

May 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 *that closed* 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.

On April 18, 2022, EPA published their evaluation of Pennsylvania's amended Phase 3 WIP. EPA determined, using Chesapeake Bay Partnership approved tools, that Pennsylvania is still short of meeting the nitrogen and phosphorus planning targets. EPA did not account for Pennsylvania's expired best management practices (BMPs), BMPs considered "cutoff" in the model, or BMPs that are currently unreported. EPA provided a list of "enhancements" for DEP to consider and requested a revised WIP and response within 90 days. DEP met with EPA on April 27, 2022, to further discuss their evaluation and asked clarifying questions, as well as to discuss the status of EPA's evaluation of Pennsylvania's Milestone commitments and progress.

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 Level \(MCL\) \(#7-569\)](#): 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 *closed* 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 *closed* 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 – 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 – Additional RACT Requirements for Major Sources of NOx and VOCs for the 2015 Ozone NAAQS (RACT III Major Sources) (#7-561): The rule was adopted by the EQB on May 19, 2021. The proposed rule was published in the Pennsylvania Bulletin on August 7, 2021, with a 66-day public comment period that closed on October 12, 2021. Three public hearings were held on September 7, 8, and 9, 2021, with no attendees. IRRC’s comments were received on November 12, 2021. *The draft final Annex A was presented to AQTAC on April 7, 2022, SBCAC on April 27, 2022, and the CAC on April 19, 2022.*
- 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. *The final rule was published in the Pennsylvania Bulletin on April 23, 2022 and is effective upon publication.*

Public Comment Periods

Proposals Open for Public Comment

- Coastal Zone Management Federal Consistency: United States Army Corps of Engineers – Erie Harbor North Pier Repair Project (Closes 5/7)
- 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: VOC RACT Requirements for Shipbuilding, Large Petroleum Dry Cleaning, SOCM I Processes for the 2015 Ozone NAAQS (#7-568) (Closed 4/4)
- Environmental Assessment Approvals for PENNVEST Funding Consideration (Apr 2022) (Closes 4/11)
- Proposed Rulemaking: Safe Drinking Water PFAS MCL Rule (#7-569) (Closed 4/27)
- Interim Final Guidance: Utilizing Published Data in Performing a Background Demonstration and Equivalent Site Evaluation for Naturally Occurring Vanadium (Closed 4/27)

Communications Monthly Press Releases

Press Releases Issued

March 29 - Wolf Administration and Rep. Donna Bullock Highlight Environmental Justice for Pennsylvania

March 31 - ADVISORY – TOMORROW – MEDIA, PA – Wolf Administration to Highlight Draft Environmental Justice Policy

April 1 - Wolf Administration Highlights Importance of Environmental Justice for Pennsylvania

April 7 - DEP Issues Approvals for Marsh Creek Lake Restoration Due to Mariner East 2 Spill

April 8 - ADVISORY – PAXINOS – MONDAY – DEP to Visit Dries Orchards to Discuss Agricultural Energy Efficiency Rebate Program

April 11 - DEP Visits Dries Orchards in Northumberland County to View LED Lighting Project and Discuss Agricultural Energy Efficiency Rebate Program

April 13 - ADVISORY – HARRISBURG – TOMORROW – DEP to Announce \$2.1 Million to Municipalities and Businesses for 99 Electric Vehicles and More Clean Transportation Projects

April 13 - DEP Requires Corrective Actions from PLPT Logistics Terminal for Storage Tank and Clean Streams Law Violations, Assesses \$1 Million Penalty

April 14 - DEP Announces \$2.1 Million to Municipalities and Businesses for Electric Vehicles and More Clean Fuel Transportation Projects

April 15 - DEP Urges Public to Report Missing Portable Nuclear Gauge

April 18 - ADVISORY – HARRISBURG – TUESDAY – DEP to Announce 2022 Black Fly Suppression Program at City Island

April 19 - DEP Announces 2022 Black Fly Season with City Island Demonstration

April 19 - ADVISORY – KULPMONT – WEDNESDAY – DEP to Visit Kulpmont Veterans Memorial Park, Announce 2022 Environmental Education Grant Awards

