

January 2023 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.

PFAS Maximum Contaminant Levels in Drinking Water Rulemaking

The PFAS MCL proposed rulemaking was published in the Pennsylvania 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 21, 2022. The final-form rulemaking was presented to the Environmental Quality Board at its October 12, 2022 meeting; the EQB voted 15-3 to approve the final-form rulemaking. The final-form rulemaking is available on DEP’s [EQB webpage](#). *The final-form rulemaking was presented to IRRC on November 17, 2022; IRRC voted 5-0 to approve the final-form rulemaking. The final regulation will be published in the January 14, 2023 issue of the Pennsylvania Bulletin.*

The purpose of the 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 MCLG and MCL values are as follows:

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

In addition, the 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 violations.

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 published 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. Pennsylvania’s final credited reductions for 2021 annual progress were 2.48 million pounds of nitrogen, 40,000 pounds of phosphorus, and 61 million pounds of sediment.

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 Bureau of Watershed Restoration and Nonpoint Source Management (BWRNSM), formerly known as the Chesapeake Bay Office, recently awarded the counties with CAPs \$12.2 million total, of which approximately \$9.3 million is from the state Environmental Stewardship Funds and \$2.9 million from EPA. From the federal funds, \$1.6 million was from the Chesapeake Bay Infrastructure Investment and Jobs Act (CB IJA), awarded to DEP beginning October 1, 2022. The press release with the list of counties receiving funds and their allocation is here: <https://www.ahs.dep.pa.gov/NewsRoomPublic/articleviewer.aspx?id=22236&typeid=1>

The BWRNSM 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.

2021 Healthy Waters Healthy Communities Annual Report

The Bureau of Watershed Restoration and Nonpoint Source Management published the 2021 Healthy Waters Healthy Communities Annual Report in October 2022. The report can be found here:

https://files.dep.state.pa.us/Water/ChesapeakeBayOffice/WIPIII/2022/PADEP_Annual_Report_10-04-2022_Single_Pages_FINAL.pdf

Bureau of Watershed Restoration and Nonpoint Source Management 2022 Chesapeake Bay Annual Progress reporting update

DEP is currently working with 35+ different data reporters, comprised of local, state, and federal agencies and programs, to compile and report BMP annual progress toward the Chesapeake Bay TMDL goals and planning targets. The Nonpoint Source Quality Assurance Project Plan (QAPP) was submitted to EPA by the September 1, 2022 deadline. *The annual progress data was submitted by the December 1, 2022 deadline, along with the revised version of the QAPP.*

Pennsylvania's Anti-Litter Campaign

DEP, in conjunction with other Commonwealth agencies (PDE, PSP, PFBC, DCNR, DOH, and PennDOT) continues to promote Pennsylvania's anti-litter campaign, "PA Fights Dirty." As part of this effort the EE&IC staff are also promoting this initiative through various environmental education networks and in "Teaching Green".

The Keep Pennsylvania Beautiful (KPB) also features the state's Young Ambassadors Program, a new partnership with PennDOT and KPB. This initiative was recommended in the Litter Action Plan and invited Pennsylvania rising 10th- through 12th-grade students to help keep the Commonwealth clean.

The students were chosen through a competitive process – participants have committed to nine months of service in representing and upholding the mission and values of KPB. Other responsibilities include attending a virtual orientation, four virtual education and training workshops, and up to two virtual networking events, organizing and participating in at least one community cleanup event through Pick Up Pennsylvania, conducting one community education event targeting youth in the student's community and promoting participation on social media.

From September 2022 through May 2023, Young Ambassadors will build community stewardship by inspiring, engaging, and empowering Pennsylvanians to keep their communities clean and develop civic leadership to advocate for clean and beautiful communities across Pennsylvania.

More information and the application for the Young Ambassadors Program can be found on the [KPB website](#).

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. This rule was published in Pennsylvania Bulletin on July 30, 2022, with a 30-day public comment period that closed on August 29, 2022. IRRC had no comments on the rulemaking.
- **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 – Radiological Health Fees (#7-574):** The rule was adopted by the EQB on June 14, 2022. This rule was published in Pennsylvania Bulletin on August 27, 2022, with a 30-day public comment period that closed on September 26, 2022. IRRC's comments were received on October 26, 2022. *The draft final Annex A was presented to the Radiation Protection Advisory Committee on December 9, 2022.*
- **Draft Final 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 closed on February 22, 2022. Three virtual public hearings were held on January 19, 20, and 26, 2022. IRRC's comments were received on March 24, 2022. *The draft final Annex A was presented to the Solid Waste Advisory Committee on December 15, 2022.*

- Draft Final 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. The draft final Annex A was presented to the Agricultural Advisory Board on October 20, 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. 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 – 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. *The EQB adopted the final rule on November 15, 2022.*
- Final 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. The draft final Annex A was presented to the Water Resources Advisory Committee on July 21, 2022. *The EQB adopted the final rule on November 15, 2022.*
- Final 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. The House Environmental Resources and Energy Committee submitted comments on May 24, 2022. IRRC submitted comments on May 27, 2022. The draft final Annex A was presented to the Public Water Systems Technical Advisory Center Board on July 14, 2022. The EQB adopted the final rule on October 12, 2022. *IRRC approved the final rule on November 17, 2022.*
- Final Rulemaking – VOC RACT Requirements for Shipbuilding and Ship Repair Surface Coating Operations, SOCFI 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. IRRC's comments were received on May 4, 2022. The draft final Annex A was presented to AQTAC on August 18, 2022, SBCAC on August 24, 2022, and the CAC on July 19, 2022. The EQB adopted the final rule on October 12, 2022. *IRRC approved the final rule on November 17, 2022.*
- Final 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. The draft final rule was presented to WRAC on June 14, 2022. The EQB adopted the final rule on July 12, 2022. IRRC approved the final rule on September 15, 2022. The final rule was published in Pennsylvania Bulletin on October 29, 2022.

- Final Rulemaking – Additional RACT Requirements for Major Sources of NOx and VOCs for the 2015 Ozone NAAQS (RACT III Major Sources) (#7-561): The rule was adopted by the EQB on May 19, 2021. The proposed rule was published in the Pennsylvania Bulletin on August 7, 2021, with a 66-day public comment period that closed on October 12, 2021. Three public hearings were held on September 7, 8, and 9, 2021, with no attendees. IRRC’s comments were received on November 12, 2021. The draft final Annex A was presented to AQTAC on April 7, 2022, SBCAC on April 27, 2022, and the CAC on April 19, 2022. 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 EQB adopted the final rule on August 9, 2022. IRRC approved the final rule on September 15, 2022. *The final rule was published in Pennsylvania Bulletin on November 12, 2022.*
- 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. The EQB adopted the final rule on August 9, 2022. IRRC disapproved the final rule on September 15, 2022. *The Department withdrew the rulemaking from further consideration on November 18, 2022.*
- Final Rulemaking – Control of VOC Emissions from Unconventional 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). The EQB adopted the revised final rule applicable to only unconventional oil and natural gas sources of VOC emissions on June 14, 2022. IRRC approved the final rule on July 21, 2022. On August 2, 2022, the House Environmental Resources and Energy Committee voted to report a concurrent regulatory review resolution to the General Assembly to disapprove the final rule. *The 10-legislative day consideration period ended on November 16, 2022. The final rule was published in Pennsylvania Bulletin on December 10, 2022.*

Public Comment Periods

To see the latest DEP and EQB public comment periods, visit DEP’s [eComment website](#).

Proposals Open for Public Comment

- none currently
<https://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=678968>
<https://www.depgreenport.state.pa.us/elibrary/GetFolder?FolderID=678968>

Recently Closed Comment Periods

- Environmental Assessment Approvals for PENNVEST Funding Consideration (Closed 1/10)
- Draft Technical Guidance: Small Flow Treatment Facility Manual (381-2188-005) (Closed 1/3)

- Draft Technical Guidance: Closure Requirements for Underground Storage Tank Systems (263-4500-601) (Closed 12/27)
- Draft National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges from Small Flow Treatment Facilities (PAG-04) (Closed 12/5)
- Draft Water Quality Management (WQM) General Permit for Small Flow Treatment Facilities (WQG-01) (Closed 12/5)
- Stream Redesignation Evaluation: Unnamed Tributary (UNT) to North Fork Dunkard Fork (Greene County), UNT to Big Cove Creek (Fulton County), UNT to West Branch Conococheague Creek (Franklin County), and Lick Run (Columbia County) (Closed 11/28)
- Pennsylvania Radiation Mitigation Standards (Closed 11/28)

Communications Monthly Press Releases

To see the latest DEP press releases, visit DEP's [news releases webpage](#).

