

January 2024 Report to the Citizens Advisory Council
(New and updated information in italics)

DEP Highlights

Chesapeake Bay Restoration I/JA/BIL

On December 1, the 2024 Community Clean Water Coordinator (CCWC) and CAP Implementation Block Grant awards were [announced](#). This block grant program is funded by the Environmental Stewardship Fund / Growing Greener and the EPA Chesapeake Bay MEB I/JA, Local Government Implementation, and Chesapeake Bay Implementation Grant (CBIG) MEB grant funds. Changes to this year's round included a requirement to submit the estimated nutrient and sediment reductions (in prior years this was voluntary) and a minimum threshold for funding of \$200,000. The mandatory submissions of estimated nutrient and sediment reductions are a requirement of the EPA, as these metrics are to be included in Pennsylvania's 2024-2025 Chesapeake Bay Milestone Commitments. These adjustments also allow for counties to proactively plan ahead to meet their CAP nutrient and sediment reduction goals with the knowledge of the minimum amount of funding that would be allocated to their county, if requested.

Inflation Reduction Act (IRA) - Methane Emissions Reduction Program (MERP)

On December 15, Pennsylvania was informed that it was awarded \$44,457,220—the second most amount of money under MERP. The goal of MERP is to help oil and gas well owners, and operators of applicable facilities, voluntarily and permanently reduce methane emissions from leaks and daily operations of low-producing conventional wells on non-federal lands. The funds must be obligated by DEP over a 5-year period ending September 2028. Within 60 days DEP will submit a Community Benefits Plan and an amended budget to address the supplemental dollar amount that is reflected in the final grant award. Within 90 days of the award, DEP will provide a Program Management Plan to DOE describing how DEP will manage and administer activities to fulfill project objectives.

Regulatory Update (Detailed summaries included in respective program sections)

- Please refer to the [DEP Rolling Regulatory Agenda](#) for the full Regulatory Update.
- Proposed Rulemaking – Triennial Review of Water Quality Standards (#7-577): The draft proposed regulation was discussed with the Water Resources Advisory Committee on May 19 and November 17, 2022, and the Agricultural Advisory Board on December 8, 2022. The Environmental Quality Board (EQB) adopted the proposed regulation on July 11, 2023. The proposed regulation was published in the Pennsylvania Bulletin on October 7, 2023, for a 45-day public comment period that *closed* on November 21, 2023. A virtual public hearing *was held on* November 14, 2023.
- Proposed Rulemaking – Water Quality Standards – Site-Specific Water Quality Criteria (#7-571): The draft proposed regulation was discussed with the Agricultural Advisory Board on March 15, 2023, and the Water Resources Advisory Committee on March 16, 2023. The EQB adopted the proposed regulation on July 11, 2023. The proposed regulation is scheduled to be published in the Pennsylvania Bulletin on November 4, 2023, for a 45-day public comment period that *closed* on December 19, 2023. A virtual public hearing *was held on* December 5, 2023.

- Draft Final Rulemaking – Exclusion for Identification and Listing Hazardous Waste at MAX Environmental Technologies, Inc. Bulger and Yukon Facilities (#7-566): The draft final regulation was presented to the Solid Waste Advisory Committee on December 15, 2022.
- Final Rulemaking – Administration of the Land Recycling Program Vanadium MSC Rule (#7-572): The draft final regulation was presented to the Cleanup Standards Scientific Advisory Board on March 15, 2023. The EQB adopted the final regulation on July 11, 2023. The Independent Regulatory Review Commission (IRRC) approved the final regulation on September 21, 2023. The final regulation was published in the Pennsylvania Bulletin on November 11, 2023.

Public Comment Periods

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

Proposals Open for Public Comment

- *Environmental Assessment Approvals for January 2024 PENNVEST Funding Consideration (opened 12/23/2023, closes 1/22/2024)*
- *Draft Technical Guidance for Filter Plant Performance Evaluations (opened 11/25/2023, closes 12/29/2023)*

Recently Closed Comment Periods

- *Proposed Rulemaking: Water Quality Standards Site-Specific Water Quality Criteria (#7-571) (opened 11/4/2023, closed 12/19/2023)*
- *Draft 2024 Integrated Water Quality Monitoring and Assessment Report (opened 10/28/2023, closed 12/11/2023)*
- *Interim-Final Environmental Justice Policy and Pennsylvania Environmental Justice Mapping and Screening Tool (PennEnviroScreen) Methodology Document (October 2023) (opened 9/16/2023, closed 11/30/2023)*
- *Proposed Rulemaking: Triennial Review of Water Quality Standards (#7-577) (opened 10/7/2023, closed 11/21/2023)*
- *Statement of Policy: Water Quality Toxics Management Strategy (#7-582) (opened 10/7/2023, closed 11/21/2023)*
- *Environmental Assessment Approvals for PENNVEST Funding Consideration (October 2023) (opened 9/16/2023, closed 10/16/2023)*

Communications Monthly Press Releases

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

Press Releases Issued

October 30 – DEP To Host Public Hearing on Proposed Warehouse Project in Northampton County

November 6 – DEP Releases Draft 2024 Pennsylvania Integrated Water Quality Report

November 8 – Shapiro Administration Announces \$16 Million in Grants for Electric Grid Resilience Projects

November 13 – DEP Enforcement Efforts Funding Oil City Recreation Projects

November 13 – DEP Agreement Requires Extensive Corrective Actions at Westmoreland Sanitary Landfill

November 16 – DEP Directs Civil Penalty for Cheswick Demolitionerp Violation to Benefit Springdale

November 17 – Shapiro Administration Invites Applicants for the 2024 Governor’s Award for Environmental Excellence

November 22 – DEP Suspends Keystone Landfill’s Settlement Accommodation Plan

December 1 – Shapiro Administration Awards \$19.3 Million in 2024 Countywide Action Plan (CAP) Implementation Grants

December 1 – DEP to Host Public Engagement Session in Allegheny County on How to Use Federal Funding Aimed at Addressing Climate Change

December 1 – DEP to Host Public Engagement Session in Lycoming County on How to Use Federal Funding Aimed at Addressing Climate Change

December 1 – Drought Watch Remains for 13 Counties, Clinton County moved to Drought Warning

December 4 – DEP To Host Public Hearing on Plan Approval Application by Power Plant in Carbon County

December 4 – DEP to Host Public Engagement Session in Bradford County on How to Use Federal Funding Aimed at Addressing Climate Change

December 4 – DEP to Host Public Engagement Session in Luzerne County on How to Use Federal Funding Aimed at Addressing Climate Change

December 11 – DEP to Hold Public Information Meeting on Permit Application for Noncoal Underground Mine in Washington County

December 12 – Pennsylvania Reaches Solar Milestone – Can Now Power Residents in a City the Size of Pittsburgh with In-State Solar

December 14 – DEP Issues Violation Notice Against Keystone Landfill for Failure to Control Odor

December 14 – DEP Assists in Cleanup of Oil Spill in Penndel Borough

Active and Abandoned Mine Operations

Act 54 Effects of Underground Mining 6th Report

DEP has designated calendar years 2018-2022 to be the 5-year period for the 6th “Act 54” report. Through January 2023, DEP’s Bureau of Mining Programs (BMP) and California District Mining Office completed an update to the data records of claims, compliance actions, stream effects and wetland effects related to underground bituminous mining. BMP and California District Mining Office then arranged and packaged the data for submittal to the federal Office of Surface Mining Reclamation and Enforcement (OSMRE) for peer review. OSMRE has recently informed DEP that they will not make specific recommendations on the program but will provide input as appropriate related to its status as the federal oversight agency. *The draft report is*

being reviewed internally after which it will be routed for approval to publish. It is estimated that the final report will be publicly available, and specifically provided to the CAC, by the end of March 2024.

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

Safeguarding Treatment for the Restoration of Ecosystems from Abandoned Mines (STREAM) Act Implementation - In response to directions provided by the federal Office of Surface Mining Reclamation and Enforcement (OSMRE), a legal opinion letter was prepared by the DEP Office of Chief Counsel and forwarded to OSMRE Headquarters in Washington D.C. on November 27. The letter was later forwarded to the OSMRE Appalachian Regional Office on December 18. The letter proves Pennsylvania's Abandoned Mine Land (AML) Program has authority under the current Reclamation Plan and Pennsylvania Law to implement the STREAM Act, while providing adequate fiscal controls for separate tracking and reporting. The STREAM Act allows Pennsylvania AML program to set aside up to 30% of the average total BIL grant value of \$244.7 million into the new STREAM Act Set-Aside Program fund for long-term AMD treatment work and/or mine fires and mine subsidence. To date, both the BIL Federal Fiscal Year (FFY) 2022 grant amendment and FFY BIL grant applications are still awaiting approval of OSMRE to implement the STREAM Act. Additional information is available on the BAMR BIL webpage at: [BIL/IIJA Program \(pa.gov\)](https://www.bamr.pa.gov/BIL/IIJA-Program).

The 2023 AML/AMD Grant Program at [AML/AMD Grant Program \(pa.gov\)](https://www.bamr.pa.gov/AML/AMD-Grant-Program) consists of three rounds and is meant to issue grants to eligible applicants for AML reclamation and AMD treatment or abatement. Non-governmental organizations and watershed groups are encouraged to submit AML, AMD, and Abandoned Mine Land Economic Revitalization (AMLER) projects in their applications for reclamation grants funded by the AMLER program and AML and AMD funds authorized under the BIL. For the first round of 2023, nine eligible applications were reviewed, which closed on April 28, 2023. On September 21, six of the nine applications were recommended for award at a combined total of \$38.76 Million and announced in a PA-DEP press release at [Article Viewer \(pa.gov\)](https://www.padep.gov/Article-Viewer). The second 2023 application round was open from July 3 until August 25, in which 28 applications were received. Recommend for Award applications have since been approved by the DEP Secretary and are currently being reviewed by the Governor's office for a final upcoming press release. *The third 2023 application round was open from October 2 through December 2 in which twenty-two applications were submitted and are currently under review.* The applicants of projects that are not recommended for an award in all rounds will be consulted with so they may resubmit their projects for future grant rounds.