April 19 - Wolf Administration Announces 2022 Environmental Education Projects in Southeastern Pennsylvania

April 20 - ADVISORY – READING – TOMORROW – DEP to Showcase City of Reading’s Local Climate Action for Earth Day

April 20 - DEP Visits Kulpmont Veterans Memorial Park, Announces 2022 Environmental Education Grant Awards in Northcentral Pennsylvania

April 20 - Northwestern Organizations Benefit from DEP Environmental Education Grants

April 20 - ADVISORY – GREENCASTLE – THURSDAY – Wolf Administration to Announce Funding for Environmental Education Projects

April 20 - ADVISORY – LUZERNE COUNTY – THURSDAY – DEP To Announce Environmental Education Grant for Luzerne County School

April 21 - DEP Showcases City of Reading’s Local Climate Action for Earth Day

April 21 - Wolf Administration Announces 2022 Environmental Education Projects in Southwestern Pennsylvania

April 21 - DEP Announces Environmental Education Grants in Northeast Region, including Luzerne County Preparatory School Project

April 21 - Wolf Administration Announces 2022 Environmental Education Projects in Southcentral Pennsylvania

April 22 - Pennsylvania Enters the Regional Greenhouse Gas Initiative

April 26 - Wolf Administration Honors 15 Projects Statewide with 2022 Governor's Awards for Environmental Excellence

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 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 will present this final-form rulemaking package to the EQB at the May 2022 meeting.*

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 presented the draft final version to the MRAB on April 7, 2022. The final version is in the process of being published in time to meet the OSM agreed deadline of June.*

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 on March 17, 2022 to present the plan for moving forward with the engineering updates. Representatives from each Board agreed to 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) and Acid Mine Drainage (AMD) Funding

On March 30, bills to clarify the coal abandoned mine land (AML) provisions of the Bipartisan Infrastructure Law (BIL) related to the long-term costs of operating, maintaining and rehabilitating water treatment systems were introduced by Bipartisan cosponsors in the House of Representatives and the Senate. HR 7283 was introduced in the House by Rep. Cartwright (D-PA) and Rep. McKinley (R-WV). S 3957 was introduced in the Senate by Senators Casey (D-PA) and Braun (R-IN). These bills will authorize any state with a coal AML program to dedicate up to 30% of its annual grant from the treasury funds the BIL transferred to the AML Trust Fund to an interest-bearing state account to fund long term costs of treating acid mine drainage (AMD). This would be similar to the "AMD Set-aside" authorized under section 402(g)(6) of the Surface Mining Control and Reclamation Act of 1977. The bills expand on the AMD treatment provisions in the BIL by allowing AML

programs to set-aside a portion of the BIL funding into a state AMD trust fund to cover the long-term operation and maintenance costs for treatment facilities after the BIL funding expires in 2036.

Air Quality

Final Rulemakings

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. *The final regulation was published in the Pennsylvania Bulletin ([52 Pa.B. 2471](#)) on April 23, 2022, and is effective upon publication. The Bureau of Air Quality (BAQ) is in the midst of posting guidance materials for regulated entities on its website.*

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 timely submit 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, which will limit the ability for large manufacturing and industrial sources to expand existing operations and build new facilities. On December 16, 2022, six months after the date of offset sanctions, approximately \$263M in 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 both nonattainment and Ozone Transport Region areas for 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 presented the draft final-form rulemaking to AQTAC, CAC and SBCAC on April 7, 19 and 27, 2022, respectively. The CAC anticipates discussing the rulemaking further at its May 18, 2022 meeting. The Department anticipates presenting the rulemaking to the EQB in the third quarter of 2022. The federally mandated deadline for compliance of regulated facilities is January 1, 2023.*

