

**April 2020 Report to the Citizens Advisory Council**  
(New and updated information in italics)

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**DEP Highlights**

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**DEP PFAS Update**

In 2018, Governor Wolf announced several actions to address growing concerns about PFAS contamination. Through an Executive Order, the Governor established a multi-agency PFAS Action Team. The team, led by DEP, will be responsible for developing a comprehensive response to identify and eliminate the sources of PFAS contamination, address strategies to deliver safe drinking water, manage environmental contamination, explore funding for remediation efforts, and increase public education. The Governor also sent a letter to the EPA to again urge the EPA to move forward with establishing MCLs for PFOA and PFOS. DEP believes that the EPA must take a leadership role and work with other states and federal agencies to address PFAS holistically. More information can be found on DEP's PFAS website: [www.dep.pa.gov/pfas](http://www.dep.pa.gov/pfas).

DEP is coordinating with PennDOT, the State Fire Commissioner, the Turnpike Commission, and the Department of Veterans and Military Affairs to gather information about the use and storage of fluorinated firefighting foams. A workgroup has been created to discuss proper disposal of these foams, review federal and state requirements/authorities, and assess possible alternatives. Additionally, DEP regularly meets with the Department of Health to discuss the relationship of PFAS to human health and the environment. For a comprehensive outline of the PFAS Action Team's efforts, please see the [PFAS Action Team's Initial Report](#).

DEP's Bureau of Environmental Cleanup and Brownfields proposed regulatory amendments to Chapter 250: Administration of the Land Recycling Program. This proposed regulation among other items, establishes the first ever cleanup standards for three PFAS – PFOA, PFOS, and PFBS. *This proposed regulation was adopted by the Environmental Quality Board on November 19, 2019, and is available for public comment through April 30, 2020. The Environmental Quality Board had planned to hold public hearings for this regulation in Harrisburg, Pittsburgh, and Warminster on March 17, 18 and 25, respectively, but these were cancelled due to COVID-19.*

The Bureau of Safe Drinking Water's Sampling Plan is in effect and the Department will continue to collect and analyze samples throughout 2020. The occurrence data gathered from this effort will assist the Department in its efforts to establish its first-ever state level maximum contaminant level for certain PFAS. Concurrently, DEP's contracted team of toxicologists from Drexel University is evaluating health studies to assess the impact PFAS compounds may have on human health. *Note that any sample collected during this Sampling Plan exceeding EPA's combined Health Advisory Level (HAL) of 70 ppt for PFOS/PFOA will be addressed immediately with a request for various corrective actions, including the collection of confirmation samples within two weeks and the issuance of Tier 2 public notice if results continue to exceed the HAL.*

### **Chesapeake Bay Phase 3 Watershed Implementation Plan (WIP)**

The Phase 3 WIP describes how Pennsylvania intends to move forward and accelerate progress towards meeting the nutrient reduction targets established by the Partnership for the improvement of local water quality and the restoration of the Chesapeake Bay with the goal of having all practices in place by 2025. The WIP includes Countywide Action Plans (CAPs) developed by the counties with support from DEP.

The pilot counties (Lancaster, York, Adams, Franklin) and the tier 2 counties (Bedford, Center, Cumberland, Lebanon) were awarded funding to hire or subcontract Community Clean Water Coordinators in each of their counties, several of which are now on board and are working directly with DEP on planning and implementation. The pilot counties were also awarded funding to help jump-start the implementation of their CAPs. The DEP Chesapeake Bay Office has also hired two new people to provide technical support and coordination of CAP efforts. In February, a four-day training academy was held for onboarding of the new Community Clean Water Coordinators, DEP Chesapeake Bay Office staff and DEP Regional Office Conservation District Field Representatives. DEP is currently working with the counties to strategize on continuing stakeholder (virtual) meetings and input for their Countywide Action Plans through the quarantine period, on top of existing WIP-related work.

*Additionally, the Conowingo WIP is currently being drafted by the Center for Watershed Protection, Chesapeake Conservancy, and the Chesapeake Bay Trust under a grant awarded by EPA. This WIP will serve to provide initiatives toward achieving 6 million pounds of nitrogen reduction specific to the Conowingo Dam. Pennsylvania serves as co-chair to the Conowingo WIP Steering Committee, alongside Maryland. The draft is slated to be developed by early April and released for public comment in early summer 2020.*

*The Chesapeake Bay Program Office and its partners are evaluating the near- and long-term impact that COVID-19 has on outreach, engagement, and implementation of the initiatives as set forth within the WIP and CAP strategies.*

The WIP is accessible here: [www.dep.pa.gov/chesapeakebay/phase3](http://www.dep.pa.gov/chesapeakebay/phase3) Questions on the WIP and Pennsylvania's Chesapeake Bay Program can be submitted to [RA-EPChesBay@pa.gov](mailto:RA-EPChesBay@pa.gov).

### **PA Litter Action Plan**

*DEP, in partnership with PennDOT and Keep Pennsylvania Beautiful, published the results of a comprehensive [litter research study](#) on February 5, 2020. The study presented data from on-the-ground litter counts in 180 locations in Pennsylvania, a random phone survey of 500 residents, and a forum at which over 120 community, business, and local and state government leaders shared their views on litter impacts and what should be done to end littering in Pennsylvania. Field results from the study indicated there are more than 502 million pieces of litter on Pennsylvania roads. The most common items littered are cigarette butts and plastics, with plastic film and beverage containers being most prevalent.*

*In tandem, Keep Pennsylvania Beautiful commissioned a [study](#) to document how much it costs nine cities in Pennsylvania to manage litter and illegal dumping. The study found that Allentown, Altoona, Erie, Harrisburg, Lancaster, Philadelphia, Pittsburgh, Reading and Scranton collectively spend more than \$68 million annually on cleanup, education, enforcement and prevention efforts to address litter and illegal dumping.*

*Since the release of these reports, DEP, PennDOT and Keep Pennsylvania Beautiful have started planning the formation of workgroups comprised of state government agencies, local governments, and industry and community leaders from around the state to review the litter and cost research. Using the recommendations presented in the Pennsylvania Litter Research Study as a starting point, the workgroups will determine behavior change strategies to address Pennsylvania's littering problem and develop a statewide action plan aimed at reducing litter. Depending on the status of the COVID-19 pandemic, the workgroups will meet*

throughout late summer 2020 to brainstorm solutions, and Pennsylvania's first statewide litter action plan will be published later in 2020.