Air Quality

Control of Existing Sources of VOC Emissions from the Oil and Natural Gas Industry

The final-form rulemaking for the control of VOC emissions from unconventional oil and natural gas sources and the final-omit rulemaking for the control of VOC emissions from conventional oil and natural gas sources were both published in the Pennsylvania Bulletin on December 10, 2022.

BAQ submitted the SIP revision to EPA on December 12, 2022. The EPA found the submittal administratively complete on December 14, 2022. This completeness determination rescinded the offset sanctions which took effect on June 16, 2022 and halted the imposition of Federal highway funding sanctions that were set to take effect in Pennsylvania on December 16, 2022. EPA will evaluate the approvability of this SIP submission in accordance with the applicable technical and RACT requirements of the CAA.

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

The rulemaking was published in the Pennsylvania Bulletin on November 12, 2022. The Federally mandated deadline for compliance by regulated facilities was January 1, 2023. A SIP revision was submitted to EPA on January 13, 2023, for their review and action.

Regulatory State Implementation Plan (SIP) Revisions

Reasonably Available Control Technology (RACT II)

On May 25, 2022, the EPA issued a proposed notice for a Federal Implementation Plan (FIP) addressing RACT requirements for certain sources in Pennsylvania. This FIP proposed 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 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 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 setting emission limits for nitrogen oxides (NO_x) 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. Conemaugh, Keystone, and Homer City filed petitions to review in the 3rd Circuit Court. On March 13, 2023, the 3rd Circuit denied the facilities' motions to stay the March 29, 2023 FIP compliance date. On July 1, 2023, the Homer City EGU ceased operations and soon after dismissed its petition for review. *The 3rd Circuit Court held a hearing on the merits on November 6, 2023.*

Non-Regulatory SIP Revisions

2010 Sulfur Dioxide (SO₂) NAAQS Attainment Demonstration SIP Revisions

On August 18, 2022, EPA published a Final Partial Approval/Partial Disapproval of the Department's SIP revision for Indiana and Armstrong Counties. The partial disapproval focused on the calculation of the SO₂ permit limit averaging periods. DEP must submit and EPA must approve a SIP revision within 18 months (by March 2024), or sanctions will apply. DEP published its proposed SIP revision on April 15, 2023. Three comments were received during the public comment period which closed on May 25, 2023. DEP submitted its SIP revision on October 12, 2023.

On February 22, 2023, the EPA Region III Administrator sent Governor Shapiro a "120-Day Letter" proposing to reclassify several townships in Westmoreland County and Cambria County from "attainment" to "nonattainment" for the 2010 sulfur dioxide (SO₂) NAAQS. The area lies immediately outside of the current Indiana County SO₂ nonattainment area for which the BAQ is preparing a SIP revision. The Department reviewed the technical support document accompanying the 120-Day Letter and responded with comments on June 22, 2023. If a new designation is finalized, DEP is required within 18 months to submit a SIP revision demonstrating how the 2010 SO₂ NAAQS will be attained in these partial counties.

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). Of the 28 nonattainment areas nationwide, 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.

The Department worked with EPA, NJ, MD and DE on the needed modeling and published the proposed SIP revision in the Pennsylvania Bulletin on August 5, 2023. A public hearing was held on September 6, and the comment period closed on September 7, 2023. The Department submitted the SIP revision on Sept 28, 2023, and EPA issued a completeness letter on October 5, 2023.

The Department is now evaluating the impact of wildfire smoke on the 2023 ozone season (March - October) for the PA-NJ-MD-DE Non-Attainment Area. Pennsylvania and the other states within the non-attainment area anticipate submitting Exceptional Event Analyses concerning the impacted data to EPA during the first half of 2024.

Air Quality Technical Advisory Committee

The next scheduled meeting is January 11, 2024.

Small Business Compliance Advisory Committee

The next scheduled meeting is January 17, 2024.

Energy Programs Office

Energy Security

Statewide Microgrid Study

EPO, via contracting with Smart Electric Power Alliance (SEPA), initiated a new statewide study to identify opportunities for deploying microgrids to increase the overall resilience for the state of Pennsylvania. Over the next year, this project will (1) engage stakeholders and collect data to determine prioritization and evaluation of microgrids; (2) develop criteria and categories to prioritize microgrid sites based on several factors; and (3) develop microgrid use-cases and applications for varying facility-types, including preliminary sizing, conceptual design, and preliminary economic analysis. Stakeholder participation is a key aspect of this project. Stakeholders will include state government agencies, large energy consumers, electric utilities, industry EPCs and technology providers, environmental advocates, consumer advocates, state regulators, policy makers, community-based organizations, and industry association. The study will be completed May 2024 and published soon after. Findings and strategies derived through this project will calibrate and focus a future microgrid development pipeline for the Commonwealth driving resilience and clean energy benefits for Pennsylvanians. *On December 5, EPO and SEPA hosted a webinar to discuss the ongoing study where 87 electric grid, emergency management, local government, and community organization stakeholders attended. Stakeholders participating in this webinar were provided (1) an opportunity to learn about what microgrids are and how they can be strategically deployed to increase resilience across the state; (2) a look at the process that SEPA and PA DEP are taking to identify and prioritize locations for potential microgrid deployments; and (3) an opportunity to participate and rank key inputs used to prioritize sites. The final Statewide Microgrid Study will be published end of May 2024.*

Monthly Fuels Sector Calls

EPO and DEP's Director of Emergency Response have coordinated monthly Fuels Sector Calls with the Pennsylvania Emergency Management Agency (PEMA) to provide situational awareness regarding supply concerns related to heating and transportation fuels. The next meeting is scheduled for *January 12, 2024*

State Energy Security Plan

As a condition of the State Energy Program Bipartisan Infrastructure Bill, EPO submitted a revised State Energy Security Plan in September 2022. DOE provided feedback and suggestions to improve the plan several months later. As a part of mandatory annual updates, EPO has again updated and submitted the plan to DOE prior to the due date of September 30, 2023. *DOE announced on December 18th that the plan has met the requirements and was fully accepted. EPO will continue to update the plan annually.*

GridEx VII

National Governors Association Center for Best Practices (NGA) with support from the U.S. Department of Energy, Office of Cybersecurity, Energy Security, and Emergency Response (CESER), awarded Pennsylvania's NGA GridEx VII Team an opportunity to participate in NGA-facilitated activities related to GridEx VII— a remote energy exercise hosted by the North American Electric Reliability Corporation that simulates a cyber and physical attack on the North American electric grid. Pennsylvania's NGA GridEx VII Team consists of representatives from the Governor's Office, DEP Energy Programs Office, DEP Emergency Response Program, Pennsylvania Emergency Management Agency, Public Utility Commission, and PSP Office of Homeland Security. EPO staff held a kick-off meeting with NGA representatives in October to discuss logistics surrounding GridEx VII. GridEx VII *was held on November 14, 2023 and the follow up technical assistance workshop will occur in March 2024.*

Climate Change Advisory Committee

The latest CCAC meeting was held *Tuesday, December 19, 2023 in Room 105 of the Rachel Carson State Office Building, and via Microsoft Teams. The meeting featured a progress update from EPO and their contractor, ICF, on the 2024 Climate Impacts Assessment and Climate Action Plan, Act 129 Update from the Pennsylvania Public Utility Commission (PA PUC), and updates from EPO on climate outreach. Public meeting links and meeting materials are available on the [CCAC webpage](#).*

2024 Pennsylvania Climate Impacts Assessment and Climate Action Plan

Act 70, the Climate Change Act of 2008, requires several items from the Department, including development of a Climate Impacts Assessment (CIA) and Climate Action Plan (CAP) and updates to both every three years. Both documents are due to be updated in 2024. The CIA takes a risk-based approach to analyzing the consequences of climate hazards across different sectors. The CAP offers actions for leaders and includes modeling of specific actions, highlighting those that are most cost-effective, and which reduce the most greenhouse gas emissions. The CAP also includes adaptation mechanisms to help Pennsylvanians adapt to climate impacts already being felt. Project meetings are held via Microsoft Teams on a bi-weekly basis with ICF, the contractor who is providing technical assistance to EPO as we develop these documents, as well as subcontractors from Penn State University, Inch and Meter, and InClime, who will assist with various portions of each document. DEP's areas of focus include equity, environmental justice, legislation recommendations, connection to the Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA) funding, and energy rate analysis, as well as taking a closer look at health and economics in the CAP. Economic opportunities, attribution science, and the cost of inaction will be included in the CIA. A final CIA will be produced by March 2024 and a final CAP by June 2024. ICF will also provide updates at each of the upcoming Climate Change Advisory Committee meetings through June 2024 and incorporate the committee's feedback into the revisions of the documents.