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

This proposed RACT rulemaking is based on EPA's Control Technique Guidelines (CTG) for these three industries. The proposed rulemaking would control VOC emissions from certain existing sources to meet requirements under the Clean Air Act and the U.S. Environmental Protection Agency's (EPA) 2015 Ozone Implementation Rule. The Department presented the draft proposed rulemaking to AQTAC, SBCAC, CAC PRO and CAC on October 15, October 28, November 11, and November 17, 2020, respectively. DEP presented the proposed rulemaking to the EQB on September 21, 2021, and the EQB voted unanimously to adopt the proposed rulemaking. *This proposed rulemaking was published in the Pennsylvania Bulletin on January 29, 2022, for a 66-day public comment period that closed on April 4, 2022. IRRC's comment period ends on May 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. *After review of the case-by-case submittals, all four draft amended Operating Permits were published for public comment, and two have completed EPA's 45-day approval period so far.*

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 closed 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, processed and rebate vouchers issued. 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. 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 *mid-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 April 14, 2022. The meeting featured presentations by Seth Cassell and Shawn Lehman of DCNR, Cody Kiefer from the City of Lancaster, Mike Roth of the PA Department of Agriculture, and Ngani Ndimbie from the PA DEP Office of Environmental Justice. Seth and Shawn presented on forestry in the Commonwealth and how it relates to carbon sequestration and climate change. Cody Kiefer, the Urban Forester of Lancaster City, presented on the Lancaster urban forestry program “Trees for People” discussing the urban tree canopy, the ecosystem services and benefits of urban trees, the goals of the program and challenges they have faced attempting to proliferate street trees in Lancaster. Mike Roth discussed climate as it relates to agriculture, such as the impact of ongoing climate change to agricultural industries as well as mitigation and adaptation. Ngani Ndimbie provided information on the proposed updates to the Department’s Environmental Justice Policy.

The next CCAC meeting will be held on June 23, 2022 and will feature presentations and discussions on sustainable/green building and building energy efficiency.

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 *twenty-one* 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. *With the winter heating season ending, the next meeting is scheduled for July.* 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. *Kickoff meetings have occurred for the five participants which include: Perry County Emergency Operations Center, Sharpsburg Borough (Allegheny County), Tremont Borough (Schuylkill County), Lehigh County Water Authority, and Montgomeryville Wastewater Treatment Plant.*

EPO is also participating in US DOE's Technology Action Group that facilitates partnership with other states and the National Renewable Energy Lab (NREL) 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 prioritize the list of critical facilities that was developed for Pennsylvania from the NREL.*

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 (SEP) 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 SEP projects.

EPO submitted an application for the first tranch of SEP funds from the BIL. Funds were requested specifically to update the State Energy Security Plan, which is required to receive additional BIL SEP funds.

PA Climate Leadership Academy

Two cohorts of Certified Climate Change Professional (CC-P) trainings were completed in April.

Approximately twenty-three representatives from state and local government, as well as representatives from private sector and higher education institutions, *participated* in these two cohorts. CC-P training is being conducted by SEP-funded contractor, the Association of Climate Change Officers. This intensive, online training series is 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. *One additional CC-P cohort began in April and one starts in May. Another training opportunity offered by the Academy, Climate Leadership Activator, is a high-level/abbreviated version of CC-P training and is meant for leaders/decision-makers. A new round of Activator training will be offered in May 2022.*

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 April 22, 20 rebate vouchers were approved, and eight rebate vouchers were redeemed for reimbursement. On April 11, DEP held a successful media event at Dries Orchards in Paxinos, Northumberland County, to showcase their LED lighting upgrade funded in part through the rebate. 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. *By April 30, DOE and EPO completed three training sessions and the EPO contractor will have completed the on-site portion of the energy audits at five of the nine WWTP.*

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 April 14, 2022, DEP announced awards for projects submitted in the second round of the program. Projects awarded for this round included 12 alternative fuel vehicle purchases of retrofit projects resulting in a total award amount of \$1,546,135 and three refueling infrastructure projects resulting in a total award amount of \$645,642 of AFIG funds. AFIG will reopen for 2022 later this spring.

