and general supplemental DWSRF money will be used for projects that will improve water system infrastructure (e.g. replacing aging water lines, upgrading treatment plant components, finished water storage tanks.) DWSRF BIL funding will provide funding to eligible water systems via PENNVEST for these infrastructure projects. Additionally, the BIL will provide money for technical assistance to water systems, as well as money to cover the cost of administration of the DWSRF program for both the Bureau of Safe Drinking Water (BSDW) and the Bureau of Clean Water (BCW).

BIL reauthorizes the base CWSRF program funding and also establishes new CWSRF supplemental pots for general infrastructure projects and emerging contaminants projects. In addition, it establishes a new set-aside that will enable DEP to provide technical assistance to small, rural Publicly Owned Treatment Works (POTW). However, details on eligible recipients and eligible activities under the set-aside are no clear at this time. Similar to the DWSRF program, the CWSRF base program provides funding to infrastructure projects to improve non-point source pollution, stormwater infrastructure, and wastewater infrastructure. CWSRF funding will provide funding to eligible project applicants via PENNVEST for infrastructure projects. The BIL CWSRF funding will also support technical assistance to systems and includes a means to cover the cost of administration of the CWSRF program.

DEP staff manage EPA applications for both the DWSRF and CWSRF capitalization grants awarded to PENNVEST. DEP staff also oversee DEP's role in the managing potential and funded projects from pre-application through project closeout. DEP staff coordinate to prepare the SRF Intended Use Plans including and budgets on an annual basis. DEP staff coordinate review, ranking and management of PENNVEST project applications.

On March 8, 2022, EPA released a 56-page memo titled "[Implementation of the Clean Water and Drinking Water State Revolving Fund Provisions of the Bipartisan Infrastructure Law](#)", which was signed by Radhika Fox, EPA Assistant Administrator. This memo provides the first written guidance from EPA regarding implementation of CWSRF and DWSRF BIL funding. DEP and PENNVEST staff have been working through this guidance to understand the requirements and EPA expectations. Among other things, EPA commits to providing additional clarification via Q&A documents. The BIL will provide a significant infusion of money into the SRF program. EPA has provided preliminary information on the allotments. However, DEP is still working through the implementation guidance to understand the funding requirements. The estimated annual allotments to Pennsylvania DWSRF programs have been provided in the EPA implementation memo. DEP is

still working to understand how the programs will work so details on the funding will be forthcoming. Here are the categories of funding that will be available once we apply for and receive the federal grant dollars:

- *DWSRF Base = TBD (Have not received our allotment amount from EPA)*
- *DWSRF General Supplemental = \$55.3 million annually*
- *DWSRF Lead Service Line Replacement = \$87.1 million annually*
- *DWSRF Emerging Contaminants = \$23.2 million annually*
- *Note: Guidance has been unclear but it's possible that these DWSRF funds are in addition to the base funding amount for each year. Clarification from EPA has been requested.*

The BIL will provide a significant infusion of money into the CWSRF program. Preliminary information from EPA indicates that the estimated annual allotments to Pennsylvania's CWSRF programs for FFY 2023 – 2027 will include the following:

- *CWSRF Base = TBD (Have not received our allotment amount from EPA)*
- *CWSRF General Supplemental = \$71.0 million annually*
- *CWSRF Emerging Contaminants = \$3.7 million annually*

The BIL also provides additional funding programs that appear to fall outside of the SRF umbrella. To date, EPA has provided very little if any information to states on this additional funding outside of the SRF umbrella. DEP BSDW staff will continue to push EPA for this guidance and provide additional details in future weekly articles as more information becomes available. While specific state funding allotments are not yet available, these programs include funding for the following:

- *Assistance for Small and Disadvantaged Communities (Sec. 50104) – Preliminary EPA documents indicate that PA's share may be ~\$28 million annually. Funding may be provided through Small, Underserved, and Disadvantaged Communities Grants (not SRF); can be used to remediate PFAS in drinking water.*
- *Several Lead Programs – Reducing Lead in Drinking Water (Sec. 50105) and Lead Contamination in School Drinking Water (Sec. 50110). Note: These lead programs may be under the Water Infrastructure Improvements for the Nation (WIIN) Grant umbrella.*
- *Operational Sustainability Grants to Small PWSs (Sec. 50106) and Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program (Sec. 50107).*

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 were released on March 16, 2022. A [Chapter 102 ePermit Training Center](#) was developed in DEP's Clean Water Academy and is available for public use.

Nonpoint Source (NPS) Management Section 319

The Section 319 NPS Management grant funds are provided by the U.S. Environmental Protection Agency (EPA) and authorized through Section 319(h) of the federal Clean Water Act. The program's primary purpose is

to implement Section 319 Program Watershed Implementation Plans (WIP) to improve and protect Pennsylvania's waters from nonpoint source pollution. For Federal Fiscal Year (FFY) 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 FFY 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 FFY 2021 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 FFY 2021 grant. DEP announced the FFY 2021 subawards on October 14, 2021. The press release can be found [here](#).

Growing Greener Plus Program

DEP opened the 2021 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 were held to announce these awards throughout mid-late January and into early February 2022.

DEP anticipates opening the 2022 Growing Greener Plus grant round on April 22, 2022. The 2022 Growing Greener Plus grant round includes some new features, including: (1) a reinvigorated Growing Greener Watershed Renaissance Initiative (GGWRI) focused on the complete implementation of existing watershed restoration or implementation plans on small catchment areas in Centre, Huntingdon, Lancaster, Snyder, and Union counties; and (2) a priority to implement projects in support of the Pennsylvania 2021 Climate Action Plan. Further details about the 2022 grant round will be available on DEP's [Growing Greener Plus Grants Program webpage](#).