ICF most recently presented at the *December 19, 2023, Climate Change Advisory Committee meeting*, where they *provided the committee members more detailed information on the approach being used to address environmental justice in both documents, provided an updated draft of the CIA for feedback, and introduced the current working draft of the CAP for their initial feedback. The next updated draft of the 2024 CAP, as well as the final draft of the CIA, will be delivered to DEP by the beginning of February and both will be shared with the committee during the February meeting.*

Greenhouse Gas Inventory

Act 70, the Climate Change Act of 2008, requires the Department to develop an annual inventory of greenhouse gasses (GHGs) emitted in Pennsylvania. In August 2023, EPO, with support from its contractor ICF, launched a project to conduct a thorough review of EPO's current GHG inventory development process. EPO and ICF have updated the 2020 draft inventory to include new data, including emission estimates for several sources that were not previously estimated (e.g. emissions from abandoned oil and gas wells, industrial processes, land use, and agriculture sectors). This updated inventory allows for a more robust and complete estimate of GHG emissions within the commonwealth. *In December, ICF delivered a final version of the revised report and delivered three training sessions on inventory development and EPA tools to help build EPO's capacity. This project will conclude in early January and efforts to begin the 2024 (2021 Data Year) inventory will begin in the early spring.*

Climate Network

The Climate Network follows on from the previous PA Climate Academy activities which concluded in 2022. A Climate Network was established to follow activity from 2022 through a multi-agency MOU. The network has been formed to both continue to deliver baseline climate training to professionals both within state government and outside state government and also to create a safe platform to address the information sharing and efforts necessary to seriously address the impacts of climate change on our business units and in our communities.

The final PA Climate Resilience and Mitigation Network training modules have been completed and they are currently available to view on the PA Department of General Services GreenGov website at: [Pennsylvania Climate Change Mitigation and Resilience Network \(pa.gov\)](https://www.pa.gov/governance/department-of-general-services/greengov/pennsylvania-climate-change-mitigation-and-resilience-network). Training modules on the Fundamentals of Climate Science, Climate Change Impacts on Pennsylvania, Climate Solutions and Strategies, and How Entities (organizations) can Support Climate Action. The contractor for the PA Climate Network and the executive

committee are currently working with their advisory board to complete the transition plan for the network so that it can be housed and continued under another organization or for the network to develop into its own non-profit organization.

The PA Climate Network executive committee met on November 11th to further discuss the transition of the network from management within the 8 state agencies to an external partner and prepare for the Advisory Board meeting on November 30th. The Advisory Board discussed both a forthcoming request for information/interest as well as next steps for the network. Topics such as establishing a series of workshops, creation of an annual conference, and other activities that the PA Climate Network can engage in were discussed by the board. A Request for Information has been completed between the contractor ICF and the executive committee to solicit interest from organizations that want to manage the PA Climate Network going forward. This RFI was issued on December 13, 2023 and is currently open through the Department of General Services until February 29, 2024. The final executive committee meeting of the year took place on December 27, 2023.

Shared Energy Manager

The Shared Energy Manager (SEM) program was designed to assist local governments in the Commonwealth of Pennsylvania with on-the-ground, practical support from a professional energy manager contracted by the DEP Energy Programs Office to conduct energy assessments, renewable energy studies, and other services to implement elements of their climate action plans. During the first two years, DEP recruited a total of 10 local governments which had previously participated in the Energy Programs Office's Local Climate Assistance Program (LCAP), to participate in SEM as part of the PA State Energy Program (SEP).

A request for proposal (RFP) for the next iteration of the Energy Programs Office's Shared Energy Manager program was released and put out for bids in August 2023. This version of the program is being funded with \$3.5 Million from the State Energy Program Bipartisan Infrastructure Law (SEP-BIL) grant received from the US Department of Energy. The SEP-BIL funding will allow EPO to greatly expand the number of local governments that can participate in the program each year (4x) and run for four continuous years as opposed to each separate cohort concluding annually. The RFP for the 4-year period from 2023-2027 closed on September 8 at 5pm. There have been 23 local government applicants to the program for the 2023-2024 cohort. The participants have been scored and the 20 available slots have been decided but not yet announced. *The contractor for Shared Energy Manager has been selected and we are awaiting final legal/administrative approval of the contract to announce the SEM contractor and the 2024 local government cohort participants.*

Local Climate Action Program

State and local governments leading by example on climate action is a key component of mitigating climate change in Pennsylvania and one of the strategies recommended in the Pennsylvania Climate Action Plan (PCAP). The Local Climate Action Program (LCAP) provides free technical and personnel assistance to local governments that want to create their own greenhouse gas inventories and climate action plans with the goals of reducing emissions and combatting climate change. This includes engaging the community in the planning process, via in-person workshops, virtual meetings, and online surveys. The technical and personnel assistance is provided by EPO staff and university partners, specifically professors and students from Penn State University, Sustainability Institute. The new 23-24 LCAP kicked off with the beginning of the fall 2023 semester. The 23-24 LCAP cohort is ten participants made up of local governments as well as the Pennsylvania Department of Conservation and Natural Resources:

1. Centre County
2. Churchill Borough
3. Homestead Borough
4. State College Borough
5. Palmer Township

6. Conshohocken Borough
7. Solebury Township
8. PA Department of Conservation and Natural Resources
9. Lower Macungie Township
10. Mechanicsburg Borough

The fall semester ended in December 2023 bringing the greenhouse gas inventory creation process to an end for the 2023-2024 LCAP cohort. Work was completed on the greenhouse gas inventories for Palmer and Lower Macungie Townships and those inventories were presented to the local governments by the Penn State students. The presentations of GHG inventories have been scheduled to take place after the holidays for Conshohocken Borough, Solebury Township, Centre County, and Mechanicsburg Borough as well as Department of Conservation and Natural Resources progress update. Work to develop the local climate action plans for these communities will begin with the start of the spring semester in January. The City of Allentown which previously participated in the LCAP program will also begin a CAPstone with Dr. Richard Niesenbaum of Muhlenberg University in the Spring 2024 semester.

Inflation Reduction Act (IRA)-Funded Climate Pollution Reduction Grants (CPRG)

US EPA released program guidance for the CPRG program on March 1, 2023. DEP submitted a Notice of Intent to Participate to EPA on March 10th, identifying DEP as the designee responsible for management and oversight of the grant on behalf of the Commonwealth. DEP submitted the application for the Planning Grants on April 24, 2023, and received \$3M in non-competitive grant funds for climate pollution reduction planning. Management of this grant, and development of related deliverables and programs will be a joint effort of Energy Programs Office and the Bureau of Air Quality. Deliverables required by this grant include:

- A Priority Climate Action Plan (PCAP), due March 1, 2024
- A Comprehensive Climate Action Plan (CCAP), due 2 years from the date of award
- A status report, due at the close of the 4-year grant period

Three Metropolitan Statistical Areas (MSAs) within Pennsylvania have received confirmation from EPA that they are eligible to apply for CPRG Planning Grants. These MSAs include Philadelphia, Pittsburgh, and Allentown. DEP is coordinating with the regional planning organizations which are the lead organizations managing CPRG grants for the MSAs- Southwestern Pennsylvania Commission (SPC), Delaware Valley Regional Planning Commission (DVRPC), and Lehigh Valley Planning Commission (LVPC). DEP has also held two inter-agency meetings to coordinate across state government on the CPRG Plans. *DEP held several outreach sessions to target stakeholders, including targeted workshops for the industrial sector on November 30th and local government on December 11th. DEP also held five outreach sessions within communities across the Commonwealth, including sessions in Clariton (December 4th), Williamsport (December 6th), Hazleton (December 7th), Wysox (December 12th), and a virtual session (December 14th). Participants highlighted transportation challenges, environmental education, weatherization and improving housing stock, and repairing government trust as top priorities for their communities. This feedback will be used to inform the PCAP and programs proposed for funding eligibility under CPRG Implementation Grants.*

DEP opened a solicitation for a contractor to assist with facilitation of stakeholder outreach and the development of the PCAP and CCAP on September 15, 2023, which closed on October 13, 2023. *The procurement process for the selected contractor is underway.*

EPA announced the Phase II competitive Implementation Grants on September 21, 2023. Applications will be due April 1, 2024. Entities eligible to apply for Implementation Grants include states who received CPRG Planning Grants, air pollution control agencies, municipalities, territories, tribes or groups of those entities which are covered by a PCAP. Only climate pollution reduction strategies included in the PCAP will be eligible for Implementation Grant funding; therefore, entities intending to apply for Implementation Grants are

encouraged to proactively participate in the planning process. DEP will be conducting extensive stakeholder outreach during the Commonwealth's PCAP development, and potential stakeholders are encouraged to contact us via our resource account: RA-EP-CPRG@pa.gov.

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

The Infrastructure Investment and Jobs Act (IIJA) of 2021 established the 40101(d) formula grant program giving Pennsylvania the ability to access \$8.1 million per year—over a five-year period—to improve the resilience of the electric grid against disruptive events; a \$40.5 million investment total. EPO will use these funds to administer a competitive grant program, *entitled the Pennsylvania Grid Resilience Grants Program*, to eligible entities in Pennsylvania. U.S. Department of Energy on June 14, 2023, announced Pennsylvania was selected to receive the first round of funding (combined Year 1 and Year 2), totaling \$16.2 million, in Grid Resilience State and Tribal Formula Grants.