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 on the third Tuesday of each month since December 2021* and will continue through June 2022. The first targeted outreach session was conducted in Mercer County on February 17, 2022, *and the next session is planned for Adams and Franklin Counties on May 10, 2022. Four 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.

Local Climate Action Program

DEP showcased the Local Climate Action Program (LCAP) with the City of Reading on April 21 for Earth Day. DEP Secretary McDonnell joined Reading City officials and community leaders to present and acknowledge work that Reading has done implementing sustainable initiatives developed through their participation in the DEP LCAP and Shared Energy Manager Programs. The conversion of Reading City streetlights to more energy efficient LED light bulbs, switching to municipally based trash and recycling collection, and other measures taken to reduce greenhouse gas emissions and mitigate climate change were discussed.

Shared Energy Manager

On April 6, 2022, EPO staff held a monthly update call with the SEP-funded contractor Wilson Engineering Services (Wilson), on the Shared Energy Manager Program. Energy assessment and benchmarking memos have been completed for Abington, Ben Avon, and the City of Easton with items to be finalized near the end of April. The City of Shamokin has provided Wilson with the utility usage data needed to complete initial energy benchmarking which can now proceed. The City of Easton facilities being studied are now being added to the energy star portfolio manager platform and there is further study on the feasibility of capturing renewable natural gas from the Easton wastewater treatment plant. Finally, an additional call was held with Wilson Engineering and Cumberland County to review the status of a previously completed Solar PV study for the county with the possibility of installing solar arrays on warehouses within the county.

Commonwealth-University Capstone Partnership

On April 15 EPO staff held a weekly call with Centre Region COG and the East Stroudsburg University Student team as well as a call with Forest Hills Borough and the Carnegie Mellon University team to discuss final items related to their Capstone projects. East Stroudsburg University reviewed their information flyers for energy efficiency as an educational tool for contractors and residents as well as an overall tool kit on the topic. The Carnegie Mellon team reviewed a survey that they had developed for Forest Hills Borough to be used to gather information on the urban tree canopy and residential energy efficiency for residents of the municipality. Both teams agreed to present their Capstone projects on April 29, 2022.

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 on May 3, 2022 to make a final selection, and the program administrator is expected to begin work on July 1.*

Building Energy Code Trainings

Using funding through the U.S. Department of Energy's (DOE) SEP, DEP has sponsored energy code trainings for building code officials, contractors, design professionals and builders for over 10 years. On February 14, 2022, the 2018 International Energy Conservation Code (IECC) went into effect for all new construction and major renovations for residential and commercial buildings. DEP has selected a contractor with extensive experience in building energy codes trainings for this year's trainings who will also provide specialized training for duct and envelope training (DET) and remote virtual inspections (RVI). Contractor Performance Systems Development held one residential and one two commercial building energy code training in April, and has scheduled two each in May, three each in June and two DET trainings in June.

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 is 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 of the Storage Tank Advisory Committee 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.

DEP recently announced that \$632,897 in environmental education grant funds were awarded to 63 projects, with 50 projects (90%) engaging youth and adults living and/or working within environmental justice areas. Grants were awarded to schools, institutions, conservation districts, and environmental and community organizations for the development of innovative formal and non-formal education projects that: address grant program priorities of water, climate change, and/or environmental justice; provide opportunities to expand the public’s understanding of Pennsylvania’s environmental issues; and develop skills required to make informed decisions.

Thirty-four local projects received mini grants of up to \$3,000. Twenty-eight projects with a broad or statewide reach received general grants of up to \$20,000. One project, designed to engage students and teachers at the local, state, and national levels, received a grant of \$65,710.

Earth Day Celebrations

First Lady Frances Wolf held a virtual Earth Day celebration on Friday, April 22, 2022. This year's Earth Day theme was "Investing in our Planet." The event was streamed on the Governor's Residence website.

On April 23, the DEP Environmental Education & Information Center (EE&IC) staff participated in the Wetlands Festival held at Wildwood Park, which is part of the Dauphin County Park System. EE&IC staff promoted the Department's Environmental Justice initiative, recycling, grant programs, and pollinators during this event.

