

June 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, *May 18*, and *May 26* to further discuss their evaluation and asked clarifying questions, as well

as to discuss the status of EPA's *Animal Agriculture Programs Assessment report* and evaluation of Pennsylvania's Milestone commitments and progress.

EPA will be publishing the final 2021 annual numeric progress for all jurisdictions in June. DEP met with EPA multiple times earlier this calendar year, and then with a final meeting on May 26, 2022, to review and discuss Pennsylvania's submitted 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. *EPA will be releasing their evaluation of the Draft Milestone documents in mid-June.* 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 – Administration of the Land Recycling Program Vanadium MSC Rule \(#7-572\)](#): The rule was adopted by the EQB on May 18, 2022.
- [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. *The House Environmental Resources and Energy Committee submitted comments on May 24, 2022. IRRC submitted comments on May 27, 2022.*
- [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. *IRRC's comments were received on May 4, 2022.*

- Proposed Rulemaking – Exclusion for Identification and Listing Hazardous Waste at MAX Environmental Technologies, Inc. Bulger and Yukon Facilities (#7-566): The rule was adopted by the EQB on September 21, 2021. The proposed rule was published in the Pennsylvania Bulletin on January 8, 2022, with a 45-day public comment period that will close on February 22, 2022. Three virtual public hearings were held on January 19, 20, and 26, 2022, with 9 witnesses providing testimony. 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 NO_x and VOCs for the 2015 Ozone NAAQS (RACT III Major Sources) (#7-561): The rule was adopted by the EQB on May 19, 2021. The proposed rule was published in the Pennsylvania Bulletin on August 7, 2021, with a 66-day public comment period that closed on October 12, 2021. Three public hearings were held on September 7, 8, and 9, 2021, with no attendees. IRRC's comments were received on November 12, 2021. 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. *At its May 18, 2022, meeting, the CAC voted to provide a letter on the rulemaking to the Bureau of Air Quality regarding their input on the final-form regulation.*
- 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 – 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 – 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. *The EQB adopted the final rule on May 18, 2022.*
- **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. *On May 4, 2022, the EQB withdrew the final-form rulemaking from consideration by the Independent Regulatory Review Commission (IRRC).*
- **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

- Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Wet Weather Discharges from Combined Sewer Systems (PAG-06) (Closes 6/13)
- Clean Water and Drinking Water State Revolving Fund Programs: Federal Fiscal Year 2022 Intended Use Plans (Closes 7/5)

Recently Closed Comment Periods

- Recommended Strategies for the Reduction of Oxides of Nitrogen Emission from Municipal Waste Combustors under Consideration by the Ozone Transport Commission (Closed 5/29)
- Coastal Zone Management Federal Consistency: United States Army Corps of Engineers – Erie Harbor North Pier Repair Project (Closed 5/7)
- Draft Environmental Justice Policy (012-0501-002) (Closed 5/11)
- Draft Technical Guidance: Trenchless Technology Guidance (310-2100-003) (Closed 5/18)

Communications Monthly Press Releases

Press Releases Issued

April 27 - Wolf Administration Awards Nearly 160 County and Municipal Governments Funding for Waste and Recycling Programs

April 29 - Wolf Administration Announces \$17.9 Million Available for Community Water Quality Improvement

May 10 - DEP to Announce Local Climate Action Training Provided for 121 More Municipalities

May 10 - DEP to Host Public Hearing Regarding Lackawanna Energy Center's Air Permit Application

May 11 - Wolf Administration Announces Local Climate Action Training Provided to 121 More Municipalities

May 11 - ADVISORY – THURSDAY – Pennsylvania to Host Falcon Banding Livestream Event

May 12 - Harrisburg's Newest Peregrine Falcons Banded at Rachel Carson State Office Building

May 12 - ADVISORY – ERIE – FRIDAY – DEP Coastal Zone Grant Aids Erie Bird Observatory

May 13 - DEP Coastal Zone Grant Aids Erie Bird Observatory

May 13 - Wolf Administration, Sen. Bob Casey Highlight Importance of Infrastructure Act and Abandoned Mine Reclamation for Pennsylvania

May 16 - DEP to Hold Informal Public Conference on Mining Permit Application for Westmoreland County

May 19 - ADVISORY – WARREN – SATURDAY – “Save the Rain” Educational Workshop to Highlight Rain Barrels

May 20 - r

May 20 - ADVISORY – MIDDLEBURG – MONDAY – DEP to Tour Streambank Stabilization Project Under Construction at Shirk Farms

May 20 - DEP Declares Code Orange Air Quality Action Day for Ozone for Saturday, May 21, 2022, in Multiple Areas of Pennsylvania