The Pennsylvania Grid Resilience Grants (PA GRG) Program appropriates approximately \$16 million in competitive funding available to entities that own or operate electric power system infrastructure throughout the Commonwealth that want to implement resilience measures intended to mitigate the impact of electric grid disruptive events. 28 applicants submitted concept papers in November for the 2023 program year representing over \$60 million in funding request. A major goal of PA GRG was to expand state funding accessibility to small utilities (entities that sell less than 4,000,000MW of electricity per year) in Pennsylvania. Notably 78% of applicants are small utilities consisting of three small investor-owned utilities, 12 municipalities, and seven rural electric cooperatives. Additionally, a large majority of project concepts provide significant benefits to environmental justice communities in the Commonwealth. The most popular submitted project concept activities span from monitoring and control technologies (13), hardening of power lines, facilities, substations, or other systems (12), and the replacement of old overhead conductors and underground cables (8). The most popular submitted project concept benefits are preventing initial outages (14), reducing restoration time (14), and adding system reconfiguration capability (12). EPO staff will be conducting an informational webinar January 9, 2024, to discuss the Program's Full Application in detail. Full Applications are due January 26, 2024. Program staff hope to make awardee selections March 2024.

Toolkit for Solar on Schools in Pennsylvania

The Energy Programs Office (EPO), with support from its contractor the Philadelphia Solar Energy Association, has developed a Toolkit for Solar on Schools in Pennsylvania. The goals of this project are to accelerate adoption of solar energy on schools and nonprofits statewide by educating key decision makers and streamlining processes, maximize Pennsylvania's utilization of federal funding made available through the federal Inflation Reduction Act (IRA) and the federal Infrastructure and Jobs Act (IIJA), and reduce soft costs and shorten the learning curve for solar adoption at schools. The Toolkit includes information on the key elements of a solar PV system, how to determine if a property is a good location for solar, how to estimate savings and financial return, an overview of the solar installation process, a discussion of ownership models and contracts, and information on financing options and incentives, including new opportunities afforded by the Inflation Reduction Act. The draft toolkit has been completed, *and final editing and revisions were completed in December. EPO plans to post the toolkit to the Solar Energy Resource Hub (<https://www.dep.pa.gov/Citizens/solar/Pages/default.aspx>), and make the resource available to stakeholders in January 2024. This project was funded through DEP's State Energy Program funds from DOE.*

Grid-Scale Solar Development on Previously Impacted Mine Lands in Pennsylvania Assessment:

The Energy Programs Office has been exploring in-depth the different challenges associated with siting grid-scale solar development on previously mined lands to gain a better understanding of the roles and responsibilities of the different stakeholders involved in the development process. EPO has been attempting to identify factors which lead to successful deployments to develop actionable recommendations to improve processes and other factors involved in siting. The Energy Programs Office (EPO), in partnership with the

project team from the Eastern Pennsylvania Coalition for Abandoned Mine Reclamation (ECAMR) and LaBella Associates, have completed a draft version of the assessment, which is currently under review. *The project has a planned completion date first quarter 2024* and is being funded through DEP's State Energy Program funds from DOE.

Grid-Scale Solar Development Outreach and Technical Assistance for Local Government Officials: The Energy Programs Office (EPO) has partnered with the Pennsylvania State Association of Township Supervisors (PSATS) to provide *Phase II* of outreach and technical assistance support to local government officials regarding grid-scale solar development across the Commonwealth. Following the completion of Phase I of the project in June 2023, the project was extended to deliver an additional six technical assistance sessions through December 2023. Sessions took place in Somerset County on October 10th, Berks County on October 11th, Lancaster County on October 12th, *Beaver/Lawrence Counties on November 1st, Mifflin County on November 14th, and Schuylkill County on November 15th.* Each session provided an opportunity for local government practitioners to ask questions about how grid-scale solar projects are being developed and what steps they need to take to ensure development occurs in a responsible and sustainable fashion, balancing the concerns of landowners, neighboring property owners, and developers. Topics addressed included considerations for ordinances to govern land use and zoning, property tax implications, and decommissioning requirements. The Municipal Officials' Guide to Grid-Scale Solar Development in Pennsylvania, created through a previous EPO project with Penn State Extension, provided the foundational information for the meetings. Each session attracted between 15 to 25 local government officials representing roles such as township supervisors, land use planners, consulting engineers, and solicitors. *In addition to conducting these sessions, the PSATS team has provided follow-up one-on-one technical assistance to over 50 jurisdictions since the project started. A third phase of this project is planned for the first half of 2024.* PSATS's outreach is being funded through DEP's State Energy Program funds from DOE.

Building Energy Code Trainings

Using funding through the U.S. Department of Energy's (DOE) State Energy Program, DEP has sponsored energy code trainings for building code officials, contractors, design professionals and builders for over 10 years. On February 14, 2022, the 2018 International Energy Conservation Code (IECC) went into effect for all new construction and major renovations for residential and commercial buildings. EPO *released an RFQ in November to begin 2023-24 trainings and should have a purchase order in place in January to conduct trainings on IECC residential and commercial energy building code and duct and envelope testing sessions throughout the fiscal year. The contract includes eight in-person trainings, five three-hour and 2 one-hour virtual workshops, 5 in-person in-depth duct and envelope testing trainings, proctor the Infiltration and Duct Leakage certification test for up to ten attendees, and provide 100 free on-demand asynchronous 2018 IECC residential or commercial trainings. The trainings are targeted to code officials and third-party code inspectors, but available to designers, builders, and contractors.*

Building Codes for Efficiency and Resilience

This summer, US DOE notified EPO that the application for "Maximizing Workforce for Energy Efficient Buildings and Building Construction in Pennsylvania" was selected for \$3 million in funding, and EPO is completing the contract negotiations with DOE during the fall. The project is designed to provide professional development, lesson plans and curriculum and energy code compliance tools such as blower door tests to instructors at career and technical high schools across the state, sponsor certification tests for students in appropriate programs over the next three years. In addition, the project will fund program mapping for career and technical high schools and colleges to assist students in identifying clean energy career pathways that may lead to building code careers and the project will conduct a business case analysis for a building code official associate degree program. DOE also notified Northeast Energy Efficiency Partnership (NEEP) that the joint project in Pennsylvania and Delaware to conduct an energy code compliance study will be funded \$2 million to conduct the study and provide any needed professional development as determined by the study. NEEP is

working with DOE to finalize the scope. Both projects *will* begin work in January 2024. *Efforts are already underway with the Weatherization Assistance Program contractors to coordinate adjacent educational efforts and partners, who are now going to be known as members of the Technical Advisory Group, have been contacted to identify additional members who can provide guidance in the project.*

Building Resilient Infrastructure and Communities

The Energy Codes and Resilient Communities project is funded by US Federal Emergency Management Agency, and EPO is working closely with PA Emergency Management staff to conduct a study of municipal awareness and understanding of building codes, energy codes and disaster preparedness and response and to update and create additional educational materials including videos, webinars, flyers and more for municipal officials around these topics. PEMA will be culminating the work by underwriting the cost of “When Disaster Strikes” training, training designed specifically for municipalities about building codes and their relation to the immediate response post-disaster. *Work has begun to update existing materials created in 2018 including fact sheets and webinar scripts and should be completed in mid-2024. New materials and the survey will begin in early 2024 and be completed by the end of the calendar year.*

Cooking in Healthy Electrified Commercial Kitchens (CHECK)

The CHECK program is a combined education and rebate program aimed at electrifying commercial kitchens by incentivizing combustion-free ENERGY STAR certified equipment, induction cooking equipment, and demand-controlled ventilation. The CHECK program was launched in October of 2022 with contractor Forward Dining Solutions. To date, EPO and Forward Dining Solutions have completed six in-person workshops demonstrating induction cooking equipment and explaining the rebate program, the most recent of which was held at Drexel University Food Lab on October 5, as well as four live educational webinars on energy-efficient, all-electric commercial kitchens All webinar recordings are available on the CHECK webpage. Rebate applications *for the current round closed on December 31, 2023.*

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.

The program made awards for the first round of the AFIG 2023 program in December 2023. Thirteen projects were awarded including eleven vehicle purchase projects and two refueling infrastructure projects. A total of \$1,281,621 in grant funding was awarded.

The second application acceptance period closed on December 15. A total of 40 applications were received requesting \$5 million in funding. The applications included 28 vehicle purchase projects, 8 refueling infrastructure projects, and four innovative technology projects. Applications will be evaluated and scored and recommendations for funding developed. AFIG will reopen for 2024 in the spring.

On October 12, the final virtual session of the PA Municipal EV Education program, which is funded by AFIG, was conducted. *In December, four municipalities from the virtual and in-person EV education sessions were selected to receive free technical assistance from the awarded contractor, Wilson Engineering Services. The four participating municipalities include the City of Reading, the Borough of Slippery Rock, the Borough of Perkasio, and Schuylkill Township. This technical assistance will be used to help develop a Municipal EV guidebook for Pennsylvania.*

Climate Action for Environmental Justice Communities

EPO has been assessing priorities in developing a strategy for the deployment of federal funding from Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA) to the greatest effect for Environmental Justice Communities. *Building on the Spring 2023 community engagement process to inform the 2024 Climate Impacts Assessment and Climate Action Plan and EPO's Climate Pollution Reduction Grant Program, DEP is currently working with a contractor, Fourth Economy, to create several products that will that will guide EPO in more effectively incorporating equity considerations into the federal funding programs it administers, and to identify new and better resources for communities to participate in the clean energy economy through federal funding and other programs. In addition to an overall report of the process and effort, Fourth Economy has delivered final drafts for review of two products. The first is a Program Development Toolkit that aims to guide DEP program managers in designing programs better aligned with the needs and goals of communities dealing with environmental justice concerns, and outlines opportunities for collaboration and feedback with community members to ensure their voices are heard throughout program drafting and implementation. The second is a database of resources and funding opportunities of interest to environmental justice communities that can be shared with the public, and details possible implementation methods for information sharing.* EPO anticipates finalizing these documents in the first quarter of 2024.