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.

In collaboration with the National Oceanic and Atmospheric Administration (NOAA), a survey for Pennsylvania teachers will be distributed in May. The objective is to determine whether the following topics are being addressed in classrooms:

- *Diversity, equity and inclusion work and how their plan can inform environmental literacy within their school district;*
- *Which school districts are addressing climate change;*
- *What their current needs to implement various environmental education activities are; and*
- *What their current needs are in terms of professional development.*

The results will shape the ongoing work of this Task Force as areas of need are identified and addressed.

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

DEP EE&IC staff have been involved in revising 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 April 2022, the State Board of Education submitted final-form amendments to 22 Pa. Code Chapter 4 (Academic Standards and Assessments) to the House Education Committee, the Senate Education Committee, and the Independent Regulatory Review Commission (IRRC). The final rule will be considered by IRRC at its public meeting on Thursday, May 19, 2022.*

Recycling Education

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

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

Teaching Green Newsletter

The latest edition of the DEP "Teaching Green" environmental education newsletter was released in 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 *to inform the public about the opportunity to comment on the updated Environmental Justice Policy*. This included 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 ended on May 11*. OEJ hosted four virtual public hearings on April 5, April 12, April 28, and May 4. The

OEJ presented to the CAC about the report at the April 19 CAC meeting. 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.

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 can be found on the EPO webpage.*

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.

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 2024.

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. 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, 2021, 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). *The CDAC Regulatory Subcommittee prepared formal comments during the months of February and March and presented them to the full council on April 21, 2022. CDAC voted in support of accepting the comments and will submit the comments to the Department to accompany the rulemaking when it is submitted to the EQB. DEP anticipates bringing this rulemaking to the EQB for consideration as proposed in the second or third quarter of 2022.*

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 (DOI) 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. *On April 12, the DOI released final Initial Grant Guidance under the IIJA to the public. The deadline for submitting applications for Initial Grants of up to \$25 million is May 13, 2022. The Department is currently reviewing the guidance and preparing to submit an application by the deadline. On April 22 and April 27, the DOI hosted a webinar meeting with eligible state agencies to discuss the final grant guidance and allow states to ask questions.*

DEP Oil and Gas Informational Event for IIJA

On April 28, 2022, the Office of Oil and Gas Management hosted a virtual informational meeting to allow industry stakeholders, local government officials and the public to learn about what the Department is doing to implement the Infrastructure Investment and Jobs Act and the potential needs, timelines and vendor protocols for services that are provided by oil and gas well plugging contractors and related vendors. More than 230 individuals registered to participate in this event. The meeting was recorded and will be posted to the DEP Oil and Gas Website for future public access. The Office of Oil and Gas Management plans to offer follow-up breakout sessions to promote continued dialogue with the public and various stakeholders regarding related topics.

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.

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 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, 2020 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. *SWAC will review and make any recommendations on the final rulemaking at its June 14, 2022 meeting.*

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 drafting the Comment/Response document.

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 the Environmental Integrity Project, Center for Coalfield Justice, Three Rivers Waterkeeper, Marcellus Shale Coalition, Pennsylvania Independent Oil and Gas Association, Range Resources, and Southwestern Energy. 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 next regular SWAC meeting will be held on Tuesday, June 14, 2022, 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 (CSO) 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 (LTCP). The draft proposed annex was presented to the Water Resources Advisory Committee (WRAC) 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 ended 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 consideration. *It is anticipated that the draft final-form rulemaking will be presented to WRAC on July 21, 2022.*

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 appliers, 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 not 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.

DEP opened the Federal Fiscal Year (FFY) 2023 EPA Section 319 NPS Management Grant round on April 22, 2022. The deadline to apply is June 24, 2022. New this year is a focus on Watershed Implementation Plan (WIP) development in Environmental Justice (EJ) areas. Further details about the FY2023 grant round are available on DEP’s [Nonpoint Source Management Program webpage](#).