May 21 - “Save the Rain” Educational Workshop Highlights How Rain Barrels Help Reduce Pollution

May 23 - DEP Tours Growing Greener Grant Funded Streambank Stabilization Project at Shirk Farms

May 23 - ADVISORY – Virtual Event – WEDNESDAY – DEP to Hold Informal Public Conference on Mining Permit Application for Westmoreland County

May 24 - ADVISORY – LACKAWANNA – TOMORROW – DEP to Host Public Hearing Regarding Lackawanna Energy Center Air Quality Permit

May 25 - ADVISORY – GIBSON PARK – TOMORROW – DEP to Participate in Environmental Education Grant Funded Creek Connections Trip to Gibson Park

May 26 - DEP Environmental Education Grant Funds Allegheny College's Creek Connections Activities Trip

May 30 - DEP Declares Code Orange Air Quality Action Day for Ozone for Tuesday, May 31, 2022, in Philadelphia Area

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. *This final-form rulemaking was adopted by the EQB on May 18, 2022.*

Guidance Document Revisions

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

The Liners and Caps for Refuse Disposal Areas (#563-2112-656) technical guidance document required substantial reworking to reflect its applicability to capping of coal refuse disposal sites. This document also required insertion of technical specifications for use of barrier materials. The first draft of the revisions was presented to the MRAB on July 16, 2020. The MRAB's RLT Committee discussed the draft at its October 15, 2020, meeting and opted to form a workgroup with an outside expert on slurry impoundments in order to further review this guidance. The workgroup met on December 7, 2020, to discuss revisions to the draft. A revised draft was sent to the workgroup on May 12 and returned with some additional comments. Additional revisions were made to the draft, and the MRAB was notified at the meeting of July 14, 2021, that the draft document was going to be published for public comment. Publication was on August 21, 2021, with a 30-day public comment period. Three sets of comments were received. The Department addressed the comments, made minor revisions,

and is finalizing the version for final publication. *DEP presented the draft final version to the MRAB on April 7, 2022. The TGD was published on May 28, 2022 as final in the PA Bulletin.*

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) Bipartisan Infrastructure Law (BIL) Funding

On Friday, May 20 the Department of the Interior and Office of Surface Mining Reclamation and Enforcement (DOI-OSM) provided a preview of the draft BIL guidelines for AML funding. On Monday, May 23 DOI-OSM issued a press release and officially released the draft guidelines, “Guidance on the Bipartisan Infrastructure Law Abandoned Mine Land Grant Implementation”, for a public comment period that is open until June 13. The DOI-OSM press release and the draft guidelines are available here: [Newsroom | Office of Surface Mining Reclamation and Enforcement \(osmre.gov\)](https://www.osmre.gov/news) (<https://www.osmre.gov/news>).

Representatives of the Bureau of Abandoned Mine Reclamation will be working through the IMCC and NAAML to prepare comments from the national groups and will also prepare comments for submission by PADEP. An initial meeting with the IMCC and NAAML to develop comments was held on May 25 at 3:00pm. The DOI-OSM will hold an additional briefing for state and tribal AML programs on June 1 to address initial questions about the draft guidelines. During the preview meeting on May 20 DOI-OSM indicated the BIL funding will not likely be available by end of the FFY 3rd quarter (June 30) as originally hoped. The draft guidelines also include an exhaustive list of project details that will be required when applying for BIL AML grants. Pennsylvania is receiving the largest distribution of the BIL funds, \$244.9M annually. Developing the

project information for a budget this large may cause additional delay in the preparation and submission of the grant application.

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.

Control of Existing Sources of VOC 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. *On May 4, 2022, the EQB withdrew the final-form rulemaking from consideration by the Independent Regulatory Review Commission (IRRC).*

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 16, 2021, the EPA issued a notice of “Findings of Failure to Submit SIP Revisions for the 2016 Oil and Natural Gas Industry CTG for the 2015 Ozone NAAQS and for States in the OTR,” with an effective date of January 18, 2022. See 86 FR 71385 (December 16, 2021).* 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 *in the Commonwealth*. *On December 16, 2022, six months after the date of offset sanctions, highway funding sanctions will be imposed. Approximately \$275M*

in highway funding may be withheld in designated ozone nonattainment areas. On May 23, 2022, EPA Region 3 Administrator Adam Ortiz sent a letter to the Department and the legislature reiterating these sanctions.