Press Releases Issued

December 1 - DEP Launches \$12.7 Million Initiative to Electrify Truck Fleets for Cleaner Air

December 2 - DEP Announces Effective Date of Volatile Organic Compound Regulations for Conventional Oil and Gas Industry

December 8 - Drought Watch Remains for Five Counties, Lifted for 15 Counties (Map Included)

December 9 - DEP Issues Three Orders to Equitrans in Wake of Rager Mountain Storage Reservoir Natural Gas Release

December 14 - DEP Awards \$12.2 Million to Support Counties' Progress in Restoring Chesapeake Bay Watershed

December 14 - DEP Issues Notice of Violation to Shell Chemicals Appalachia, LLC for Air Emissions Exceedances

December 15 - DEP Assesses \$600,000 Civil Penalty for Waste Management Violations in Fayette County

December 21 - Wolf Administration Announces Funding to Protect Delaware Estuary Coastal Zone

December 21 - Wolf Administration Announces Funding to Protect Lake Erie

Active and Abandoned Mine Operations

Noncoal Mining Clarifications and Corrections Rulemaking

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 *Regulatory, Legislative, and Technical* (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 early 2023.

Mining Permits Engineering Information

The Bureau of Mining Programs (BMP) has decided not to reissue a revised version of the Engineering Manual for Surface Mining Operations Technical Guidance No. 563-0300-101 and, instead, will prioritize specific engineering topics and work on them individually as part of a workgroup in conjunction with the Mining Reclamation Advisory Board (MRAB) and Aggregate Advisory Board. BMP and District Mining Operation (DMO) staff have sent their priorities to the workgroup organizers for each board. *A kickoff meeting occurred on November 17 with internal and external staff. This long-term project will continue, whereby various web pages, application form adjustments, standard operating procedures (SOPs), etc. will be produced and passed through both advisory boards.*

Abandoned Mine Land (AML) Bipartisan Infrastructure Law (BIL) Funding

The Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE) issued the final “Guidance on the Bipartisan Infrastructure Law Abandoned Mine Land Grant Implementation” on July 21 and issued the Notice of Funding Opportunity (NOFO) for the BIL AML grant program on August 3. The final guidance and NOFO are available at <https://www.osmre.gov/bil>.

DEP’s grant application for the \$244.9 million fiscal year (FY) 2022 BIL AML funding was submitted to OSMRE on September 2. On October 20, OSMRE issued the Notice of Award for the BIL AML Grant with an effective date of November 1.

On October 24, DEP opened the first round of the new AML/Acid Mine Drainage (AMD) grant program through DEP’s Grants Center to issue grants to eligible applicants for AML reclamation and AMD treatment or abatement. The program will be accepting applications for projects that reclaim abandoned coal mines or address mine drainage from abandoned coal mines. The first round for grant applications will remain open through January 13, 2023. The next grant round is expected to open shortly after the first-round closes. Non-governmental organizations (NGOs) and watershed groups are encouraged to submit AML, AMD, and AML Economic Revitalization (AMLER) projects to apply for reclamation grants funded by the AMLER program and AML and AMD funds authorized under the BIL.

Air Quality

Final Rulemakings

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 established reasonably available control technology (RACT) requirements for volatile organic compounds (VOCs) from existing conventional and unconventional 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 hearings 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.

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 State Implementation Plan (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. The findings trigger Clean Air Act 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 went into effect. DEP estimates four facilities are subject to offsets sanction upon start-up at an estimated total additional cost of \$1.9 million. On December 16, 2022, six months after the date of offset sanctions, highway funding sanctions will be imposed.

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). On May 23, 2022, EPA Region 3 Administrator Adam Ortiz sent a letter to the Department and the legislature reiterating these sanctions. The non-discretionary highway funding sanctions are effective December 16, 2022, and approximately \$475MM of funding has been identified and will be withheld by the Federal Highway Administration for projects already approved for funding in 2023. Sanctions will be in effect until a complete SIP revision is submitted to EPA. The complete SIP package must include both conventional and unconventional O&G operations.

On June 14, the EQB voted 15-3-1 to adopt the Control of VOC Emissions from Unconventional Oil and Natural Gas Sources final-form rulemaking. On July 21, IRRC voted unanimously to approve the rulemaking. On August 2, the House Environmental Resources and Energy Committee (ERE) voted to report a concurrent regulatory review resolution to the General Assembly to disapprove the final rule. On October 12, the EQB voted 15-3-1 to adopt the Control of VOC Emissions from Conventional Oil and Natural Gas Sources final-omitted rulemaking. *On November 14, the House ERE Committee sent a letter to IRRC disapproving of the final-omitted rulemaking. On November 17, IRRC voted 4-1 to approve the rulemaking. On November 30, the EQB voted 16-2 to adopt an emergency certified Control of VOC Emissions from Conventional Oil and Natural Gas Sources final-omitted rulemaking, and Governor Wolf signed the certification of need for emergency regulation for the Conventional O&G Regulation to ensure completion of the regulation by December 16, 2022. On December 10, the Unconventional and Conventional rulemakings were published in the Pennsylvania Bulletin. On December 12, the Department submitted a State Implementation Plan (SIP) revision to EPA for both rulemakings. On December 14, EPA determined the SIP revision to be administratively complete, rescinding the offset sanctions that took effect on June 16. EPA’s determination also stopped the sanctions clock triggered by EPA’s December 16, 2021, Finding of Failure to Submit.*

RACT III Major Sources of NO_x and VOC for the 2015 Ozone NAAQS

In 2015 EPA revised the primary and secondary National Ambient Air Quality Standards (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 commentators 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 EQB adopted the final rule on August 9, 2020, by a 17-2 vote. IRRC unanimously approved the rulemaking on September 15, 2022. *The rulemaking was published in the Pennsylvania Bulletin on November 12, 2022. A SIP revision submittal package is being prepared.* 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 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 Pa.B. 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.

DEP presented the draft final-form regulation to CAC PRO, CAC, Air Quality Technical Advisory Committee (AQTAC), Small Business Advisory Committee (SBCAC) and EQB on June 27, July 19, August 18, August 24, and October 12, 2022, respectively. *IRRC unanimously approved the rulemaking on November 17, 2022, and it is expected to be published in the Pennsylvania Bulletin in January 2023.*

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 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. The Department submitted comments in opposition to the FIP.

On May 26, 2022, DEP submitted a RACT II SIP revision for Homer City, Keystone, and Conemaugh EGUs. On June 6, 2022, DEP submitted a RACT II SIP revision for Montour EGU. All four facilities have filed appeals to the Environmental Hearing Board regarding the terms and conditions of their RACT II permits.

On August 31, 2022, EPA published the final FIP for four coal-fired electric generating units (EGUs) equipped with selective catalytic reduction (SCR) in Pennsylvania. The FIP sets emission limits for nitrogen oxides (NOX) at Conemaugh, Homer City, Keystone and Montour EGUs. In the final rule, EPA adjusted its rate calculation for facilities with more than one unit and made additional changes in response to technical information received. The final lb/MMBtu emission limit for Conemaugh EGU was lowered while the emission limits for Homer City and Montour EGUs were raised. Keystone's emission limit remained roughly the same. *Conemaugh, Keystone and Homer City have filed petitions to review in the 3rd Circuit Court.*

Stage II Vapor Recovery Revision

The final-form rulemaking was published in the Pennsylvania Bulletin on March 26, 2022. A SIP revision submittal is being prepared. Subsequent to the publication and after review by the Bureaus of Air Quality and Environmental Cleanup, Storage Tanks Division, on August 20, 2022, the Department issued a [Notice of Suspension of Enforcement](#) of the requirement in § 129.61a(g)(1)(iii) with regard to the inspection of the gasoline storage tank automatic tank gauge cap. The Department has determined that the likelihood that the automatic tank gauge would be compromised during a gasoline tank truck delivery is low and verifying the status of the automatic tank gauge cap after each gasoline tank truck delivery is problematic. Many of these gauges are only accessible beneath a heavy sump lid, some of which require special tools to open, or can be otherwise difficult to access. A Federal requirement to check this equipment annually is found at 40 CFR 280.36 and the corresponding Commonwealth annual inspection requirement is found in 25 Pa. Code § 245.438. This exercise of enforcement discretion does not affect owner or operator compliance with other existing requirements.

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. On August 18, EPA published a Final Partial Approval/Partial Disapproval of the Department's SIP revision. DEP must submit and EPA must approve a SIP revision within 18 months (by March 2024) or sanctions will apply.