Growing Greener Plus Program

DEP opened the 2022 Growing Greener Plus grant round on April 22, 2022. The deadline to apply is June 24, 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 are available on DEP’s [Growing Greener Plus Grants Program webpage](#).

State Water Plan

The State Water Plan’s ninth round of regional committee meetings concluded in April with the Delaware Water Resources Committee meeting on April 12, the Lower Susquehanna Water Resources Committee on April 13, the Potomac Water Resources Committee on April 14, 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 was 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 tenth Statewide Committee meeting was held on May 11. The primary focus of this meeting was to review draft components of the State Water Plan Update document. The eleventh Statewide Committee meeting is scheduled for July 20. 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.”

May	
3	Pennsylvania Energy Development Authority Meeting, 2 p.m., Virtual and in-person attendance options
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
June	
2	Air Quality Technical Advisory Committee Meeting, 9:15 a.m., Virtual and in-person attendance options
7	Storage Tank Advisory Committee Meeting, 10 a.m., Virtual and in-person attendance options
8	State Board for Certification of Water and Wastewater System Operators Meeting, 10 a.m., Virtual and in-person attendance options
9	Board of Coal Mine Safety Meeting, 10 a.m., Virtual and in-person attendance options
15	Coastal Zone Advisory Committee Meeting, 9:30 a.m., Virtual and in-person attendance options
21	Environmental Quality Board Meeting, 9 a.m., Virtual and in-person attendance options
21	Citizens Advisory Council Meeting, 12:30 p.m., Virtual and in-person attendance options
23	Agricultural Advisory Board Meeting, 9 a.m., Virtual and in-person attendance options
23	Climate Change Advisory Committee Meeting, 9 a.m., Virtual and in-person attendance options
30	Cleanup Standards Scientific Advisory Board Meeting, 9:30 a.m., Virtual and in-person attendance options

Attachment 2

Oil and Gas Workload Report (As of April 22, 2022)

YTD WELL PERMIT APPLICATIONS - 1/1/2022 to 4/22/2022						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	90	29	68	68	68	0
UNCONVENTIONAL	235	49	265	265	264	0
Sub Total	325	78	333	333	332	0
AUTHORIZATIONS	208	17	212	185	N/A	27
Total	533	95	545	518	503	27

WEEKLY WELL PERMIT APPLICATIONS - 4/16/2022 to 4/22/2022						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	5	5	3	3	3	0
UNCONVENTIONAL	6	6	22	22	22	0
Sub Total	11	11	25	25	25	0
AUTHORIZATIONS	2	0	7	7	N/A	0
Total	13	11	32	32	32	0

HISTORICAL WELL PERMIT APPLICATIONS AS OF 4/22/2022						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	198,477	198,444	197,188	190,897	1,256	100,112
UNCONVENTIONAL	30,004	29,948	29,330	22,729	618	12,826
Sub Total	228,481	228,392	226,518	213,626	1,874	112,938
AUTHORIZATIONS	46,824	46,804	45,626	43,817	1,178	19,489
Total	275,305	275,196	272,144	257,443	3,052	132,427

YTD INSPECTIONS - 1/1/2022 to 4/22/2022				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	2,790	2,222	1,009	74
UNCONVENTIONAL	5,648	4,006	277	25
SITE	1,135	862	344	41
CLIENT	3	2	9	3
Total	9,576	7,092	1,639	143

WEEKLY INSPECTIONS - 4/16/2022 to 4/22/2022				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	171	157	43	39
UNCONVENTIONAL	265	260	6	5
SITE	67	67	5	4
CLIENT	0	0	0	0
Total	503	484	54	48

WELLS DRILLED					
	Two Years Prior 1/1/2020 to 4/22/2020	One Year Prior 1/1/2021 to 4/22/2021	Year To Date 1/1/2022 to 4/22/2022	Week of 4/16/2022 to 4/22/2022	As of 4/22/2022
CONVENTIONAL	14	24	44	3	201,648
UNCONVENTIONAL	177	176	166	17	13,482
Total	191	200	210	20	215,130

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