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) or VOCs, or both, statewide. DEP presented draft proposed RACT III major sources 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, 2021, with no attendees. DEP received comments from 24 commenters and has prepared a Comment and Response Document. DEP presented the draft final-form rulemaking to AQTAC, CAC, and SBCAC on April 7, 19, and 27, 2022, respectively. *At its May 18, 2022, meeting, the CAC voted to provide a letter on the rulemaking to the Bureau of Air Quality regarding their input on the final-form regulation. The Department anticipates presenting this final-form rulemaking to the EQB in the third quarter of 2022.* The Federally mandated deadline for compliance by regulated facilities is January 1, 2023.

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

The proposed RACT rulemaking is based on the 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. The 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. *See 52 PaB 689. Written comments were received from one commentator. Three public hearings were held on March 1, 3, and 4, 2022. No testimony was received. IRRC's comment period closed on May 4, 2022, and IRRC submitted comments to the EQB on May 4, 2022.*

The draft final-form rulemaking package is in development. DEP anticipates presenting the draft final-form rulemaking Annex A to AQTAC, SBCAC, CAC PRO, and CAC in the third quarter of 2022. DEP anticipates presenting the final-form rulemaking package to the EQB in fourth quarter of 2022 and promulgation in fourth quarter of 2022.

Proposed Rulemakings

No air quality proposed rulemakings are being developed at this time.

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 *the owners and operators* of facilities with coal-fired boilers equipped with SCR requiring that they submit case-by-case RACT evaluations no later than April 1, 2021. *DEP received and reviewed case-by-case analyses from the owners or operators of four affected facilities. DEP has issued the final permits to the owners or operators of the four facilities.*

On Wednesday, May 25, 2022, the EPA issued a proposed notice for a Federal Implementation Plan (FIP) addressing RACT requirements for certain sources in Pennsylvania. See 87 FR 31798 (May 25, 2022). This FIP proposes to set emission limits for NO_x emitted from coal-fired electric generating units (EGUs) equipped with SCR controls to meet the RACT requirements for the 1997 and 2008 ozone NAAQS. The FIP is being proposed to ensure that the EPA can, if necessary, meet a court-ordered deadline requiring the EPA to approve an amended SIP or issue a FIP by August 27, 2022.

Stage II Vapor Recovery Revision

The final-form rulemaking was published in the Pennsylvania Bulletin on March 26, 2022. See 52 PaB 1875. A SIP revision submittal is being prepared.

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.

Air Quality Technical Advisory Committee

The June 2, 2022, meeting of AQTAC was cancelled. The next scheduled meeting is August 18, 2022.

Small Business Compliance Advisory Committee

The July 28, 2022, meeting is rescheduled to August 24, 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. *Review and selection process is complete. Announcement of awards is expected by early summer 2022.* 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. *Application evaluation is 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 *summer 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 *summer/fall 2022*.
- **The Ocean-Going Vessel Shorepower Grant Program:** *CLOSED* \$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. *As this program has received no interest since opening, BAQ has decided to close OGV and allocate the remaining \$5.9 million to fund new Driving PA Forward initiatives in development by the Department.*
- **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 a total of over \$11.5 million for the installation of DC fast chargers and hydrogen fueling stations. Application review and scoring is *complete. Awards announcements are expected by mid-summer 2022. The CY22 funding cycle is expected to open for applications in late summer 2022.*
- **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. *Version 3 is tentatively scheduled to close on June 30, 2022, and Version 4 is expected to open by July 8, 2022.* To date, approximately 1,700 Level 2 EV charging plugs have been installed across PA under this Program. *Version 4 will likely be the final version of the Level 2 Program and will open with lower reimbursement levels than previous versions.*

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

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-*three* 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. The next meeting is scheduled for *June*. 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 *is* now developing five no cost preliminary feasibility studies for selected local government participants from the webinar. *Desk audits* 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. *The contractor is conducting field visits to each project site, and plans to draw up final reports by June 30, 2022.*

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 *submitted the FY 2022 application on April 28, 2022 for U.S. DOE State Energy Program (SEP) Formula funds of \$2,097,530.* Programs include EV infrastructure planning, local government climate action plan assistance, *energy efficiency* 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. EPO staff are currently managing twelve FY2021 SEP projects.

EPO submitted an application for the first tranch of SEP funds from the *Bipartisan Infrastructure Law (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 new cohorts of Certified Climate Change Professional (CC-P) training *began in April and May, which will both end in June. Ten representatives from local and state government, as well as higher education and private sector, are registered for the CC-P cohorts.* CC-P training is being conducted by SEP-funded contractor, the Association of Climate Change Officers (ACCO). 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. 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 *began on May 26th and will end in June. Twenty-five representatives from federal, state, and local government, as well as nonprofits, higher education, and private sector are registered for the Activator. On May 27th, the PA Climate Leadership Academy Advisory Board met to hear updates on the current training opportunities being offered by ACCO, as well as to learn about and provide feedback on the scope of work for a new contractor who will take over management of the Academy in the upcoming fiscal year. EPO will be putting management and implementation of the Academy out to bid within the next few weeks. The 38 members of the Academy Advisory Board include numerous state agencies, as well as external stakeholders from higher education, business, local government, and nonprofits.*