Inflation Reduction Act (IRA)-Home Energy Rebates

EPO is developing two programs within the Inflation Reduction Act Home Energy Rebates, Home Efficiency Rebate Program (HOMES) and Home Electrification Rebates Program (HEAR) The HEAR Program will provide point-of-sale consumer discounts to enable low- and moderate-income households across America to electrify their homes. These point-of-sale rebates are an immediate, off-the-top discount when making qualifying electrification purchases. The HOMES Rebate program is meant to encourage performance-based residential energy efficiency retrofits. This will ensure that Pennsylvanians with the highest energy burdens can better-afford upgrades. EPO contracted with Deloitte for technical assistance related to the development of the HOMES and HEAR programs. The technical assistance included market research, program design, and data architecture. The contract started on 7/21/2023 and ended on 9/15/2023.

EPO has received the early administration funds awards for both the HOMES and HEAR programs on 9/28/23 and a kickoff with the United States Department of Energy was held on 10/16/23. Each early administration award is for 2.5 million dollars. These funds will be used to hire a 3rd party contractor to design and then implement each program. The contractor will assist EPO in developing the program applications and blueprints required for the full award of each program. *Requests for proposals are currently being developed by EPO that will solicit proposals on design and/or implementation of both home energy rebate programs.*

Agriculture Energy Efficiency Rebates

EPO is running the third and final round of its agriculture energy efficiency rebate program. The program provides prescribed rebates up to \$7,500 for energy efficiency measures including LED lighting, ventilation equipment, variable frequency drives, and refrigeration equipment including scroll compressors and refrigeration heat recovery for Pennsylvania's agricultural producers. Since the program re-opened on August 26th, *EPO issued 13 rebate vouchers totaling \$56,905.50 through December 18, 2023. The program closed to new applications on December 31, 2023.*

Electric School Bus Technical Assistance

As a part of DEP's Electric School Bus Education and Technical assistance program DEP gathered data on the existing school bus landscape and planned in-person and virtual education sessions for school districts and transportation contractors. The planned sessions and follow up technical assistance will help PA school districts and transportation companies learn about electric school buses and explore funding opportunities through EPA's \$5 billion Clean School Bus program. PA school districts and transportation companies were awarded over \$40 million in funds for electric school buses and associated charging equipment in the EPA's

last round of rebates and DEP is encouraging other school districts to seek funding for their transportation transformation in upcoming funding rounds.

ZEV Roadmap

DEP hosted an in-person Drive Electric PA Coalition meeting with PennDOT on December 7, 2023. It was the first in-person meeting of the Coalition for three years. Approximately 25 stakeholders attended in person and another 45 joined virtually. DEP's contractor, ICF, presented data on the existing landscape of zero emission vehicles (ZEV) in PA and sought feedback from the Coalition on development of the ZEV Roadmap 2.0 which will build upon the first EV Roadmap and expand the scope to include not only light-duty electric vehicles but medium- and heavy-duty electric vehicles and hydrogen fuel cell vehicles. Coalition members provided insightful feedback via surveys and discussion. The final ZEV Roadmap 2.0 will be completed in June 2024 after additional modeling is performed and additional feedback is sought from the Coalition and other stakeholders. The goal is to produce implementable strategies aimed to maximize the economic and environmental benefits of transportation electrification in PA.

Energy Storage Consortium

DEP and contractor, Strategen, held a fourth quarter (Q4) Energy Storage Consortium that focused on topics including building equity into energy storage projects, bringing energy resiliency to the neighborhood level and lessons learned from a battery storage project. DEP and Strategen met with the Storage Consortium steering committee following the Q4 meeting and the committee indicated that updated storage policy information from surrounding states would be useful to have moving forward. DEP is working with Strategen and other stakeholders to gather this data and find an insightful speaker to present a storage policy outlook at the next Energy Storage Consortium meeting in Q1 2024.

Infrastructure Investment and Jobs Act Energy Update (IIJA), Inflation Reduction Act (IRA), and Other Opportunities

DEP's Energy Programs Office (EPO) has been applying for and deploying several programs:

- Preventing Outages and Enhancing the Resilience of the Electric Grid (\$40.5 million) - Pennsylvania's year one allocation is \$16.2 million. DOE's Grid Deployment Office announced the award to Pennsylvania DEP on June 14, 2023. On October 11, 2022, EPO announced the Pennsylvania Grid Resilience Grants (PA GRG) Program is available to eligible applicants for the 2023 program year (see above)
- State Energy Program (\$14 million) – Application was submitted December 1, 2022. EPO received notice of the award on May 22, 2023 and has been developing and deploying Industrial Electrification, Energy Security, *the Pennsylvania Energy Development Authority (PEDA)*, and Shared Energy Manager Programs (see above).
- Energy Efficiency and Conservation Block Grant Program (\$3.0 million) – DOE released funding guidance and application documents on January 18, 2023. The application was submitted July 20, 2023.
- Energy Efficiency Revolving Loan Fund (\$3.3 million) – DOE released funding guidance and application documents on November 15, 2022. EPO submitted its application May 18, 2023.
- Resilient and Efficient Codes Implementation Funding (competitive, \$45 million annually for 5 years) - EPO applied on March 27, 2023, for \$3.25 million to conduct a workforce and compliance project and in partnership with the Northeast Energy Efficiency Partnerships and the state of Delaware for funding for a code compliance study for \$2 million. EPO was awarded \$3 million and the partnership project

was awarded \$2 million. Final statements of project objectives and budgets are in negotiations with US DOE for both projects, with an anticipated start date in early 2024.

- Home Efficiency Rebate Program (*HER*) (\$12.9 M per year for PA for 10 years) & Home Electrification and Appliance Rebate Program (*HEAR*) (\$12.9 M per year for PA for 10 years). - EPO submitted two applications for the administrative funding on June 20, 2023 and were awarded on September 27, 2023. The formal *HER* and *HEAR* formula grant application opportunities were released July 27th. It will remain open and reviewed on a rolling basis through January 31, 2025. (see above)
- Training for Residential Energy Contractors (*TREC*) (~\$200 M nationally through September 30, 2031). - Formula grant (\$150 M) available for state energy offices with grants to develop and implement a state workforce energy program that focuses on energy efficiency, electrification, and clean energy improvements, including those covered under the *Home Energy Rebate Program (HER)* and the *Home Electrification and Appliance Rebate Program (HEAR)*. PA's allocation is \$4,960,910. ALRD released July 17, 2023; due January 31, 2024. *Up to \$40 million in competitive grants will be made available as a later time.*
- Climate Pollution Reduction Grants Program (*CPRG*) - The *CPRG* is a two-stage program, formula planning grants followed by competitive implementation grants. DEP received notice of our \$3 million award for planning on June 28, 2023. Three Metropolitan Statistical Areas (*MSAs*) within Pennsylvania (Philadelphia, Pittsburgh, and Allentown) have each received \$1 Million *CPRG* Planning Grants. DEP has begun coordination with the regional planning organizations which will be the lead organizations managing *CPRG* grants for the *MSAs*. Implementation Grant Notices of Funding Opportunity released September 20, 2023. Notices of Intent are due February 1, 2024, and applications are due April 1, 2024. (see above)
- Solar for All competition providing up to 60 grants to States, Tribal governments, municipalities, and nonprofits to expand the number of low-income and disadvantaged communities that are primed for residential and community solar investment. (\$7 billion nationally) - EPA announced the release of the Greenhouse Gas Reduction Fund's Solar for All Notice of Funding Opportunity on June 28. DEP/PEDA submitted a Notice of Intent on July 26, 2023. EPO (PEDA) submitted their application on October 6, 2023 *for up to \$250 million.*
- *The Energy Auditor Training Grant Program released a Notice of Intent on November 14, 2023. This program aims to provide grants to eligible States to train individuals to conduct energy audits or surveys of commercial and residential buildings to build the clean energy workforce, save customers money on their energy bills, and reduce pollution from building energy use. Applications will be opening soon. EPO anticipates to apply for up to \$2 million.*
- *EPO staff worked with PA PUC, Governor's Office, DLC, and PPL to construct a white paper to envision the pursuit of \$500 million award for PLTE implementation in PA for year 2 of the Grid Resilience and Innovative Partnerships Program. Currently the utility companies are being invited to join a collaborative project team tasked with constructing a concept paper and full application. Concept papers are due January 12, 2024 and full applications are due May 22, 2024.*
- *Building Energy Codes is offering \$1 billion for states and local governments with the authority to adopt traditional building energy codes and innovative building energy codes. The formal application was released by DOE on September 19, 2023. EPO submitted a Letter of Intent supported by Labor and Industry on November 17, 2023. The application will remain open and reviewed on a rolling basis through September 30, 2025.*
- *Renewable Energy Siting through Technical Engagement and Planning (R-STEP) seeks to fund programs that support the creation of new, or expansion of existing, state-based programs or initiatives that improve renewable energy siting processes at the state and local levels. DOE anticipates awarding*

approximately five to seven state-based collaboratives up to \$2 million each. Applications closed November 3, 2023. EPO applied for \$1.811 million to expand on current service offerings in the following areas:

- *Local Government Official Outreach and Education*
- *Community Outreach and Education*
- *Applied Research and Dissemination of Best Practices*
- *Model Ordinance Development Guidebook*
- *Ordinance Development Technical Support*
- *Solicitor Continuing Legal Education (CLE) Curriculum*

Environmental Cleanup and Brownfields

Environmental Cleanup and Brownfields Rulemakings

Final 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 evaluated and responded to one public comment received which will be provided in the Comment & Response Document as part of the final-form rulemaking process. The draft final-form rulemaking was presented to the Cleanup Standards Scientific Advisory Board on March 15. The draft final regulation was approved by EQB on July 11, 2023, and deemed approved by IRRC at their meeting on September 21, 2023. The final regulation *was published* in the *Pennsylvania Bulletin* on November 11, 2023.