2015 Ozone National Ambient Air Quality Standards

On October 7, 2022, EPA published a final rule: Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Areas Classified as Marginal for the 2015 Ozone National Ambient Air Quality Standard (NAAQS). This rule became effective on November 7, 2022. Action was taken on 28 nonattainment areas classified as marginal for the 2015 Ozone NAAQS. Out of those 28 nonattainment areas, five areas attained the standard, 22 failed to attain it, and one area received an extension. Areas were required to attain the standards by August 3, 2021. The Philadelphia-Wilmington-Atlantic City (PA-NJ-MD-DE) Area was reclassified to moderate nonattainment. The "bumped up" area includes Bucks, Chester, Delaware, Montgomery, and Philadelphia counties and is now required to attain the standards by August 3, 2024.

Air Quality Technical Advisory Committee

The next scheduled meeting is March 9, 2023.

Small Business Compliance Advisory Committee

The next scheduled meeting is April 12, 2023.

Energy Programs Office

Climate Change Advisory Committee (CCAC)

Several new members were appointed to the CCAC by Governor Wolf on Friday, October 21, 2022. These appointees include Flora Cardoni of PennEnvironment, Christopher Sandvig of Mobility, Jenny Greenberg of Neighborhood Gardens Trust, and Elizabeth Marx, Esq. of Pennsylvania Utility Law Project. *The most recent Climate Change Advisory Committee (CCAC) meeting was conducted on December 13, 2022. The theme of the meeting was adaptation to climate change and featured presentations by Mayor Brittany Reno of Sharpsburg on local climate action and adaptation, Sean Furjanic of DEP on proposed changes to the Post-Construction Stormwater Management Manual, Yasmin Yacoby of the U.S. Department of Energy (DOE) on climate adaptation and environmental justice (specifically the Justice40 Initiative), and Thomas Hughes of the Pennsylvania Emergency Management Agency (PEMA) on climate hazard funding opportunities. The next CCAC meeting will be held on February 21, 2023 and will feature presentations and discussions on the next Pennsylvania State Climate Impacts Assessment and Climate Action Plan.*

Energy Security

EPO's contractor, ProtoGen, will complete a second round of initial feasibility studies for another five participants. EPO will continue assisting round one participants with developing applications to fund projects. *EPO has selected several participants for the second round: City of Philadelphia, City of Meadville, Eric County Emergency Operations Center, and Allegheny County. The final candidates will be determined in the*

near future. Information will be sent out to previous microgrid webinar participants, local government associations, and other critical stakeholders.

EPO is also participating in DOE's Technology Action Group, which facilitates partnerships with other states and the National Renewable Energy Lab (NREL) related to onsite generation and energy storage at critical facilities. EPO staff have been participating in monthly meetings as part of the Technology Action Group. The ReOpt tool will be used to assist critical facilities determine suitability for onsite generation and energy storage. *EPO plans to work with East Norriton Plymouth Whitpain Joint Sewer Authority to run a ReOpt analysis. Results from the analysis will be shared with DOE and NREL.*

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 *January 13, 2023*. EPO is currently monitoring the liquid fuel supply due to limited supply of heating oil, kerosene and diesel fuels.

Local Climate Action Program

The Local Climate Action Plan (LCAP) Program assists local governments with creating their own greenhouse gas (GHG) inventories and climate action plans to reduce the emissions identified. *On November 4, 2022, several EPO staff participated in a virtual event on local climate action programs, energy efficiency, and resilience held by the Congress of Neighboring Communities (CONNECT) of Allegheny County. This was the second event in their fall activator series. Additionally, Energy Program Specialist Christopher Nafe spoke at the third and final activator series event hosted by CONNECT at the Ross Municipal Building in Pittsburgh on December 9, 2022. Christopher Nafe also spoke at the Pennsylvania Municipal League Fall Sustainability Conference held at the Inn at Villanova in Radnor, Pennsylvania on November 15, 2022. He presented on opportunities and resources available to local governments through the Infrastructure Investment and Jobs Act through the DEP LCAP and Shared Energy Manager programs. The fourth LCAP Program cohort is currently completing their GHG inventories with assistance from the Penn State Sustainability Institute, which has taken over management of the LCAP Program.*

Commonwealth-University Capstone Partnership

The EPO CAPstone Program pairs local government participants of the LCAP Program with university partners to implement aspects of their climate action plans. The City of Shamokin has agreed to participate in the CAPstone Program in the next available cohort, which has been postponed until the spring semester of the 2022-2023 academic calendar year. Shamokin is focusing on their energy inventory and benchmarking their municipal facilities and operations, efforts which they were able to begin through their participation in EPO's Shared Energy Manager Program. EPO intends to expand the number of local governments participating in both the CAPstone and Shared Energy Manager Programs starting in the spring of 2023.

Sustainable Building Training Modules

On October 7, DEP EPO, Pennsylvania GreenGov Council, and Penn State University held a kickoff meeting for the new Sustainable Building Training Modules project. *Monthly progress meetings were held on November 8 and December 16.* The goal is to develop a series of training modules focused on sustainable buildings, integrative design, and green leasing for Department of General Service (DGS) client agencies, DGS Public Works staff, and the design and construction community. By June 30, 2023, the training modules will be posted on the Pennsylvania GreenGov Council website and promoted to the target audience to educate on the principles of sustainable buildings and green leasing.

Cooking in Healthy Electrified Commercial Kitchens

On October 1, EPO launched the new Cooking in Healthy Electrified Commercial Kitchens (CHECK) education and rebate program. The goal of the overall CHECK program is to assist commercial kitchens in PA

with modernizing via electrification and energy efficiency. Rebates of up to \$5,000 will be issued for a range of energy efficient and induction cooking equipment. All K-12 schools, higher education institutions, and nonprofits whose missions are geared toward health care or community services, such as soup kitchens, shelters, and food banks, are eligible to participate. On October 21, EPO and its contractor, Forward Dining Solutions LLC, hosted the first of three educational webinars on the basics of induction cooking and debunking associated myths, as well as energy efficiency in commercial kitchens. The two remaining webinars were held on November 18 and December 9. *A total 120 people from K-12 schools, higher education institutions, and nonprofits attended these three webinars. The next educational component of this project consists of three in-person induction cooking workshops, the first of which is scheduled for January 25, 2023 at RE Farm Café in State College.*

U.S. DOE Infrastructure Investment and Jobs Act State Energy Program (IIJA SEP)

On December 1, 2022, DEP's Fiscal Office submitted the IIJA SEP application to the U.S. Department of Energy (DOE). The \$14M application covers a five-year period and includes funding for administration and several projects. The projects include a developing a strategy for Pennsylvania's energy security that includes forward-thinking, continuous updates to the existing energy security plan, education and technical assistance for critical facilities, including local governments and other sectors, and a DOE mandated emphasis on transmission and distribution (T&D) planning. Other projects include energy assessments and energy management planning for the local government and industrial sectors, as well as other sectors identified by EPO staff and the selected contractors. Lastly, funds will be allocated for a sustainable, comprehensive financing mechanism to support clean energy and energy efficiency deployment projects. All projects will emphasize serving disadvantaged communities (includes Environmental Justice (EJ)). DOE's start date for the period of performance is February 2023.

Climate Action for Disadvantaged Communities

EPO has hired a contractor, Preservation Design Partnership, to develop a guide for implementing climate strategies to maximally benefit disadvantaged communities. The program will include the development of a plan for community engagement, facilitation of engagement to solicit and synthesize input from disadvantaged communities and experts on diversity, equity and inclusion (DEI), and a plan for measuring success. This guide will be useful as EPO prepares the 2024 Climate Impacts Assessment and Climate Action Plan and as the DEP develops programs to deploy federal funding from IIJA and the Inflation Reduction Act (IRA). Initial kickoff meetings were held in December 2022 to discuss the scope of the project and begin developing an engagement plan and draft strategies. Engagement with disadvantaged communities and experts is expected to begin in the spring of 2023.

Pennsylvania Energy Employment Reports

In December, DEP released the 2022 Pennsylvania Energy Employment Report and the 2022 Pennsylvania Clean Energy Employment Report. EPO contracted with BW Research to conduct clean energy labor market reviews, including a workforce assessment for the Commonwealth of Pennsylvania. This work included the data collection and analysis of current and projected energy jobs and specific reports for clean energy jobs, including renewable energy and energy efficiency jobs across Pennsylvania using the 2019, 2020, and 2021 U.S. Energy and Employment Report (USEER) data sets that was released on the U.S. Energy Jobs website. The contract is funded through DOE's State Energy Program (SEP). This year's reports demonstrated a modest recovery of the clean energy workforce after the economic hardships brought on by the COVID-19 pandemic and show that growth in Pennsylvania's clean energy workforce is slightly outpacing national trends and overall economic growth in the commonwealth.