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 the end of May, DOE and EPO have completed four training sessions and the EPO contractor has completed the on-site portion of the energy audits at all nine WWTP, with reports to be finalized in June and July.*

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. *Targeted outreach sessions have been conducted in Mercer County on February 17, 2022, and a joint session 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

The current cohort of LCAP completed the final instructional session with ICLEI on April 19th. Each of the participants has completed drafts of their greenhouse gas inventories and they are currently working on continued development of their draft local climate action plans. Presentations and promotion of the LCAP for the next cohort have been ongoing, most recently Energy Program staff participated in a presentation on the program with the Penn State Sustainability Institute on May 19th and will also be participating in Penn State's Energy Days event on May 26th to discuss and promote LCAP further. Surveys will be going out to interested municipalities by June 1st to apply for the next cohort.

Shared Energy Manager

On May 4th, 2022 EPO staff held a monthly update call with the SEP-funded contractor Wilson Engineering Services (Wilson), on the Shared Energy Manager Program. A call was scheduled (and conducted on May 9th) and conducted with Abington Township on the energy assessment for their community center, further analysis

will be conducted on a renewable heating system for the Township building in early June. Final energy assessments are being conducted for Ben Avon Borough on their borough hall, public works building, and their multi-purpose fire/ems facility. A presentation to the borough council of Ben Avon is planned for June 7th. A finalized energy benchmarking memo was completed for the City of Easton. A call was completed on May 27th for Easton with Wilson and UGI regarding the potential for development of renewable natural gas from their wastewater treatment center and municipal landfill. The City of Shamokin has provided everything needed to complete the energy inventory of their municipal buildings, and the information will be put into portfolio manager for energy benchmarking. Cumberland County is holding a series of calls with Wilson Engineering and developers/builders in the area regarding the feasibility of installing solar arrays on warehouses in the county. Calls have been completed with Allen Distribution, Pyramid Construction, Mowrey Construction, and Solar Renewables LLC. The next call is scheduled in early June with Green Works Development on June 3rd.

Commonwealth-University Capstone Partnership

Both of the CAPstone cohorts East Stroudsburg University/Centre Region Council of Governments, and Carnegie Mellon University/Forest Hill Borough completed their final showcases on April 29th. The Governor's Office of Performance through Excellence, the Energy Programs Office, and many others were in attendance for the student team of ESU presenting on the work they have done to complete an informational toolkit and fact sheets on energy efficiency options and resources for residents, businesses, and contractors in the central PA region. Carnegie Mellon students presented on work they have done on urban tree canopy and energy assessments of local residential properties as well as developing a survey for the borough to gather information from Forest Hills Residents on these topic areas going forward. The Spring 2022 CAPstone is complete and an application to renew the program has been submitted to OPE for the Fall 2022 semester.

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. *PEDA held a Board meeting on Tuesday, May 3, 2022. The meeting began in Executive Session to deliberate selection of the Clean Energy Financing Product administrator. Following Executive Session, the Board had a public meeting to take official action on the selection, along with hearing updates about other PEDA activities and federal infrastructure opportunities. The Clean Energy Financing Product Administrator is expected to begin work on July 1, 2022 and work with DEP to develop a product for PA. The PEDA Board will meet this fall to award the consumable capital for the product, with a full product launch following that meeting.*

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 with 78 attendees, 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 next meeting of the Storage Tank Advisory Committee is scheduled for September 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

The 2023 DEP Environmental Education Grant round is scheduled to open this summer and all applications must be completed and submitted by December 9, 2022. Three types of awards will be offered for projects

addressing the 2023 Environmental Education Grants Program priorities of Water, Climate Change and Environmental Justice.

*With the objective of increasing the number of applicants, some significant changes are being implemented for the 2023 Grant Round. **Mini-Grants** funds will be increased from \$3000 to \$5000 to be awarded to local (school, county, municipality, or other defined area) environmental education projects. **General Grants (Level I)** ranging from \$5,001- \$30,000 may be awarded for implementation of large scale regional or statewide environmental education projects. **General Grants (Level II)** ranging from \$30,001-\$85,000 may be awarded for non-formal education projects that engage youth and teachers from at least 60 Pennsylvania counties at three (3) levels: local, state, and national. Additionally, General Grant (Level II) projects must demonstrate at least 30% of program participants live and/or work within an environmental justice area (as defined by the U.S. Census).*

The Environmental Education Grants Program was established by the Environmental Education Act of 1993, which mandates setting aside 5 percent of the pollution fines and penalties DEP collects annually for environmental education in Pennsylvania. In its 29-year history, the program has funded more than \$12 million in environmental education projects. Awardees have included schools, non-profit organizations, colleges and universities, municipalities, county conservation districts, and businesses.