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

DEP is preparing a proposed rulemaking to address Statewide health standard MSCs including the soil lead values and 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 demonstration of attainment of the lead direct contact statewide health standard. DEP presented the draft proposed regulation to the Cleanup Standards Scientific Advisory Board on October 20, 2022, January 23, 2023, and May 31, 2023. DEP anticipates presentation of the proposed rulemaking to EQB for consideration in the first quarter of 2024.

Cleanup Standards Scientific Advisory Board (CSSAB)

The CSSAB held a meeting on *November 9, 2023*, where DEP presented *draft* updates to the Technical Guidance Manual *Sections II and III*. *There was also a presentation on the Proposed Environmental Justice Policy and PennEnviroScreen given by Justin Dula, Director of the Office of Environmental Justice*. 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"). The next CSSAB meeting is scheduled for *March 13, 2024*.

Storage Tank Advisory Committee (STAC)

The Storage Tank Advisory Committee (STAC) met on December 13, 2023. Randy Martin, Chief, Division of Storage Tanks, reviewed the STAC membership list and indicated that 15 of the 16 positions are currently filled. The one vacancy that exists represents local government. Benjamin Lorah, Director, Bureau of Special Funds, Department of Insurance, provided an update regarding the Underground Storage Tank Indemnification Fund. Justin Dula, Director, Office of Environmental Justice reviewed Pennsylvania's New Environmental Justice Policy, the PennEnviroScreen, and its impact on the regulated community. DEP staff provided updates including draft revisions to the Closure Requirements for Underground Storage Tank Systems Technical Guidance Document Number 263-4200-601, Closure Requirements for Aboveground Storage Tank Systems Technical Guidance Document Number 263-4200-001 and to the Closure Report Forms associated with the two Technical Guidance Documents. Additionally, DEP staff covered proposed updates to the STAC bylaws which clarifies that members and alternates have the same term expiration date and if a position becomes vacant during the term, the Secretary shall appoint a replacement to serve until the expiration of that term, and voting at meetings shall be done in-person (including by telephone, virtually, or another form of real time attendance).

The next STAC meeting is scheduled for March 6, 2024.

Environmental Education

DEP Environmental Education Grants Program

The DEP 2023 Environmental Education Grants program will conclude June 30, 2024. 68 active projects will be submitting Midterm Progress reports through January 15, 2024.

The 2024 Environmental Education Grants program application deadline was November 15, 2023. 107 applications reflecting 96 unique applicants were received. Projects requests reflect funding for Mini-Grants (up to \$5,000), General Grant Level I (up to \$30,000) and General Grants Level II (up to \$65,000).

A preliminary review of the applications is underway to determine applicant eligibility and whether the submitted applications have met the EE Grant Program requirements. Eligible applications will be assigned to 3 unique reviewers. Barring unforeseen circumstances, the 2024 EE Grant Program awards will be announced in Spring 2024.

Information about the DEP Environmental Education Grants Program, including the current EE Grants Program manual, is available at: [Environmental Education Grants Program](#). Questions should be directed to the DEP EE&IC at RA-epEEgrants@pa.gov.

Mid-Atlantic Environmental Literacy Summit

DEP attended in the Chesapeake Bay Program's 2023 Mid-Atlantic Environmental Literacy Summit, held at Bowie State University, Bowie MD on November 1, 2023. The summit was designed to engage leadership of the Chesapeake Bay Watershed Agreement jurisdictions. The program focused on two themes: Building Green Career Pathways (showcasing innovative programs that are developing sustainability-themed career pathways); and High Impact Actions for Sustainable Schools (actions schools and school districts have taken to help mitigate impacts and adapt to the changing climate).

Pennsylvania presenters included Mike Piaskowski, who shared information about DCNR's [Pennsylvania Outdoor Corps](#), which provides work experience and other opportunities to youth and young adults; and Eddie Wilson of the Woodland Hills School District, North Braddock, who highlighted the District's commitments for engaging its students in meaningful education while providing a sustainable learning environment.

RCSOB Peregrine Falcons

DEP is preparing for the 2024 Falcon season. Both adults have been observed on the nest ledge and nearby rooftops with increased activity and potential mating behaviors anticipated to begin in January. With the assistance of the PA Game Commission, the nest box site has been prepared. Repairs to the Falcon Cam will be completed in December.

2024 Pennsylvania Farm Show

The DEP will host its Pennsylvania's Changing Climate exhibit during the 2024 Farm Show (January 6-13) in Harrisburg. More than 55 DEP staff volunteers will engage with visitors, answering questions and inviting them to participate in interactive activities.

Environmental Justice

Environmental Justice Executive Order

Former Governor Wolf signed an Environmental Justice Executive Order 2021-07 in October 2021 making permanent the Office of Environmental Justice (OEJ) and Environmental Justice Advisory Board (EJAB) and creating the Environmental Justice Interagency Council (EJIC). DEP currently holds EJIC meetings on the last Thursday, of every other month. 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

DEP has adopted the Interim- Final Policy, built from years of public engagement on this topic. DEP's OEJ has taken comments and concerns about the current Environmental Justice Public Participation Policy DEP has had in place since 2004. Comments of a previous revision effort from 2017, and an extensive outreach on the draft policy received in 2022, to include in this policy. Public Comment Meetings have been *held and over 600 comments have been received. DEP Staff are currently reviewing and drafting a comment response document.*

DEP is also updating where the policy applies. The PennEnviroScreen tool is a publicly available, state of the art mapping tool, built on proven national models, that will allow DEP to more accurately identify communities facing environmental justice issues. DEP is engaged in a department-wide effort to improve the efficiency and quality of our permitting process. This new approach, in the environmental justice context, will not add a single day to DEP's permitting process.

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.

Environmental Justice Advisory Board

EJAB convened on Tuesday, *November 14, with a joint session with the Citizens Advisory Council.* The meeting included DEP updates on the Office of Environmental Justice, Federal Funding updates, as well as updates on *Orphaned and Abandoned Wells.* The next EJAB meeting is scheduled for Tuesday, *February 21.*

OEJ Initiatives

Language Access Services OEJ worked with the Office of Administration (OA), 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 OA 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. A Language Access Coordinator was identified from the Communications

Office. The Language Access Coordinator is being included in commonwealth-wide language access coordinator calls arranged by the OA 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. OEJ has joined DEP's Brownfields staff to help introduce this project to municipalities 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 Office regarding inclusion and evaluation of equity and EJ considerations in the development of the 2021 Pennsylvania Climate Action Plan. OEJ is working with EPO and community partners on outreach and engagement for the Pennsylvania Climate Action Plan 2024, through the Climate Action for Environmental Justice Communities Program and events.

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 did not result 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 OOGM first presented these two draft proposed rulemakings to CDAC. On September 17, 2020, DEP also informed the Oil and Gas Technical Advisory Board (TAB) of discussions with CDAC regarding the draft proposed rulemakings and shared copies of both draft proposed rulemakings. During a series of meetings from December 3, 2020, through September 9, 2021, OOGM staff, CDAC, and TAB continued to discuss and review the draft proposed rulemakings. At its regularly scheduled meeting on December 16, 2021, OOGM staff shared the final version of the Environmental Protection Performance Standards for Conventional Oil and Gas Operators draft proposed Annex with CDAC members. This provided 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 in February 2022 and March 2022 and presented them to the full council on April 21, 2022. CDAC voted to accept the comments and will submit them to DEP to accompany the rulemaking when it is submitted to the EQB.

The Department discussed the Chapter 78 proposed Waste Management rulemaking with CDAC at the first meeting of 2023 on February 16 that was conducted at Pennsylvania Western University, Clarion. The Chapter 78 proposed Waste Management rulemaking was also discussed at the CDAC meeting on Thursday, May 25, 2023. *This rulemaking package will be a priority action of the Department in 2024 to advance it through the CDAC and the remaining steps of the regulatory development process.*

Infrastructure Investment and Jobs Act (IIJA) Initial Grant

The U.S. Department of the Interior (DOI) 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 up to \$2.5 million to be allocated to DEP to cover administrative costs associated with administering the Initial Grant. Based on DEP’s application, all Initial Grant funding will be used for well plugging contracts or administrative costs.

DEP expects to plug a total of 226 orphan and abandoned wells using \$22.5 million of the Initial Grant funding and possibly \$2.3 million in future IIJA grant allocations (i.e., Formula Grant Funding). DEP has allocated up to 10 percent (\$2.5 million) of the Initial Grant funding 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 80 abandoned wells. DEP opened all bids on November 3, 2022. The anticipated amount of funding to be awarded to all projects in the first round of contracts is approximately \$7.5 million.

The bid estimates for the second round include eight invitations that are projected to cost about \$17.3 million to plug 146 additional abandoned wells. All Bid Openings occurred by the end of February 2023 and “Notices to Proceed” have been issued for seven successful bidders and the Department will soon award the final bid. As of June 21, 2023, 46 wells have been plugged via the Initial Grant Program.

For federal grants, the Department must limit its work to within the period of performance as listed in an approved federal grant agreement. The original period of performance for the IIJA Initial Grant was scheduled to end on September 30, 2023. Without approval from the U.S. Department of Interior (DOI) to extend this

period of performance, the Department cannot enter into contracts with well plugging companies where plugging work extends beyond this period of performance.