Pennsylvania Energy Storage Forum

On November 2, EPO hosted the Pennsylvania Energy Storage Forum Quarterly Meeting in conjunction with Strategen. This session centered on energy storage funding opportunities for Pennsylvania, with a specific

focus on the IRA and the IIJA. Speakers included Katrina Pielli, Director of the Engagement Office at DOE's Office of Clean Energy Demonstrations, Jason Burwen, Vice President of Energy Storage at the American Clean Power Association, and David Althoff, Director of EPO. The consortium's mission is to engage stakeholders on policy and market topics that identify the opportunities to deploy energy storage for a modern, resilient, cleaner, low-carbon grid for all Pennsylvanians. It is comprised of members from various stakeholder groups including battery manufacturers, renewable energy project developers, utilities, state and local governments, trade associations, PJM, and the Pennsylvania Public Utilities Commission. The next meeting session is scheduled for January 25, 2023.

Preventing Outages and Enhancing the Resilience of the Electric Grid (40101(d))

The Section 40101(d) federal grant program is an initiative to upgrade and expand the nation's electric transmission grid to support resilience, reliability, and decarbonization. EPO is applying for over \$8 million per year allocated over a five-year period to improve the all-hazards resilience of the electric grid and prevent outages, representing a \$40 million total investment. On November 22, 2022, EPO submitted its formal application to DOE. Tentatively, EPO will receive program funds in early 2023 and will develop its subgrantee application process. EPO is expecting to formalize their subgrantee program and make applications available for subgrantees beginning in the fall of 2023. Additionally, EPO has continued to engage and receive feedback from stakeholders through virtual meetings with the Public Utility Commission, regulatory agencies, National Association of State Energy Offices, and Pennsylvania electric distribution companies, rural cooperatives, and municipal electric utilities.

Alternative Fuel Incentive Grant (AFIG)

The AFIG Program offers grant funding for clean, alternative fuel projects in Pennsylvania and investment in Pennsylvania's energy sector. Approximately \$3 million in grants is available for school districts, municipal authorities, political subdivisions, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in the commonwealth.

On June 24, 2022, DEP opened the AFIG program to accept applications for fiscal year 2022 via the Department of Economic and Community Development's (DCED) Electronic Single Application system. Awards for the first application acceptance period, which closed at 4 p.m. on August 26, 2022, will be announced soon. The second application acceptance period will end at 4 p.m. on December 16, 2022. EPO staff will review and score all submitted applications and develop recommendations for funding.

Infrastructure Investment and Jobs Act Energy Update (IIJA)

DEP's Energy Programs Office expects to receive approximately \$62 million in formula funding:

- Preventing Outages and Enhancing the Resilience of the Electric Grid (\$40.5 M) - Pennsylvania's year one allocation is \$8.1 million. EPO submitted an application November 22.
- State Energy Program (\$14 M) – Application was submitted December 1.
- Energy Efficiency and Conservation Block Grant Program (\$3.0 M) - Guidance not available.
- Energy Efficiency Revolving Loan Fund (\$3.3 M) – DOE released funding guidance and application documents on November 15, 2022. The application is due April 21, 2023.

Environmental Cleanup and Brownfields

Environmental Cleanup and Brownfields Rulemakings

Proposed Rulemaking: Administration of Land Recycling Program - Vanadium MSC Rule

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 adopted this proposed rule on May 18, 2022. The proposed rulemaking was published in the Pennsylvania Bulletin on July 30, with a 30-day public comment period which ended on August 29, 2022. One comment was received during the public comment period. The Independent Regulatory Review Commission's (IRRC) comment period ended on September 28, 2022. IRRC had no comments on the proposed rulemaking. DEP will evaluate the one public comment received and will respond accordingly as part of the final-form rulemaking process.

Proposed Rulemaking: Administration of Land Recycling Program - Chapter 250 Update

DEP is preparing a draft proposed rulemaking to address Statewide health standard MSCs including lead Polycyclic Aromatic Hydrocarbons (PAHs). At the June 30, 2022, and August 11, 2022, CSSAB meetings, the lead and PAH workgroups presented their conclusions and recommendations to DEP on the issues of lead and PAH toxicity. The PAH workgroup recommended that DEP use the 1993 relative potency factors from EPA that were referenced in the development of the benzo[a]pyrene IRIS toxicological values. The lead workgroup recommended that DEP adopt 5 µg/dL as the target blood lead level for the calculation of the soil direct contact values and also recommended that DEP allow for the use of averaging attainment data for the attainment of the lead direct contact statewide health standard. DEP presented the draft proposed Annex to the Cleanup Standards Scientific Advisory Committee on October 20, 2022.

Cleanup Standards Scientific Advisory Board (CSSAB)

The CSSAB held a meeting on October 20, 2022, where DEP presented the draft Chapter 250 Administration of the Land Recycling Program proposed annex to the Board. The CSSAB identified several minor revisions to the annex to correct errors and provide clarity. Land Recycling Program staff will make the proposed revisions as needed and will provide a revised proposed annex to the CSSAB for their review. The next CSSAB meeting is scheduled for *January 23, 2023*. CSSAB meeting dates for 2023 *have been scheduled for January 23, May 31, and November 9, 2023*. 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").

Storage Tank Advisory Committee (STAC)

The Storage Tank Advisory Committee (STAC) met on December 6, 2022. Participants could also join the meeting through Microsoft Teams. Richard Burgan, Director, Bureau of Special Funds for the PA Department of Insurance, provided an update regarding the Underground Storage Tank Indemnification Fund. DEP updates included an overview of compliance statistics since the 2018 rulemaking changes to Chapter 245, and a discussion with members of current and future trends within the storage tank industry. Election of officers was also held and meeting dates for STAC in 2023 were approved as follows: March 21, June 7, September 6, and December 13.

Environmental Education

DEP Environmental Education Grants Program

The application period for the DEP Environmental Education (EE) Grant program closed on December 9, 2022. The Environmental Education and Information Center (EE&IC) staff's efforts to increase the number of applicants for 2023 has resulted in an increase of over 40 applications over the 2022 level. This is the result of significant effort through the EE&IC staff's use of environmental education networks, increased promotion through the Environmental Education website, newsletters, e-blasts, and a social media campaign. In addition, significant changes were implemented for the 2023 DEP EE Grant Round including:

- Increased Mini-Grant funding to \$5,000 (\$3,000) and General Grant Funding Level I to \$30,000 (\$20,000)
- Expanded Eligible Expenses

- People Costs: Up to 50% (30%) of grant funds
- Travel Costs: Lodging is now an eligible expense
- Resource Costs: General Grant Level I and II: No more than 30% (10%) of the total grant funds requested may be used to purchase program-specific technology
- Other Costs: Boat, kayak, canoe, and paddle boat rentals are eligible expenses (purchases are not eligible)

Funding is provided for environmental education projects that address program priorities include water, climate change and/or engage persons living and/or working within Environmental Justice areas. Previously funded projects have established successful community partnerships and reached audiences through a variety of activities ranging from tours and workshops to hands-on field experiences and action projects while addressing topics such as stream and air quality monitoring, wetlands restoration, watershed stewardship, energy conservation, and solar and other renewable resources.

Currently, the EE&IC staff has scheduled rater training to evaluate DEP EE Grant applications scheduled for Thursday, January 5, 2023.

The Environmental Education Grant guidelines and application instructions are available on the Department's web site at [Environmental Education Grants Program](#). Questions concerning the 2023 Environmental education grants Program should be directed to the DEP EE&IC at RA-epEEgrants@pa.gov.

Update from the PA Environmental Literacy (ELIT) Steering Committee

DEP continues to support the and serve on the PA ELIT Steering Committee. Other committee participants represent the PA Department of Education (PDE), Department of Conservation and Natural Resources (DCNR), Stroud Water Research Center, Millersville University, PA Sea Grant program and Penn State Extension. Funded through a B-WET grant from the National Oceanic and Atmospheric Administration (NOAA), the following objectives for 2023 are designed to strengthen PA Environmental Literacy within the Commonwealth.