The Environmental Education Grant guidelines and application instructions are available on the Department's web site at www.dep.pa.gov (select the "Grants" icon, then scroll to and select "Environmental Education – for educational projects in climate change, environmental justice, water quality and other areas").

Questions concerning the 2023 Environmental education grants Program should be directed to the DEP Environmental Education and Information Center at RA-epEEgrants@pa.gov.

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 is currently being distributed. 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

In the 2022 Environmental Education Grants more than 90% of grant funds support projects that engage youth and adults living and/or working within Environmental Justice (EJ) areas. The 2023 Environmental Education Grant program will continue prioritizing Environmental Justice.

To further address EJ, 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 is underway and will conclude in 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](#). *On May 19th the Independent Regulatory Review Commission (IRRC) approved the final-form amendments to Chapter 4 (new science standards) with a unanimous vote (5-0) and no questions were raised by Commissioners relative to the new standards. The package will now be prepared for submission to the Office of Attorney General (OAG), which is the next required step in the review process. Upon approval by OAG, the regulation will be published in the Pennsylvania Bulletin and it will take effect upon publication. The Legislative Reference Bureau indicated that this package would take a bit longer than usual to prepare for publication due to its volume (nearly 300 pages).*

Falcon Update

2022 has proved to be a challenging year for monitoring the Peregrine falcons as four youngsters fledge. The initial flight of the falcon marked Yellow fledged first and is flying beautifully. The second to fledge, marked Blue, succeeded on a first flight. Minutes later, on a second attempt flew into the Rachel Carson State Office Building (RCSOB) and didn't survive.

Beginning on May 28 it was discovered that the resident female, banded 48/AE, was injured, and perched in an inaccessible location on top of the Harrisburg Transportation Center. Fortunately, 48/AE dropped to the ground when a successful rescue was performed. Currently, this falcon is at Red Creek Wildlife Center and is being treated for dehydration and burnt feet from the hot roof she was perched on. After x-rays, more will be known about her condition and she will be treated accordingly. Meanwhile a third fledgling flew successfully. This same falcon, banded Green, was rescued twice and returned to the roof without any apparent injuries. That leaves one remaining fledgling that has yet to fledge. To keep up to date as this situation continues to develop refer to [Falcon Wire News](#) for the latest updates.

Envirothon

DEP has supported the PA Envirothon throughout its 39-year existence years and 2022 was no exception. Awarded over \$60,000 from a General Grant II, DEP Environmental Education Grant the Envirothon continues to be a leader in statewide environmental education. The Pennsylvania Envirothon competition was held in a hybrid format. The Oral Component was held May 17-20 in four locations around the state. Conservation Districts in Monroe, Indiana, Cumberland, and Snyder Counties hosted the oral component judges throughout the week. Teams, consisting of five students, submitted their presentations electronically and then answered questions from a panel of judges through a Zoom Meeting. Teams then attended the Station Testing in-person at Camp Mount Luther, Union County on May 25th, 2022. Station tests include Aquatic Ecology, Wildlife, Forestry, Soils & Land Use, and this year's Current Issue "Waste to Resources". High school students from 62 Pennsylvania counties participated in this year's event. The winning team, Penncrest High School from Delaware County, earned the honor to represent Pennsylvania at the 33rd NCF-Envirothon competition July 24 – 30th, 2022 at Miami University of Ohio, located in Oxford, Ohio.

The top 5 winners, with scores, include:

First Place – Penncrest High School, Delaware County, with a score of 556.3;

Second Place – North East School District, Erie County, with a score of 525.2.

Third Place – Bangor Area HS, Northampton County, with a score of 507.

Fourth Place – Pleasant Valley High School, Monroe County, with a score of 505.7.

Fifth Place – Palmyra Area High School, Lebanon County, with a score of 502.7.

Ag Progress Days

The DEP Environmental Education and Information Center staff will be manning and coordinating personnel for the 2022 Ag Progress Days scheduled for August 8th through 11th.