On Friday, May 12, the Department submitted a request for a no-cost extension of performance period from September 30, 2023, to December 31, 2024. The justification for this request was based on the length of time for a contractor to complete all plugging work that exceeds the current period of performance. On Wednesday, June 14, 2023, the Department received notice from DOI that the no-cost extension of performance was approved, and the period of performance has been extended to December 31, 2024.

On August 15, the US Department of Interior acknowledged receipt of the “Certification of Funding Obligation Compliance Form that outlines the obligation of 100% of the IIJA Initial Grant Funding by September 30, 2023, which concludes the first federal year of the Initial Grant.

As of December 18, 2023, a total of 119 wells have been plugged via the IIJA Initial Grant and steady progress continues on plugging the remaining orphan and abandoned wells that are included in this Initial Grant.

Draft Formula Grant Guidance Published by U.S. Department of the Interior

On January 25, 2023, the U.S. Department of Interior (DOI) distributed the draft Formula Grant Guidance for “Phase 1” to the Interstate Oil and Gas Compact Commission (IOGCC) to share with the nation’s oil and gas producing states. The IOGCC represents most oil and gas generating states and Pennsylvania is a member. DOI released the draft formula grant guidance by [posting a press release and the draft guidance](#) on the DOI’s website.

The IOGCC hosted a meeting with the DOI on Wednesday, February 15 to discuss the draft guidance. On March 16, the DOI convened a meeting of the Orphan Well Data Management Workgroup with the IOGCC, Groundwater Protection Council and states. On March 17, the DOI hosted a meeting with IOGCC and states to further discuss the draft Formula Grant Guidance.

The DOI initially requested comments from states on the draft guidance document by February 14, 2023; however, DOI extended the submittal date to Friday, March 24, 2023. On Thursday, March 23, the Department of Environmental Protection submitted comments to the DOI regarding the draft Formula Grant Guidance.

On Friday, June 23, the Department received a copy of the edits to the draft final Formula Grant guidance along with a draft FAQ document from the Interstate Oil and Gas Compact Commission (IOGCC). On July 10, the U.S. Department of Interior issued a press release that announced the availability of nearly \$660 million to 26 states for the plugging of orphan and abandoned wells. <https://www.doi.gov/pressreleases/biden-harris-administration-invests-660-million-states-plug-orphaned-oil-and-gas-wells> Pennsylvania will be awarded \$76,406,474 in this first phase and will receive a total of \$305,625,896 over the remaining phases of the Formula Grant. Eligible states were required to submit their applications by December 31, 2023 *and DEP met this milestone by submitting its application for Phase 1 of the Formula Grant on December 18, 2023.*

Inflation Reduction Act (IRA) - Methane Emissions Reduction Program (MERP)

On Wednesday, August 30, the U.S. Department of Energy (DOE) announced the availability of up to \$350 million nationwide in formula grant funding to help monitor and reduce methane emissions from the oil and gas sector and for environmental restoration of well sites. The goal of MERP is to help oil and gas well owners, and operators of applicable facilities, voluntarily and permanently reduce methane emissions from leaks and daily operations of low-producing conventional wells on non-federal lands.

Based on the federal MERP grant formula, Pennsylvania’s original allocation was to be \$33,675,097. The original deadline for states to apply for this funding was to be September 30, 2023; however, the Department of

Energy announced that the deadline was extended to October 10, 2023. The Department submitted the MERP application ahead of the deadline on October 4. On October 31, EPA informed Pennsylvania that it was eligible to receive \$44,457,220 after re-allocation of available funding. On December 15, Pennsylvania was informed that it was awarded \$44,457,220, larger than awards to all states except Texas. The funds must be obligated by DEP over a 5-year period ending September 2028. Within 90 days of the award, DEP will provide a Program Management Plan to DOE describing how DEP will manage and administer activities to fulfill project objectives.

Underground Injection Control Class VI (Carbon Sequestration) Application Period Opens

In early 2023, DEP submitted a Letter of Intent (LOI) to the U.S. Environmental Protection Agency (EPA), stating its interest in participating in the Bipartisan Infrastructure Law (BIL) Underground Injection Control (UIC) Class VI (Carbon Sequestration) Grant Program. On November 2, 2023, the EPA announced the launch of the grant program. The \$48,250,000 in available funds will be allocated evenly among the 25 states and Tribes that submitted LOIs, with an allotment of \$1,930,000 for each program. Each state or Tribe may apply for grant funding for project periods of up to five years. There is no non-federal cost share requirement. The Department has contacted the EPA to schedule a meeting to discuss regulatory improvements and DEP will begin preparing an application in January 2024 for submittal to the EPA.

U.S. Department of Interior (DOI) Publishes “Request for Information” Regarding Regulatory Improvement Grants (RIGs)

On October 20, 2023, the DOI’s Orphan Wells Program Office published in the Federal Register a “Request for Information” (RFI) to inform the public of the development of state Regulatory Improvement Grants: <https://www.federalregister.gov/documents/2023/10/20/2023-23146/request-for-information-to-inform-the-orphaned-wells-program-offices-development-of-regulatory>

DOI sought public comment to help inform its efforts in determining how to best structure the RIG program. Pennsylvania may apply for two \$20 million grants for a total of \$40 million in RIGs. All RIG funds must be obligated by the state within five years of the effective date of the award. The Department submitted its comments to the RFI on December 19.

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 Erosion and Sediment Control General Permit (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 proposed BMPs and environmentally superior construction practices. High-scoring projects will be given priority and will be reviewed before projects that are not submitted as Prioritized Review.

DEP presented revised documents to 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, initiating a 30-day public comment period that closed on September 27, 2021. DEP received 194 comments and is continuing to review the comments and prepare responses.

Radiation Protection

Radiation Protection Advisory Committee Meeting

The Radiation Protection Advisory Committee (RPAC) meeting was held on October 19, 2023. Participants were able to join in-person or remotely. The meeting was held at the Rachel Carson State Office Building, 14th

Floor Conference Room, at 9 a.m. The Committee met to discuss Bureau updates and review reportable radiation events. The Committee also heard nominations of new members from their nominating bodies.

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.

Solid Waste Advisory Committee (SWAC)

The 2024 meetings of the SWAC are scheduled for February 28, June 26, and October (joint with RFAC). Additional information is available on the [SWAC website](#).

Recycling Fund Advisory Committee (RFAC)

The 2024 RFAC meeting will be held on October 9 (jointly with SWAC). Additional information is available on the [SWAC website](#).

Water Programs

Water Programs Rulemakings

Dunbar Creek et al. Stream Redesignations

Section 303(c)(1) of the Federal Clean Water Act (33 U.S.C. § 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 EQB adopted the final-form rulemaking on April 11,

2023. IRRC voted to approve the final-form rulemaking on May 18, 2023. The Dunbar Creek Stream Redesignation final-form rulemaking was published in Pennsylvania Bulletin on June 24, 2023. Following the publication of the final rulemaking in the Pennsylvania Bulletin, the administrative record will be submitted to EPA for their review and approval under 303(c) of the Clean Water Act. The complete administrative record was submitted to EPA on September 7, 2023 for consideration and approval in accordance with 40 CFR §§ 131.6 and 131.20. *EPA approved the final regulations of November 13, 2023.* The final regulations are codified in Chapter 93 of the Pennsylvania Code. The updated chapter is available at [25 Pa. Code Chapter 93](#).

Methylmercury 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).

DEP presented the proposed rulemaking to the Agricultural Advisory Board and the Water Resources Advisory Committee on March 15, 2023 and March 16, 2023, respectively. The proposed rulemaking was presented to and approved by Environmental Quality Board on July 11, 2023. On August 21, 2023, a tolling memo was received from the Office of Attorney General. On September 13, 2023, DEP staff and counsel submitted a response to the Office of Attorney General's tolling memo. The proposed rulemaking was published in the Pennsylvania Bulletin on November 4, 2023, for a 45-day public comment period that closed on December 19, 2023. *A virtual public hearing was held on December 5, 2023. A final rulemaking is anticipated to be presented to the Environmental Quality Board in 2024.*

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.

DEP presented the proposed rulemaking to the Water Resources Advisory Committee and Agricultural Advisory Board on November 17, 2022, and December 8, 2022, respectively. The proposed rulemaking was presented to and approved by Environmental Quality Board on July 11, 2023. The proposed rulemaking was published in the Pennsylvania Bulletin on October 7, 2023, opening the 45-day public comment period, which ended on November 21, 2023. A public hearing was held on November 14, 2023. *A final rulemaking is anticipated to be presented to the Environmental Quality Board in 2024.*

NPDES Schedules of Compliance

This rulemaking amended § 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. Section 5(g) of the Regulatory Review Act provides that the Independent Regulatory Review Commission (IRRC) is deemed to have approval a final-form regulation when the Commission did not file comments on the proposed regulation. Since IRRC did not comment on the proposed rulemaking, DEP made no changes and the legislative standing committees conveyed no recommendation, comments, or objections, the final-form regulation was deemed approved on May 17, 2023. The final-form rulemaking was published in Pennsylvania Bulletin on June 24, 2023. The administrative record was submitted to EPA for their review and approval under 303(c) of the Clean Water Act. EPA will have 60 days to approve or 90 days to disapprove the regulation.

Draft Trenchless Technologies Guidance (310-2100-003)

DEP's Bureau of Waterways Engineering and Wetlands (BWEW) has worked with other DEP staff to draft this TGD to outline 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 – including those projects that traverse aquatic resources. 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 at [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. DEP has finished preparing a comment and response document and making necessary changes to publish

as a final guidance document. DEP will be presenting on the changes from proposed to final to the advisory bodies, including CAC, in the first quarter of 2024.