These objectives include:

- Surveying existing statewide stakeholders about their work implementing Meaningful Watershed Educational Experiences (MWEEs)
- Integrate Environmental Literature including MWEEs, Sustainability, and Agricultural Education into PA K-12 Teaching and Learning
- As part of this effort the PA Department of Education (PDE) introduced PA STEELS (Science, Technology, Engineering, Environmental Literacy, and Sustainability) for curriculum supervisors, Intermediate Units, and Environmental Education Leaders.
- In support of these efforts the following actions are designed to support the above objectives:
 - Additional PA MWEE Trainings: coming in the Spring of 2023
 - An update of the "Gateway to Green" website (<https://pagatewaytogreen.org/>) to provide the environmental education community with high quality resources to support the improvement of Environmental Literacy within their school and community.
- In a related effort, two 2022 DEP EE Grant recipients were nominated for the MWEE Partner of Excellence Award to be awarded at the PA Association of Environmental Educators (PAEE) Conference (March 2023).
 1. Lancaster-Lebanon Intermediate Unit #13
 2. Friends of Heinz, Philly Nature Kids program

Environment and Ecology Standards Update

To support schools' implementation of the new integrated standards for science, environment & ecology, and technology & engineering, there will be a three-year implementation window. Effective June 30, 2025, the

academic standards for Science and Technology (2002) and Environment and Ecology (2002) will be sunset. The following three new sets of standards will be fully integrated into classroom instruction by the 2025-26 school year:

- [Pennsylvania Integrated Standards for Science, Environment, Ecology, Technology and Engineering \(Grades K–5\)](#)
- [Pennsylvania Integrated Standards for Science, Environment and Ecology \(Grades 6–12\)](#)

Falcons

2022 was a year of significant change for the Rachel Carson State Office Building (RCSOB) falcon nest-site. During the fledging period, the dominant female, banded 48/AE, was injured, and taken to Red Creek Wildlife Center for rehabilitation for a damaged shoulder where she later died of natural causes. In 2012, at the age of three, 48/AE began her tenure as the dominant female at RCSOB. During her 10 years, she laid 41 eggs, and 35 fledged. She was observed by falcon cam visitors, including students and teachers, who integrated her behaviors into classroom learning. 48/AE has played a valuable role in the recovery of peregrine falcon within and outside of Pennsylvania and her progeny are a testimony to a remarkable falcon.

DEP, Department of Conservation and Natural Resources (DCNR), Department of General Services (DGS) are in discussion to address falcon strikes on RCSOB. They are investigating potential window treatments that will reduce or eliminate falcon strikes. At this time a Request for Information has been filed to begin the solicitation of potential vendors to address this situation.

DEP, in collaboration with Shavers Creek Environmental Center and Hawk Mountain, will be offering an in-person professional development workshop for environmental educators. Entitled “PA Raptors: Successes and Challenges”, this workshop will be held at Shavers Creek in June of 2023.

Looking ahead to 2023, based on the young age of both adult peregrine falcons (09/BS, female and 85/AK, male), a productive year is anticipated. The expected arrival of the first egg will occur in March, with the first hatch anticipated in April, followed by fledging in late May or early June. During the fledging period DEP EE&IC will again organize the volunteer Falcon Watch and Rescue program.

“Wings Over Wetlands”

On November 16, 2022 the Whitaker Center hosted the regional premiere of a new documentary “Wings Over Water”. Hosted by Actor Michael Keaton, this documentary explores the connection between wetlands and birds, and was funded through Ducks Unlimited and the Audubon Society. For this local premiere, DEP was a sponsor as was the PA Game Commission (PGC), Department of Conservation and Natural Resources (DCNR), the PA Department of Education (PDE) and the Ned Smith Center for Science and Art.

2023 PA Farm Show

The EE&IC staff is currently preparing for DEP participation in the 107th Pennsylvania Farm Show scheduled for January 7 - January 14, 2023. The theme for 2023 is “Harvesting More”. EE&IC staff is recruiting DEP employees to volunteer for shifts throughout Farm Show week. A Volunteer Training session was conducted on December 22 to prepare DEP employees for this event. At this year’s show DEP will unveil a new exhibit at Exhibit Booth #1101. Easiest access is through the MacClay St. entrance of the PA Farm Show complex.

2023 Chesapeake Bay Environmental Literacy Forum

The DEP Environmental Education and Information Center (EE&IC) staff will represent DEP at the 2023 Chesapeake Bay Environmental Literacy Forum scheduled for January 18-19, 2023 at the National Conservation Training Center in Shepherdstown, West Virginia.

The Forum provides an opportunity to bring together teams of school districts/divisions and their partners to learn, share, and strategize about how to advance systemic, equitable, and sustainable environmental literacy throughout the Chesapeake Bay watershed states (Pennsylvania, Maryland, Virginia, Delaware, West Virginia). The goals of this year's Forum are to:

- Demonstrate the value and characteristics of systemic, equitable, and sustainable environmental literacy programs and plans.
- Share examples of successful and emerging district-level environmental literacy planning efforts, including those that center sustainable schools, climate, and workforce development.
- Uncover new strategies that can uplift and advance environmental literacy planning in school districts.
- Connect school district/division work to state strategies and identify ways to scale best practices from school district exemplars.

Environmental Justice

For the 2023 DEP Environmental Education Grant program Environmental Justice remains one of the program's priorities. In 2022 the Environmental Education Grants awarded more than 90% of grant funds to support projects that engage youth and adults living and/or working within Environmental Justice (EJ) areas. The 2023 Environmental Education Grant program looks to improve on this level of EJ community engagement.

The DEP Office of Environmental Justice (OEJ) will also participate in the Chesapeake Bay Environmental Literacy Forum as a panelist during the session "Proven Strategies to Ensure Equity". This session will support strategies for ensuring equity and justice in programming and planning by learning from leaders working at both the state and the grassroots levels.

The EE&IC continues to support the efforts of the DEP Office of Environmental Justice by promoting the DEP newsletter "EJ Update: Your Environment, Your Voice". To sign up for the OEJ newsletter go to: ["EJ News: Your Environment, Your Voice"](#)

Radon Poster Contest

The EE&IC staff assisted DEP Bureau of Radiation Protection in the promotion of the 2022 Radon Poster Contest. After receiving a record number of entries, the 2023 Radon Poster Contest winners were announced:

- 1st Place: Ninth Grade student from Monroe Career and Technical Institute
- 2nd Place: Ninth Grade student from Monroe Career and Technical Institute
- 3rd Place: Seventh Grade student from Western Wayne Middle School

Students ages 9-14 years old were encouraged to combine science and art by creating an educational poster that shows the physical aspects of radon, the harmful effects of indoor radon gas, or the importance of testing for radon in the home.

The DEP Bureau of Radiation Protection has submitted Pennsylvania's first-place poster to the 2023 National Radon Poster Contest, sponsored by the Conference of Radiation Control Program Directors.

If you have any questions, please feel free to contact Jamie Ruminski at jruminski@pa.gov.

Teaching Green Newsletter

The next edition of the DEP "Teaching Green" environmental education newsletter is scheduled for release in early January 2023. This issue provides updates on DEP "in the news", the DEP Environmental Education Grant Program including updates on projects previously funded, continue to provide information on the PA

Litter Action Plan, the RCSOB falcons, and professional development opportunities for formal and non-formal educators. This newsletter is produced quarterly by EE&IC staff to keep the environmental education community up to date on the work of DEP and to share information on new environmental education opportunities and programs designed to strengthen environmental literacy within the Commonwealth. Teaching Green can be accessed at: <https://www.dep.pa.gov/Citizens/EnvironmentalEducation/Pages/Teaching-Green.aspx>

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 *fourth* meeting of the EJIC on Friday, *November 18*. 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.

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 scheduled several virtual and in person meetings and events throughout April and May to inform the public about the opportunity to comment on the updated Environmental Justice Policy. 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 is now reviewing the comments received and preparing the comment-response document.

OEJ is working to update the Environmental Justice Areas through a new more comprehensive mapping and data effort. Work has been occurring with the help of interns from Temple University who are working on data analysis and the creation of code to allow for regular updates. The team has consulted with other states and Commonwealth departments on available data sources. Two sessions were held with key community group stakeholders to get feedback on factors to consider.

OEJ continues to convene the Environmental Justice Internal Work Group to inform and educate DEP staff and solicit feedback on critical environmental justice initiatives within DEP, such as the EJ Policy. OEJ has also been tracking and publishing permits subject to the current Environmental Justice Public Participation Policy on the DEP website.

Environmental Justice Advisory Board (EJAB)

EJAB's most recent meeting was on *Tuesday, November 15 held jointly with DEP's Citizens Advisory Council (CAC)*. It included DEP updates on the *Office of Environmental Justice, Chesapeake Bay Program, EJ area mapping, and brownfields program*. *The next EJAB meeting will be held on February 14.*

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. The Oil City report was finalized and the project concluded in June 2022. OEJ assisted in getting application support materials for the 2023 fiscal year applicant, Mahanoy City Borough in Schuylkill County. This program is set to receive an infusion of funding that may allow it to work with more and different types of communities but will keep a focus on communities facing EJ issues.