The show is held annually at The Pennsylvania State University's - Russell E. Larson Agricultural Research Center outside of State College, PA. The show is hosted by Penn State's College of Agricultural Sciences and showcases educational programs, current research, and the latest innovations in agricultural equipment and technology. Penn State's Ag Progress Days is Pennsylvania's largest outdoor agricultural exposition. DEP will be promoting and **distributing the Energy Saving on the Farm Series consisting of 6 separate handouts.**

- DEP Ag Energy Efficiency Rebate Program
- Energy Efficiency of the Dairy Farm (new)
- Finding Hidden Opportunities for Energy Savings
- Funding for Your Energy Projects
- Solar Power on the Farm
- Understanding Energy Efficiency

Teaching Green Newsletter

The latest edition of the DEP "Teaching Green" environmental education newsletter is scheduled for release in July. was released in April. This issue will provides updates on the DEP Environmental Education Grant Program, projects previously funded by the Environmental Education Grant program, 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, May 19, and included updates from the Office of Environmental Justice, Oil and Gas, and from Keep Pennsylvania Beautiful. The next EJAB meeting will be held on Thursday, August 18.*

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 *second meeting of the EJIC on Tuesday, May 24*. 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 *policy* 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 third *or* fourth 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.

On April 28, the Office of Oil and Gas Management (OOGM) gave an hour-long public information session on the Department's plans for implementing IIJA. A series of follow-up discussions on specific substantive topics will be scheduled soon. In addition, OOGM collaborated with the Bureau of Fiscal Management to develop a federal budget and application materials for Initial Grant funding under IIJA. The Department successfully submitted the Initial Grant application to the DOI on Thursday, May 12 in advance of the May 13 deadline and received an electronic notice verifying receipt of the application.

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 *third* quarter of 2022.

***Pennsylvania State University Brine Study:** On May 26, the Pennsylvania State University (PSU) published a report titled "Evaluation of Environmental Impacts from Dust Suppressants Used on Gravel Roads" that was funded, in part, by the Department to evaluate the impacts of the use of brine as a dust suppressant on Pennsylvania roads. The results of the study found that the use of brine as a dust suppressant is about as effective at controlling dust as rainwater; however, the sodium in the brine wastewater can also destabilize the road, leading to more dust, as well as increased long-term maintenance costs. The PSU press release announcing the availability of this report to the public can be viewed here:*

<https://www.psu.edu/news/engineering/story/oil-and-gas-brine-no-better-controlling-dust-rainwater-researchers-find/>

The Department intends to evaluate this data for use in decision making about brine spreading on Pennsylvania roadways.

Allegheny National Forest Plugging Partnership with U.S. Forest Service Under Good Neighbor

Agreement: Last year the Office of Oil and Gas Management (OOGM) worked closely with United States Department of Agriculture (USDA) Forest Service to advance a potential plugging partnership with USDA in Allegheny National Forest (ANF). USDA allocated \$200,000 for potential use in plugging abandoned wells in ANF under the federal government's Good Neighbor Agreement program. DEP awarded the contract for well plugging and work is currently proceeding under that Good Neighbor Agreement.

On Wednesday, May 25, the United States Department of the Interior (Interior) announced that \$33 million would be released under the Infrastructure Investment and Jobs Act (IIJA)'s federal well plugging program to plug, remediate and reclaim orphaned oil and gas wells in national parks, national forests, national wildlife refuges, and on other public lands. Included on that funding list were 18 orphan wells identified as being located in the ANF (<https://www.doi.gov/pressreleases/biden-harris-administration-announces-33-million-infrastructure-investment-address>).

As part of regular coordination meetings, this week OOGM and ANF staff met to discuss ongoing work in the ANF. USDA staff indicated that they expected to receive around \$700,000 in IIJA funds to carry out the work identified in the press release. They also suggested working with DEP to address these wells under a similar Good Neighbor Agreement approach but suggested that due to the different sources of funding, a second Agreement would be required to carry this out. OOGM staff identified this possibility to Bureau of Fiscal Management staff. Fiscal Management submitted the request to increase the spending authority for the Good Neighbor SAP Fund so there should be no issues with accepting the additional funding and being able to

commit/expense in FY2022. The previous Good Neighbor Agreement approval process moved smoothly thanks to the hard work of and coordination across agency units including Fiscal Management, OCC, OOGM, the Office of General Counsel and the Office of the Attorney General. The lessons learned in that process should help this new Agreement be approved as well.

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 to *present a final rulemaking package for EQB in the third quarter of 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 to present a proposed rulemaking package to EQB in the second quarter of 2022.

Radiation Protection Technical Guidance Documents

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

Waste Management

Waste Management Rulemakings

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

The Bureau of Waste Management (BWM) received approval to develop a rulemaking for Rural Transfer Facilities (RTF) in December 2019. DEP has been working with stakeholders since 2015 on the “Convenience Center” model and exploration of ways to implement rural transfer facilities, including formation of an ad hoc subcommittee on its Solid Waste Advisory Committee (SWAC). This draft proposed rulemaking is the culmination of that effort; it is being developed to create waste management and recycling opportunities for more citizens and in communities that are currently underserved or without collection infrastructure. The draft proposed rulemaking amends the municipal waste regulations at 25 Pa. Code § 271.103 to add a new municipal waste processing permit-by-rule (PBR) for RTFs.