General Permits for Beneficial Use of Sewage Sludge (a.k.a. Biosolids)

The Department issues general permits for the beneficial use of biosolids (a.k.a. sewage sludge) and residential septage. 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. 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.

The Department has administratively extended these general permits for several years. The Department has presented pre-draft permits to the Water Resources Advisory Committee (WRAC) and the Agricultural Advisory Board (AAB) in March 2021.

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 workgroup discussion focused on the biosolids land application program, the proposed changes to the permit, PFAS in biosolids, nutrient management of biosolids, impacts of hauled-in residual waste into the biosolids treatment process, and field storage of biosolids on land application sites. The workgroup members decided to provide formal written comments to the Department. *The workgroup provided their comments to DEP in March 2022. DEP is using 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 also communicated with and provided information to the Legislative Budget and Finance Committee (LBFC) as the LBFC evaluated the costs and practicality of the proposed changes to the general permits, as directed by [House Resolution 149 from the 2021-2022 General Assembly session](#). LBFC's [final report](#) on the proposed revisions to the general permits was published in *June 2023*. DEP's response to LBFC's draft report is included in LBFC's final report as Appendix E. *Changes to these permits are on hold at this time.*

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 have seen increases to base program funding as well as new supplemental 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 managing potential and funded projects from pre-application through project closeout. DEP staff coordinate to prepare the SRF Intended Use Plans including budgets on an annual basis and review, ranking and management of PENNVEST project applications.

DEP and PENNVEST applied for the coming federal fiscal year state allotments. These are noncompetitive grants, so EPA provides the state allotment in advance of the application process to facilitate grant application development. DEP submitted the application on behalf of PENNVEST by July 1, 2023. Public notice of the intent to apply included a public comment period. *For FFY23*, DEP was awarded the DWSRF grants for an approximate total of \$275 million which includes the state match funds. Similarly, DEP was awarded the CWSRF grants for an approximate total of \$134 million which includes the state match funds.

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 (MEB) as well as funding through the National Fish and Wildlife Foundation's Small Watershed Grants (SWG) and Innovative Nutrient and Sediment Reductions (INSR) grants program. To date, the IIJA funding that would be directed through the SWG/INSR has not been awarded; EPA published a Request for Application (RFA) on July 31, 2023 with the intent to award the IIJA funds for SWG/INSR administration in January 2024.

On March 13, 2023, EPA provided the Pennsylvania agency-specific allocations, beginning October 1, 2023. Including all Chesapeake Bay federal grants, DEP received more than \$13 million, of which more than \$5 million will be IIJA money. DEP worked with EPA to review the draft grant guidelines and identify procurement requirements associated with IIJA funding. DEP reviewed the additional federal funding allocation with conservation districts during the annual Conservation District and Commonwealth Agency Agricultural

meeting on April 6, 2023. DEP and SCC held two follow-up sessions on May 18, 2023, with county partners (Tier 1-2 and Tier 3-4, respectively) to review and discuss options for delivering the additional federal funding, complementing state funding sources, to the counties. The workplan, budget, and associated forms were submitted to EPA by the July 16, 2023 deadline. On August 30, 2023, DEP received our FY2023 IJA funding allocation.

The 2024 Community Clean Water Coordinator (CCWC) and CAP Implementation Block Grant round opened for counties to submit their project proposals on September 29, 2023 and closed on October 31, 2023. Funding for this block grant program comes from the Environmental Stewardship Fund / Growing Greener and the EPA Chesapeake Bay MEB IJA, Local Government Implementation, and Chesapeake Bay Implementation Grant (CBIG) MEB grant funds. Changes to this year's round included a requirement to submit the estimated nutrient and sediment reductions (in prior years this was voluntary) and a minimum threshold for funding of \$200,000. The reason for the mandatory submission of estimated nutrient and sediment reductions is due to requests from EPA to include these metrics in Pennsylvania's 2024-2025 Chesapeake Bay Milestone Commitments. These adjustments also allow for counties to proactively plan ahead to meet their CAP nutrient and sediment reduction goals with the knowledge of the minimum amount of funding that would be allocated to their county, if requested. *Awards were [announced](#) on December 1, 2023.*

PAG-12 General Permit

On Saturday, September 16, 2023, DEP published notice in the Pennsylvania Bulletin of the final reissued PAG-12 National Pollutant Discharge Elimination System (NPDES) General Permit for Operation of Concentrated Animal Feeding Operations (CAFOs). DEP worked closely with the Department's Agricultural Advisory Board and EPA toward the reissuance of the PAG-12. On September 15, 2023, a letter was sent to CAFOs operating under the currently administratively extended General Permit, notifying them of the renewal and the deadline of December 31, 2023 to submit their Notice of Intent (NOI) and annual report. The permit documents are available on DEP's eLibrary, [here](#).

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 8 meetings was held between November 2022 and March 2023 and DEP received a significant amount of feedback on the next version of PAG-13. DEP also received recommendations from EPA Region 3 via a letter dated February 28, 2023. DEP has prepared preliminary draft PAG-13 documents which are under internal review.

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) 2023 EPA Section 319 NPS Management Grant awards were [announced](#) on October 19, 2023.

The FFY 2024 EPA Section 319 NPS Management Grants round opened April 21, 2023, with applications due by June 23, 2023, at 11:59 p.m., as noticed in the Pennsylvania Bulletin on April 1, 2023, at [53 Pa.B. 1869](#). The

draft FFY 2024 workplans and budgets will be submitted by DEP to EPA by the November 30, 2023 deadline for EPA review.

In order to meet the requirements of the federal Section 319 grant program, EPA requires that the states develop and implement their five-year Nonpoint Source Management Program Plan (NPS Management Plan) and submit annual reports regarding the status of implementation of those statewide plans. Pennsylvania's current NPS Management Plan includes six goals with multiple objectives and strategies tied to each goal, which is reported on every year and published to the DEP Nonpoint Source [webpage](#). DEP has worked with other state and federal agencies and programs to draft an update to the current [2019 NPS Management Plan](#). The draft 2024-2029 NPS Management Plan *was submitted to* EPA for their review in November 2023, in accordance with the EPA Action Plan required deadlines. For the 2024-2029 draft NPS Management Plan, DEP has included an addition of a seventh goal focused on climate change and Environmental Justice (EJ). Also included in the draft 2024-2029 NPS Management Plan is the incorporation of recommendations from EPA's 2020 Midpoint Assessment of DEP's Nonpoint Source Management Program. EPA will conduct their review and provide feedback and comments to DEP to consider and address prior to submission of the final 2024-2029 NPS Management Plan.

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. The 2022 Growing Greener Plus awards were announced on January 12, 2023. The full list of 2022 Growing Greener projects can be found [here](#).

The 2023 Growing Greener Plus Grants round opened April 21, 2023, with applications due by June 23, 2023 at 11:59 p.m., as noticed in the Pennsylvania Bulletin on April 1, 2023, at [53 Pa.B. 1868](#). The 2023 Growing Greener Plus Grants awards package *was approved by the Governor's Office and will be announced shortly*.

State Water Plan

The [2022 State Water Plan Update Report](#) ("Update Report") is now complete and available to all Pennsylvanians! This report is focused on items such as water resources strategies outlined in the Pennsylvania Climate Action Plan and updated regional watershed priorities. In addition to this important document a [Digital Water Atlas Story Map](#) was created as planning tool for professionals and research tool for academics.

The second round of meetings for 2023 was successfully completed this October with all seven committees having met. Several committees struggled to achieve quorum during their meetings leading to an emphasis on recruiting in the coming months to ensure that business can be conducted in future meetings. On September 13, 2023 members of the Water Use and Planning Section delivered a presentation to the Western PA Source Water Protection Conference. An additional presentation to the Pennsylvania Environmental Council's Watershed Conference was delivered on October 30, 2023. Both these opportunities could potentially yield new members for State Water Plan committees. The Citizen's Advisory Council can assist with this effort by referring anyone who could fill a committee vacancy to James Horton (jahorton@pa.gov). Up to date information on current committee membership and vacancies can be found [here](#).

The next round of meetings will take place in April of 2024. In accordance with Act 220 of 2002's requirements, a new update will be needed in 2027.

Attachment 1

2024 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	
4	Mining and Reclamation Advisory Board (MRAB), 10:00 a.m.
10	Coastal Zone Advisory Committee (CZAC), 9:30 a.m.
10	Technical Advisory Committee on Diesel-Powered Equipment (TAC), 10:00 a.m.
11	DEP Air Quality Technical Advisory Committee (AQTAC) Meeting, 9:15 a.m.
17	Small Business Compliance Advisory Committee Meeting, 10:00 a.m.
18	Water Resources Advisory Committee (WRAC), 9:30 a.m.
February	
7	State Board for Certification of Water and Wastewater Systems Operators, 10:00 a.m.
13	Environmental Quality Board (EQB), 9:00 a.m.
14	Public Water System Technical Assistance Center Board, 9:00 a.m.
20	Climate Change Advisory Committee (CCAC), 9:00am
21	Aggregate Advisory Board (AggAB), 10:00 a.m.
21	Agricultural Advisory Board (AAB), 9:00 a.m.
21	Environmental Justice Advisory Board (EJAB), 9:00 a.m.
22	Pennsylvania Energy Development Authority Board, 10:00 a.m.
28	Solid Waste Advisory Committee, 10:00 a.m.

This report was prepared by Max Schultz, DEP Policy Office, Deputy Policy Director for Energy Resources. For questions or requests, please email maxschultz@pa.gov.