Alternative Fuel Vehicle Rebate Information Sheet

OEJ worked with the Energy Programs Office (EPO) 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. The Alternative Fuel Vehicle Rebate guidelines have been recently revamped to add income caps to aid low to moderate income families in purchasing alternative fuel vehicles. OEJ is working with EPO on a revamp of the sheet, it will soon 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 DEP 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 was scheduled to discuss the Chapter 78 Waste Management rulemaking with members of CDAC on Thursday, December 15 at the Pennsylvania Western University (PWU), Clarion. Due to poor winter weather conditions, PWU closed the campus facilities, so the meeting was cancelled and will be rescheduled.

Infrastructure Investment and Jobs Act (IIJA) Initial Grant:

The U.S. Department of the Interior approved the application as submitted for the full \$25 million Initial Grant on August 25, 2022, with an effective “date of receipt” of October 1, 2022. The award allows for \$2.5 million to be allocated to DEP to cover administrative costs associated with administering the Initial Grant. Based on DEP’s Initial Grant application, all Initial Grant funding will be used for well plugging contracts or administrative costs.

There are two deadlines related to the Initial Grant. First, Pennsylvania has 90 days from October 1, 2022, to “use” 90% of the Initial Grant to “issue new contracts, amend existing contracts, or issue grants for plugging, remediation, and reclamation work...” The Department of Interior has interpreted this language to mean that \$22.5 million must be “obligated” by December 30, 2022. Second, any Initial Grant funds not “obligated” within one year from the date of receipt must be returned to the federal government.

DEP expects to plug about 237 orphan and abandoned wells using \$22.5 million of the Initial Grant funding and will allocate the remaining 10 percent (i.e., \$2.5 million) toward administrative costs to implement the program.

In the first round, DEP published five separate invitations to bid in the commonwealth's electronic bid solicitation tool called "Bid Express" (www.bidexpress.com). This round will result in the plugging of 79 abandoned wells. The DEP opened all bids on November 3. The bids received for these five projects originally amounted to about \$5.8 million; however, since the apparent low bidder for a project to plug 24 wells in Butler County decided not to enter into a contract with DEP, this contract will be awarded to the next apparent low bidder. The anticipated amount of funding to be awarded to all projects in the first round of contracts is approximately \$7.5 million.

DEP is finalizing nine additional invitation to bid packages. Based on the bids that were received in the first round, the bid estimates for this second round are expected to cost about \$15 million to plug 158 additional abandoned wells.

If the wells plugged in the first two rounds come in under budget, DEP is in discussions with the Department of Conservation and Natural Resources about plugging up to 38 orphan wells in Cornplanter State Forest at an estimated cost of about \$2.8 million. As an alternative, there are several additional projects that have been developed and can be advanced as part of the Initial Grant round, if necessary, or during subsequent IJA Formula Grant rounds.

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, DEP 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 best management practices (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.

DEP presented revised documents to the Oil and Gas TAB at its December 16, 2020, meeting. This technical guidance document (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. DEP 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 due to recent changes to the American Petroleum Institute's (API) Recommended Practice 53, which the regulations directly reference. An additional update has also been introduced respective of a well control emergency and subsurface blowout incident in Pennsylvania that occurred at a Utica shale well in 2019. The document was discussed at the Oil and Gas TAB meeting on May 20, 2020. OOGM received comments from TAB members on June 26, 2020. The Pressure Barrier Policy TGD was published on August 29, 2020, as draft in the Pennsylvania Bulletin with a 30-day public comment period that ended on September 28, 2020. A total of 91 comments were submitted from five commenters. The Department has completed its review of the comments received and made updates to the TGD as needed. The updated guidance was discussed with TAB at the May 5, 2021 meeting. The guidance document is expected to be published as final in the Pennsylvania Bulletin in the *first* quarter of 2023.

2023 Meeting Dates - Oil and Gas Technical Advisory Board (TAB)

The Oil and Gas Technical Advisory Board will meet at 10:00 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, Pennsylvania on the following dates in 2023:

March 13, 2023

June 6, 2023

September 5, 2023

December 5, 2023

These meetings will be offered in a hybrid via Microsoft Teams, so individuals may participate virtually if so desired. Meeting materials will be available to the public two weeks prior to each meeting.

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 EQB unanimously adopted the final rulemaking on November 15, 2022. The final-form rulemaking will be delivered to IRRC for consideration in early 2023.*

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. The EQB adopted the proposed rule on June 14, 2022. The proposed rulemaking was published in the Pennsylvania Bulletin for public comment on August 27, 2022. The comment period closed on September 26, 2022. *Two commentators and IRRC submitted comments. The Bureau of Radiation Protection presented the draft final-form Annex to the Radiation Protection Advisory Committee (RPAC) on December 9, 2022, and RPAC expressed continued support for the Department moving forward. DEP expects to present the final rulemaking to EQB in Spring of 2023.*

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. The TGD was published in the Pennsylvania Bulletin on October 29, 2022, for public comment. The public comment period closes on November 28, 2022. *No comments were received.*

Waste Management

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

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 EQB adopted the proposed rulemaking on September 21, 2021. 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 presented the draft final rule to SWAC at its December 15, 2022, meeting, *where the Committee voted unanimously to support moving the rule to EQB for consideration.*

Max Environmental Technologies, Inc. Yukon Facility – Hazardous Waste Landfill #7

DEP received an application from MAX Environmental Technologies, Inc. (MAX) for a proposed hazardous waste landfill to be located at their Yukon Facility in South Huntingdon Township, Westmoreland County. DEP's Siting Team has conducted an administrative completeness review of the Phase I Exclusionary Siting Criteria Application received on July 14, 2022, and additional information received on August 17, 2022. Based upon that review, DEP has determined that the application package contains sufficient detail to conduct a technical review and has accepted the application.

The acceptance of the application as administratively complete *began* a 5-month technical review of the application. The technical review *includes* a public informational meeting and public hearing, *which took place on Thursday, December 1, 2022, at 6:00 p.m. at the Yukon Volunteer Fire Department, 124 Highway Street, Yukon, PA. During the meeting, DEP described the application review process, siting criteria, and opportunities for public participation. DEP staff also answered questions from the public. DEP then conducted a public hearing and received public testimony for consideration during DEP's review.*

Written comments will continue to be accepted until 4:00 p.m. on Friday, January 20, 2023.

Solid Waste Advisory Committee (SWAC)

The final meeting for 2022 was held on December 15, 2022, at 10:00 a.m., via Microsoft Teams; due to inclement weather, the format for the meeting was changed from hybrid to virtual. Agenda items included presentation of minor changes to 4 technical guidance documents and the draft final rulemaking package for the MAX Hazardous Waste Delisting. The next regular SWAC meeting is scheduled for Thursday, March 30, 2023. Additional information is available on the [SWAC website](#).

Recycling Fund Advisory Committee (RFAC)

The 2023 annual RFAC meeting will be held on Thursday, October 19, 2023. 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.

DEP is currently reevaluating this rulemaking.

Manganese Water Quality Standard Rulemaking

On October 30, 2017, subsection (j) (known as Act 40) was added to The Administrative Code of 1929. Act 40 directed the Environmental Quality Board (Board or EQB) to propose regulations requiring that the water quality criteria for manganese, established under 25 Pa. Code Chapter 93, be met consistent with the exception in 25 Pa. Code § 96.3(d). Act 40 directed the Board to propose a regulation that moves the point of compliance for manganese from the point of discharge to any downstream drinking water intake. The Bureau of Clean Water presented a rulemaking to revise the water quality standards for manganese to the Board on December 17, 2019. This proposed rulemaking includes the following updates to 25 Pa. Code Chapter 93: (1) deleting the Potable Water Supply criterion of 1.0 mg/L from § 93.7, Table 3 and (2) adding a Human Health criterion of 0.3 mg/L to § 93.8c, Table 5. In addition, the proposed rulemaking includes language in 25 Pa. Code Chapter 96 describing two alternative points of compliance for meeting the manganese criterion. The first alternative, consistent with Act 40, is to move the point of compliance from all surface waters (i.e., at the point of discharge) to the point of all existing or planned surface potable water supply withdrawals. The second alternative, consistent with the Clean Streams Law and mindful of the responsibilities of drinking water suppliers' obligations under the Pennsylvania Safe Drinking Water Act, is to maintain the existing point of compliance in all surface waters (i.e., at the point of discharge). The Department recommended the Board receive comments on both alternatives to assist the Board in its determination of the appropriate point of compliance. The Board voted to adopt the proposed rulemaking with both alternatives.