The draft proposed rulemaking was scheduled to be presented to SWAC at their March 12, 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. *The final rulemaking is scheduled to be presented to the Environmental Quality Board during the third quarter, 2022.*

Proposed Rulemaking: MAX Environmental Technologies, Inc. Delisting – Bulger Facility and Yukon Facility

On May 2, 2019, DEP received two petitions from MAX Environmental Technologies, Inc. (MAX) to delist certain hazardous waste at their Bulger and Yukon facilities. DEP reviewed the petitions in accordance with the Environmental Quality Board’s Petition Policy in 25 Pa. Code Chapter 23 and determined the petitions meet the conditions in Section 23.2 for further review. The Department notified MAX on June 3, 2019, that the petitions would be submitted to the Environmental Quality Board (EQB) for consideration at its next meeting. At the EQB meeting held on Tuesday, June 18, 2019, DEP summarized the petitions for the EQB and recommended that the EQB accept the petitions for further study. The EQB adopted a motion to accept the petitions. DEP completed its evaluation of the petitions and prepared a report that summarized the evaluation and made a recommendation that the delisting petitions be accepted for rulemaking; the EQB adopted a motion to accept the delisting petitions and advance them for rulemaking at its June 16, 2020 meeting.

The proposed rulemaking was presented to the EQB for consideration at its September 21, 2021, meeting, where the Board adopted a motion to accept the proposed rulemaking. 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 preparing to route the package containing the revised WMGR163 general permit and the draft comment and response document for approval prior to issuance.*

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 the 16th Floor Delaware Room 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 *during 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~~ in the third quarter of 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 ended on May 18, 2022. *DEP received 150 letters; 144 form letters in support and 6*

letters with constructive comments and edits. Next steps will include reviewing the comments received, preparing a comment and response document, and making any necessary changes to the guidance document.

PAG-01

On September 28, 2019, DEP published the availability of a draft National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Small Construction Activities (PAG-01). PAG-01 is intended to provide NPDES permit coverage to persons discharging stormwater associated with small construction activities to surface waters of the Commonwealth. PAG-01 would apply to eligible projects that propose less than five (5) acres of earth disturbance and will have impervious surface areas no greater than 30,000 square feet within the area of disturbance and no greater than 12% of the project site area. A project may be eligible for PAG-01 coverage if stormwater and non-stormwater discharges will conform to the requirements of the General Permit, technical criteria are met, and the prohibitions identified in the General Permit do not apply. DEP accepted comments on the draft permit through October 28, 2019. DEP published notice of the availability of the final PAG-01 permit in the Pennsylvania Bulletin on November 13, 2021. To allow time for outreach and training on this new permit, the effective date of the PAG-01 General Permit is March 1, 2021. 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 = \$21,577,000 million annually
- DWSRF General Supplemental = \$55,287,000 million annually
- DWSRF Lead Service Line Replacement = \$87,065,000 million annually
- DWSRF Emerging Contaminants = \$23,217,000 million annually

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 = \$45,833,000 million annually
- CWSRF General Supplemental = \$70,500,000 million annually
- CWSRF Emerging Contaminants = \$3,704,000 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).

DEP has been working with PENNVEST to develop the CWSRF and DWSRF grant applications and supporting information required for submission to EPA which will allow DEP to acquire the BIL funding for use by PENNVEST and DEP. The DWSRF and CWSRF Intended Use Plans will be noticed in the Pa. Bulletin for public comment. The public is encouraged to review these documents and provided comments. Please visit DEP eComment site at the following link:

<https://www.ahs.dep.pa.gov/eComment/>. *DEP expects to submit these grant applications by July 1, 2022.*

Chesapeake Bay Restoration IIJA/BIL

On May 2, 2022 EPA announced the allocation of \$40 million in first-year funds from the IIJA at an event in Baltimore. The funding includes the \$15 million allocation to jurisdictions for the Most Effective Basins as well as funding through the National Fish and Wildlife Foundation’s Small Watershed Grants and Innovative Nutrient and Sediment Reductions grants program. This will ~~put out~~use nearly 85% of ~~our~~the designated infrastructure funding for FY2022 and make important strides toward attaining targets set before us in the 2014 Chesapeake Watershed Agreement. Pennsylvania has been allocated \$5,598,333 for the initial year. DEP was notified -on May 19, 2022 that our allocation will be \$1.8 million to implement projects in the Pilot and Tiers 2-4 counties within Pennsylvania’s Chesapeake Bay watershed. The rest of the funding coming to Pennsylvania will be directed to DCNR and SCC for the initial year.