State Water Plan

The State Water Plan's eighth round of regional committee meetings concluded on January 27. On March 11, the six regional committees each held a public hearing for the purpose of soliciting input on drafts of the regional plan components. The ninth round of regional committee meetings will be held in April with the Delaware Water Resources Committee on April 12, the Lower Susquehanna Water Resources Committee on April 13, and the Potomac Water Resources Committee on April 14. The ninth round will conclude with the Ohio Water Resources Committee on April 26, the Great Lakes Water Resources Committee on April 27, and the Upper/Middle Susquehanna Water Resources Committee on April 28. The focus of this round of meetings

will be to review public testimony from the March 11 hearing and for each regional committee to vote to recommend their regional components to the Statewide Committee.

The State Water Plan's ninth Statewide Committee meeting was held on January 19. The primary focus of this meeting was to review draft components of the State Water Plan Update document. The tenth Statewide Committee meeting is scheduled for May 11. This update will focus on items such as water resources strategies outlined in the Pennsylvania Climate Action Plan and updated regional watershed priorities.

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 *and on February 9, 2022 for projects in the Lake Erie Coastal Zone.* 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; *grant awards are expected to be announced near the end of the calendar year.*

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.”

April	
7	Air Quality Technical Advisory Committee Meeting, 9:15 a.m., Virtual and in-person attendance options
7	Mining and Reclamation Advisory Board Meeting, 10 a.m., Virtual and in-person attendance options
12	Delaware Water Resources Regional Committee Meeting, 9 a.m., Virtual and in-person attendance options
13	Lower Susquehanna Water Resources Regional Meeting, 9 a.m., Virtual and in-person attendance options
13	Technical Advisory Committee on Diesel-Powered Equipment, 10 a.m., Virtual and in-person attendance options
13	State Board for Certification of Water and Wastewater System Operators Meeting, 10 a.m., Virtual and in-person attendance options
14	Climate Change Advisory Committee Meeting, 9 a.m., Virtual and in-person attendance options
14	Potomac Water Resources Regional Committee Meeting, 1 p.m., Virtual and in-person attendance options
19	Citizens Advisory Council Meeting, 12:30 p.m., Virtual and in-person attendance options
20	State Board for Certification of Sewage Enforcement Officers Meeting, 10 a.m., Virtual and in-person attendance options
21	Public Water System Technical Assistance Center Board Meeting, 9 a.m., Virtual and in-person attendance options
25	Oil and Gas Technical Advisory Board Meeting, 10 a.m., Virtual and in-person attendance options
26	Ohio Water Resources Regional Committee Meeting, 1 p.m., Virtual and in-person attendance options
27	Great Lakes Water Resources Regional Committee Meeting, 9 a.m., Virtual and in-person attendance options
27	Small Business Compliance Advisory Committee Meeting, 10 a.m., Virtual and in-person attendance options
28	Upper/Middle Susquehanna Water Resources Regional Committee Meeting, 9 a.m., Virtual and in-person attendance options
28	Environmental Justice Policy Public Hearing, 12 p.m., Virtual attendance option
May	
4	Aggregate Advisory Board Meeting, 10 a.m., Virtual and in-person attendance options
11	Statewide Water Resources Committee Meeting, 9 a.m., Virtual and in-person attendance options

18	Environmental Quality Board Meeting, 9 a.m., Virtual and in-person attendance options
18	Citizens Advisory Council Meeting, 12:30 p.m., Virtual and in-person attendance options
19	Environmental Justice Advisory Board Meeting, 9 a.m., Virtual and in-person attendance options
19	Water Resources Advisory Committee Meeting, 9:30 a.m., Virtual and in-person attendance options

Attachment 2

Oil and Gas Workload Report (As of March 25, 2022)

YTD WELL PERMIT APPLICATIONS - 1/1/2022 to 3/25/2022						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	62	35	38	38	38	0
UNCONVENTIONAL	182	56	195	195	195	0
Sub Total	244	91	233	233	233	0
AUTHORIZATIONS	180	60	135	127	N/A	8
Total	424	151	368	360	360	8

WEEKLY WELL PERMIT APPLICATIONS - 3/19/2022 to 3/25/2022						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	0	0	9	9	9	0
UNCONVENTIONAL	8	8	21	21	21	0
Sub Total	8	8	30	30	30	0
AUTHORIZATIONS	13	4	17	14	N/A	3
Total	21	12	47	44	44	3

HISTORICAL WELL PERMIT APPLICATIONS AS OF 3/25/2022						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	198,448	198,412	197,156	190,866	1,256	100,123
UNCONVENTIONAL	29,952	29,879	29,261	22,686	618	12,808
Sub Total	228,400	228,291	226,417	213,552	1,874	112,931
AUTHORIZATIONS	46,796	46,725	45,566	43,785	1,159	19,480
Total	275,196	275,016	271,983	257,337	3,033	132,411

YTD INSPECTIONS - 1/1/2022 to 3/25/2022				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	1,875	1,534	677	26
UNCONVENTIONAL	4,246	3,245	197	10
SITE	813	651	222	29
CLIENT	3	2	9	3
Total	6,937	5,432	1,105	68

WEEKLY INSPECTIONS - 3/19/2022 to 3/25/2022				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	186	167	94	0
UNCONVENTIONAL	211	206	4	1
SITE	44	44	1	2
CLIENT	1	1	1	1
Total	442	418	100	4

WELLS DRILLED					
	Two Years Prior 1/1/2020 to 3/25/2020	One Year Prior 1/1/2021 to 3/25/2021	Year To Date 1/1/2022 to 3/25/2022	Week of 3/19/2022 to 3/25/2022	As of 3/25/2022
CONVENTIONAL	12	15	27	0	201,631
UNCONVENTIONAL	146	113	110	0	13,426
Total	158	128	137	0	215,057

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