The proposed rulemaking was published in the Pennsylvania Bulletin on Saturday, July 25, 2020, opening a public comment period that closed on September 25, 2020. The Board has also held three virtual public hearings on September 8, 9 and 10, 2020. During the comment period and public hearings, 950 individuals

provided comments or testimony on the rulemaking. On September 30, 2020 the House Environmental Resources and Energy Committee voted to send a letter to IRRC expressing the Committee's disapproval of the proposed rulemaking. IRRC's comments were received on October 26, 2020. As suggested in IRRC's comments, staff discussed the rulemaking with the Mining and Reclamation Advisory Board on January 21, 2021 and with the Aggregate Advisory Board on May 5, 2021.

The draft final-form rulemaking was provided to the Water Resources Advisory Committee on November 18, 2021, and the Committee recommended the Department advance the rulemaking to the EQB. The draft final-form rulemaking was also provided to: the Agricultural Advisory Board on December 9, 2021; 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 final-form rulemaking was presented to and adopted by the EQB on August 9, 2022. The final-form rulemaking was delivered to the Independent Regulatory Review Commission (IRRC) for consideration at the September 15, 2022 IRRC public meeting. IRRC voted not to approve the regulation during that meeting. *The rulemaking was withdrawn on November 18, 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 early 2023.

Site-Specific Water Quality Criteria Rulemaking

This proposed rulemaking will recommend updates and revisions to § 93.8d which outlines the site-specific water quality criteria process. The proposed amendments include the addition of language that clarifies when site-specific water quality criteria may be requested and specifies the conditions under which site-specific water quality criteria may not be requested. The proposed amendments will update language throughout §93.8d to identify the data and information that must be submitted with each request for a site-specific water quality criterion and the actions to be taken by the Department as part of the site-specific water quality criterion development and regulatory processes. These proposed amendments are consistent with federal regulations and requirements.

In addition, this proposed rulemaking proposes to delete the statewide total mercury water quality criterion of 0.05 µg/L for Ebaughs Creek located in York County; and to add a site-specific methylmercury water quality criterion of 0.00004 µg/L for Ebaughs Creek in § 93.9o (relating to Drainage List O). The York County Solid Waste Regional Authority (YCSWRA) owns and operates the York County Sanitary Landfill, which is a 306-acre site located in Hopewell Township, York County, PA. Between 1974 and 1997, the landfill received municipal and industrial waste, which was placed into lined and unlined cells. The site contains approximately 135 acres of unlined landfill. Detection of volatile organic compounds (VOCs) in several groundwater wells

was discovered in 1983 and was associated with the unlined cells. A treatment system was installed to remove the VOCs and began operation in 1985. The system consisted of 17 extraction wells and air stripping towers. The air stripping towers discharge the treated groundwater under NPDES permit number PA0081744. Mercury was later identified through the Department's permit application review process as a potential pollutant of concern. YCSWRA has requested the Department delete the statewide total mercury water quality criterion of 0.05 µg/L for Ebaughs Creek and develop a site-specific methylmercury water quality criterion for Ebaughs Creek to inform their NPDES permit effluent limitations for Outfall 002. Since the Department does not currently have statewide numeric water quality criteria for methylmercury, YCWRA's request satisfies § 93.8d(a)(3).

The Department anticipates presenting the proposed rulemaking to the EQB early 2023.

Triennial Review of Water Quality Standards

Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements and permit conditions (such as treatment requirements, effluent limits, and best management practices) on individual sources of pollution. This proposed rulemaking fulfills the Commonwealth's obligation to periodically review and revise its water quality standards and updates Pennsylvania's water quality standards such that the surface waters of this Commonwealth are afforded the appropriate level of protection.

This rulemaking proposes to:

- Add or revise aquatic life and human health water quality criteria for 17 substances,
- Clarify duration periods for aquatic life criteria, and
- Reaffirm the removal of Water Contact Sports use from the Outer Erie Harbor/Presque Isle Bay and portions of the Delaware Estuary and removal of portions of the Warm Water Fishes (WWF) and Migratory Fishes (MF) aquatic life uses for portions of the Delaware Estuary.

The Department anticipates presenting the proposed rulemaking to the EQB in early 2023.

NPDES Schedules of Compliance

This rulemaking will 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 (EQB). The proposed regulation was adopted by the EQB 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. The draft final-form rulemaking was presented to WRAC at its July 21, 2022 meeting and WRAC voted unanimously to support the rulemaking. The EQB adopted the final-form rulemaking on November 15, 2022. Presentation to IRRC is planned for Spring 2023.

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.

Act 34 of 2020

The planning provisions of the Pennsylvania Sewage Facilities Act (SFA), Act 537 of 1965, aim to ensure that adequate sewage disposal methods are available for a lot(s) prior to the development of those lands and that long-term sewage disposal is provided by the proposed sewage facilities. Specifically, Section 5 of the SFA requires each municipality to submit to DEP an officially adopted plan for sewage services for areas within its jurisdiction, and it establishes the framework for review and approval of these official plans by both the municipality and DEP. These official plans are essentially revised and updated as each sewage planning proposal for subdivision is approved. Sewage planning approval is required for subdivisions with few exceptions.

Act 34 of 2020 amended sections of the SFA that were previously amended by Act 26 of 2017, specifically sections 5(c.1) and 5(c.2). Amendments to Section 5(c.1) seek to provide for the use of alternate (or conventional) systems in planning for new land development. The amendment changed the types of system that could be considered for new land development planning proposals. An integral part of the sewage planning process, when on-lot sewage disposal is being considered, is to demonstrate that the land proposed for development meets general site suitability criteria.

Although Act 34 of 2020 provides the mechanism for the use of alternates in new land development, the existing regulations provide general site suitability criteria requirements for conventional systems which includes absorption areas and spray fields; these systems have standards in regulations. The Department understands that the intent of Act 34 of 2020 is to expand the use of alternate systems to allow for development of lots that are currently unavailable for new land development. More specifically, there is a desire to be able to develop lots with soil depths less than 20 inches to a limiting zone where a spray field may be the only option or on a lot with shallow soils that is too small for a spray field to be sited. The current regulations prohibit the issuance of permits for sites that do not meet the general site suitability requirements.

In order to provide additional opportunities for new development of land in a manner that provides safe, effective long-term sewage disposal and that implements the goals of Act 34 of 2020, a rulemaking is needed to add site suitability provisions for the use of alternate systems on sites that do not meet the current general site suitability requirements. The Department discussed these issues and implementation strategy with the Sewage Advisory Committee on February 23, 2021. On April 27, 2021, the Department testified on implementation of the SFA as amended by Act 34 of 2020 during a joint public hearing convened by the House and Senate Environmental Resources and Energy committees. The Department will be continuing to work in consultation

with the Sewage Advisory Committee and other stakeholders towards implementation of the SFA as amended by Act 34 of 2020 in coming months. The Department has developed an Act 34 Implementation Frequently Asked Questions (FAQ) document to provide information to those with questions on how Act 34 impacts sewage facilities planning and permitting. A link to the Act 34 FAQ can be found at the Bureau of Clean Water's Act 537 Sewage Enforcement Officer's [website](#).

General Permits for Beneficial Use of Sewage Sludge (AKA Biosolids)

The Department issues general permits for the beneficial use of biosolids (a.k.a. sewage sludge) and residential septage. In the context of these permits, beneficial use is the use or reuse of biosolids or residential septage for any purpose, where the use does not harm or threaten public health, safety, welfare, or the environment. These permits apply to a person who prepares biosolids that will be sold or given away in a bag or other container or biosolids that will be land applied, and to a person who applies biosolids or residential septage to the land. The Department issues these permits under the authority of Pennsylvania's Solid Waste Management Act and Clean Streams Law.

There are three general permits for the beneficial use of biosolids and residential septage in Pennsylvania: PAG-07 allows for the Beneficial Use of Exceptional Quality (EQ) Biosolids; PAG-08 allows for the Beneficial Use of Non-Exceptional Quality (Non-EQ) Biosolids; and PAG-09 allows for the Beneficial Use of Residential Septage.

The Department has administratively extended these general permits for several years. The Department had preliminary discussions on reissuance of these general permits with the Water Resources Advisory Committee (WRAC) and the Agricultural Advisory Board (AAB) in March 2021. Both committees decided to form workgroups to better understand the proposed changes and to provide input on the impact of those proposed changes to their respective stakeholders. To date, the AAB workgroup has had two meetings and dates for an April 2022 meeting are being coordinated. The WRAC workgroup has not yet had a meeting.