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 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 Water Resources Committee (*Statewide Committee*). *The Potomac Water Resources Committee, Great Lakes Water Resources Committee, and Ohio Water Resources Committee did not reach quorum in their April meetings causing the Statewide Committee to vote on an Act 220 provision in their May 11 meeting that will allow them to vote on approving and recommending regional components 90 days after notification is sent. The Delaware Water Resources Committee, Great Lakes Water Resources Committee, and Ohio Water Resources Committee have planned to meet on July 12, June 23, and July 14 respectively to consider final edits to their regional components and vote on them ahead of the 90-day deadline.*

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 *to consider a draft of the 2022 State Water Plan Update Report*. 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](#).

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.”

June	
14	Environmental Quality Board Meeting, 9:00 a.m., Virtual and in-person attendance options
14	Solid Waste Advisory Committee Meeting, 10:00 a.m., Virtual and in-person attendance options
15	Board of Coal Mine Safety Meeting, 10 a.m., Virtual and in-person attendance options
15	Costal Zone Advisory Committee Meeting, 10:00 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, 9:00 a.m., Virtual and in-person attendance options
23	Climate Change Advisory Committee Meeting, 9:00 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
July	
12	Environmental Quality Board Meeting, 9:00 a.m., Virtual and in-person attendance options
13	Technical Advisory Committee on Diesel-Powered Equipment Meeting, 10:00 a.m., Virtual and in-person attendance options
14	Public Water System Technical Advisory Committee Meeting, 9:00 a.m., Virtual and in-person attendance options
18	Oil & Gas Technical Advisory Board Meeting, 10:00 a.m., Virtual and in-person attendance options
19	Citizens Advisory Council Meeting, 12:30 p.m., Virtual and in-person attendance options
20	Statewide Water Resources Committee Meeting, 9:00 a.m., Virtual and in-person attendance options
21	Water Resources Advisory Committee Meeting, 9:00 a.m., Virtual and in-person attendance options
21	Mining and Reclamation Advisory Board Meeting, 10:00 a.m., Virtual and in-person attendance options
21	Drive Electric PA Coalition Meeting, 10:00 a.m. to noon, Virtual

Attachment 2

Oil and Gas Workload Report (As of May 27, 2022)

YTD WELL PERMIT APPLICATIONS - 1/1/2022 to 5/27/2022						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	112	22	102	102	102	0
UNCONVENTIONAL	332	70	338	338	328	0
Sub Total	444	92	440	440	430	0
AUTHORIZATIONS	301	19	294	261	N/A	33
Total	745	111	734	701	676	33

WEEKLY WELL PERMIT APPLICATIONS - 5/21/2022 to 5/27/2022						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	1	1	17	17	17	0
UNCONVENTIONAL	17	17	4	4	4	0
Sub Total	18	18	21	21	21	0
AUTHORIZATIONS	10	6	2	2	N/A	0
Total	28	24	23	23	23	0

HISTORICAL WELL PERMIT APPLICATIONS AS OF 5/27/2022						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	198,500	198,478	197,222	190,930	1,256	100,040
UNCONVENTIONAL	30,101	30,021	29,403	22,781	618	12,867
Sub Total	228,601	228,499	226,625	213,711	1,874	112,907
AUTHORIZATIONS	46,917	46,886	45,702	43,886	1,184	19,540
Total	275,518	275,385	272,327	257,597	3,058	132,447

YTD INSPECTIONS - 1/1/2022 to 5/27/2022				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	3,990	3,051	1,752	102
UNCONVENTIONAL	7,719	5,085	402	38
SITE	1,587	1,113	491	59
CLIENT	11	9	20	9
Total	13,307	9,258	2,665	208

WEEKLY INSPECTIONS - 5/21/2022 to 5/27/2022				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	176	159	61	4
UNCONVENTIONAL	397	393	11	1
SITE	94	87	8	4
CLIENT	0	0	0	0
Total	667	639	80	9

WELLS DRILLED					
	Two Years Prior 1/1/2020 to 5/27/2020	One Year Prior 1/1/2021 to 5/27/2021	Year To Date 1/1/2022 to 5/27/2022	Week of 5/21/2022 to 5/27/2022	As of 5/27/2022
CONVENTIONAL	17	33	76	5	201,571
UNCONVENTIONAL	235	210	229	3	13,545
Total	252	243	305	8	215,116

This report was prepared by Sarah Pinter, Executive Policy Specialist, DEP Policy Office. For questions or requests, please email spinter@pa.gov.