The Bureau of Clean Water has also organized a workgroup to gather input on the proposed changes to the general permits. The group includes biosolids generators, land applicators, farmers, consultants, and interested third parties (including the Chesapeake Bay Foundation and the Delaware Riverkeeper Network). The first meeting of the workgroup organized by DEP occurred on September 28, 2021, and focused on the biosolids land application program, the proposed changes to the permit, and PFAS in biosolids. The next meeting was held on for November 3, 2021. The primary point of discussion was managing biosolids considering the phosphorus content of the biosolids and the soil phosphorus level. The third meeting with stakeholders was held on Tuesday, December 7, 2021. The main topic of discussion was addressing Department concerns associated with the impacts of hauled-in residual waste into the biosolids treatment process. A fourth meeting occurred on January 5, 2022. The discussion on the hauled-in-waste concerns continued. The topic of the proposed changes to field storage of biosolids on land application sites was also discussed. The workgroup members decided to provide formal written comments to the Department. Following receiving those comments, a fifth and final meeting will be scheduled to clarify any of the stakeholder concerns. DEP will then develop use the information gathered during the outreach process to draft any revisions to the permit documents prior to issuing draft permits for public comment. The Department has received written comments from several workgroup members and is considering those comments in the development of draft permit documents.

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

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

The BIL reauthorizes the base DWSRF program funding and establishes new supplemental DWSRF pots for general infrastructure projects, emerging contaminants projects, and lead service line replacement projects. Base

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

BIL reauthorizes the base CWSRF program funding and also establishes new CWSRF supplemental pots for general infrastructure projects and emerging contaminants projects. In addition, it establishes a new set-aside that will enable DEP to provide technical assistance to small, rural Publicly Owned Treatment Works (POTW). 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 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.

A Final Intend Use Plans (IUPs) for the DWSRF and CWSRF are available for review on the Department's website at the following web address:

<https://www.dep.pa.gov/Business/Water/CleanWater/InfrastructureFinance/Pages/State-Revolving-Fund.aspx>.

The IUPs describe the plan for use of the SRF dollars. The draft IUPs were noticed for public comment. Responses to public comments were developed prior to finalization of the IUPs. The comment/response documents can be found at the web address listed above.

DEP and PENNVEST coordinated on an effort to develop and submit applications for the State Revolving Fund (SRF) program. DEP submits the applications on behalf of PENNVEST annually. BIL/IIJA provided a significant increase in both the funding amounts and total grants available to the states through the SRF Program for both the DWSRF and CWSRF. Seven (7) grants application were available and submitted to EPA on behalf of PA. PENNVEST and DEP were notified of the awards for all seven (7) SRF Grants. The following amounts include the state match where state match is required. The awarded grants include the following:

- FY22 DWSRF Base - \$25,892,400
- FY22 DWSRF General Supplemental - \$60,943,300
- FY22 DWSRF Lead Service Line Replacement - \$87,296,000
- FY22 DWSRF Emerging Contaminant - \$23,264,000
- FY22 CWSRF Base - \$54,999,600
- FY22 CWSRF General Supplemental - \$77,550,000
- FY22 CWSRF Emerging Contaminant - \$3,704,000

An eligible use of the SRF funds is Technical Assistance. The goal of Technical Assistance under the BIL funding is to help small, rural, and disadvantaged communities move projects through the planning and development phases to design/implementation and completion. DEP and PENNVEST are working to soon have a contractor in place to provide Technical Assistance to small, rural, and disadvantage systems. The work under this contract will help to move projects into the funding pipeline. Details on the funding and technical assistance eligibility can be found in the IUPs.

Additionally, DEP is in the process of hiring additional staff to support the implementation of the BIL funding. New staff will provide support for technical assistance, projection management, and project permitting.

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).

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 use nearly 85% of 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. DEP received the federal award in September 2022 and will incorporate it into the 2023 CAP Implementation Grant round.

PAG-13 General Permit

On Saturday, September 24, 2022, DEP published notice in the Pennsylvania Bulletin ([52 Pa.B. 6107](#)) of a 2-year extension to the PAG-13 National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges to Small Municipal Separate Storm Sewer Systems (MS4s). By this action the availability of the general permit has been extended to March 15, 2025. The notice also solicited interested participants for a workgroup that DEP to discuss the requirements for the next PAG-13 term. DEP received nearly 60 requests to participate and has selected approximately 20 members. A series of meetings has been scheduled starting in November 2022. *The first two workgroup meetings were held virtually on November 21, 2022 and December 2, 2022. A total of eight workgroup meetings are anticipated.*

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.

Federal Fiscal Year (FFY) 2022 EPA Section 319 NPS Management Grant awards were announced on October 7, 2022. The announcement can be found here:

<https://www.ahs.dep.pa.gov/NewsRoomPublic/articleviewer.aspx?id=22197&typeid=1>

DEP opened the Federal Fiscal Year (FFY) 2023 EPA Section 319 NPS Management Grant round on April 22, 2022. The deadline to apply was June 24, 2022. New this year is a focus on Watershed Implementation Plan (WIP) development in Environmental Justice (EJ) areas. *Staff submitted the draft workplans to EPA for their review by the EPA / DEP Action Plan deadline of November 30, 2022.*

Growing Greener Plus Program

DEP opened the 2022 Growing Greener Plus grant round on April 22, 2022. The deadline to apply was 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. Staff are currently reviewing the 2022 Growing Greener Plus grant applications, with a goal to announce the awards by December 31, 2022.

State Water Plan

The State Water Plan's *fourteenth* statewide committee meeting was held on *November 16, 2022, and the fifteenth on December 14, 2022. The focus of these two meetings was to submit final edits to the State Water Plan Final Report (final report) document, vote on the regional components, review responses to public comment, and (during the December meeting) to vote on the report's formal approval. The regional components and final report were approved by the statewide committee at their respective meetings. This final report is focused on items such as water resources strategies outlined in the Pennsylvania Climate Action Plan and updated regional watershed priorities.*

The six regional committees have completed their work as required by Act 220 of 2002 and submitted their regional component for the review of the statewide committee who voted their approval for them at their November 16 meeting. Their final meetings took place in October of 2022. During these meetings the Department received feedback on the water planning process, discussed the future of the State Water Plan, as well as laid out the schedule for future meetings in 2023.

The [Digital Water Atlas](#) of the 2022 State Water Plan was published to DEP's website on December 20, 2022. This Digital Water Atlas StoryMap updates the 2009 Pennsylvania Water Atlas (2009 Atlas) and is part of the 2022 update of the State Water Plan. The [2009 State Water Plan update](#) included the 2009 Atlas, which still contains relevant facts and information today. The interactive Digital Water Atlas StoryMap uses current technology to update maps and information from the 2009 Atlas. The intent of this Digital Water Atlas, just as the previous one, is to lay out the landscape of Pennsylvania's water and land resources and how they are managed. It is also intended to help Pennsylvanians understand where their water comes from and how it is affected by natural events and human activity, which is the first important step towards water planning.

Find more information at DEP's [State Water Plan website](#).

Attachment 1

2023 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” then “Calendar of Events.” Unless otherwise indicated below or on the DEP Calendar of Events, there will be virtual and in-person attendance options for each event.

January	
10	Citizens Advisory Council meeting, 12:30 p.m.
12	Mining and Reclamation Advisory Board meeting, 10:00 a.m.
12	Coal and Clay Mine Subsidence Insurance Fund Board meeting, 1:00 p.m.
18	Coastal Zone Advisory Committee meeting, 9:00 a.m.
23	Cleanup Standards Scientific Advisory Board (CSSAB) meeting, 9:30 a.m.
February	
1	Aggregate Advisory Board meeting, 10:00 a.m.
8	State Board for Certification of Water and Wastewater System Operators, 10:00 a.m.
14	Environmental Quality Board meeting, 9:00 a.m.
14	Environmental Justice Advisory Board meeting, 9:00 a.m.
14	Citizens Advisory Council meeting, 12:30 p.m.
17	Public Water System Technical Assistance Center Board meeting, 9:00 a.m.
21	Climate Change Advisory Committee (CCAC), 9:00 a.m.
22	State Board for Certification of Sewage Enforcement Officers meeting, 10:00 a.m.

This report was prepared by Amanda Rodriguez, Assistant Regulatory Coordinator, DEP Policy Office. For questions or requests, please email amarodrigu@pa.gov.