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## **Regulatory Update (Detailed summaries included in respective program sections)**

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Please refer to the [DEP Rolling Regulatory Agenda](#) for the full Regulatory Update.

- Proposed Rulemaking – Administration of the Land Recycling Program (#7-552): Published in the Pennsylvania Bulletin on February 15, 2020, opening a 60-day public comment period. *In order to prevent the further spread of COVID-19, three public hearings scheduled for March 17, 18, and 25 were canceled. The public comment period was extended to April 30, 2020.*
- Final Rulemaking - Revision of Sulfur Limits in No. 2 and Lighter Commercial Fuel Oil (#7-546): The EQB adopted this final-form rulemaking on January 21, 2020. Scheduled for IRRC consideration at IRRC's next public meeting on May 21, 2020.
- Final Rulemaking – Unconventional Well Permit Application Fees (#7-542): The EQB adopted this final-form rulemaking on January 21, 2020. Scheduled for IRRC consideration at IRRC's next public meeting on May 21, 2020.
- Final-Omitted Rulemaking – Hazardous Waste Generator Improvements Rule (#7-543): The EQB adopted this final-omitted rulemaking on January 21, 2020. Scheduled for IRRC consideration at IRRC's next public meeting on May 21, 2020.
- Final Rulemaking – Federal Office of Surface Mining Reclamation and Enforcement (OSM) Program Consistency (#7-532): This final-form rulemaking was approved by IRRC on January 31, 2020. *Published as final on March 14, 2020.*

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## **Public Comment Periods**

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### **Proposals Open for Public Comment**

- Interstate Pollution Transport Reduction; Proposed 2020 Ozone Season Nitrogen Oxide Emission Limits for Nonelectric Generating Units (Closes 4/6)
- Coastal Zone Management Federal Consistency – Philadelphia Navy Yard Pier 4 Maintenance Dredging (Closes 4/13)
- Proposed Revision to the Infrastructure State Implementation Plan for the 2015 8 Hour Ozone National Ambient Air Quality Standard (Closes 4/20)
- Draft TGD: Public Water Supply Manual – Part IV Noncommunity System Design Standards (Closes 4/20)
- Draft TGD: Policy for Determining When Loss of Positive Pressure Situations in the Distribution System Require 1-Hour Reporting to the Department and Issuing Tier 1 Public Notification (Closes 4/20)
- Environmental Assessment Approval for PENNVEST Funding Consideration (Closes 4/20)
- Proposed Rulemaking: Administration of the Land Recycling Program (Closes 4/30)
- Proposed SIP Revision; Certification of Pennsylvania's Submittal of All Case By Case RACT Determinations and Averaging Plans for the 1997 and 2008 8 Hour Ozone National Ambient Air Quality Standard (Closes 5/1)

### **Recently Closed Comment Periods**

- Stream Evaluation Data Solicitation: Class A Wild Trout streams (Closed 2/3)

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## Communications Monthly Press Releases

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### Press Releases Issued

**February 5** – Pennsylvania to Ramp Up Litter Prevention Measures

**February 12** – DEP Authorizes Work to Extinguish Lackawanna County Mine Fire and Begin Reclamation Project

**February 18** – DEP Reaches Agreement with Westmoreland Sanitary Landfill for Solid Waste Management Act Violations

**March 2** – *DEP to Hold Public Hearing on Draft Air Quality Plan Approvals for Existing Facility in Delaware County*

**March 3** – *DEP Approves Allegheny Mineral Mine 57 Permit*

**March 16** – *Public Hearings on Proposal to Add PFAS to Environmental Cleanup Regulations Canceled to Mitigate COVID-19 Spread*

**March 17** – *Public Hearings on Major Modification Requests on Mariner East 2 Pipeline Canceled to Mitigate COVID-19 Spread*

**March 17** – *Public Hearings on Draft Air Quality Plan Approvals for Existing Facility in Delaware County Canceled to Mitigate COVID-19 Spread*

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## Active and Abandoned Mine Operations

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### Active and Abandoned Mine Operations Rulemakings

#### OSM Program Consistency

This rulemaking would amend Pennsylvania's coal mining regulations to achieve consistency with federal requirements. On April 6, 2017, the Mining and Reclamation Advisory Board (MRAB) recommended that the rulemaking should proceed to the EQB as proposed. The EQB considered and adopted the proposed rulemaking at its May 16, 2018, meeting. The rule was published in the Pennsylvania Bulletin on October 27, 2018, opening a 30-day public comment period. The public comment period closed on November 26, 2018. IRRC comments were received on December 24, 2018. The final rulemaking was reviewed with the MRAB at the April 2019 meeting where the MRAB members recommended that the Department proceed in the final rulemaking process. The final rulemaking was adopted at the November 2019 EQB meeting and was approved by IRRC at its January 31<sup>st</sup> meeting. *The rule was published as final on March 14, 2020, and the program amendment will be shared with the Office of Surface Mining Reclamation and Enforcement.*

#### Water Supply Replacement

This rulemaking (25 Pa. Code Chapters 87 and 88) would update the regulations for water supply replacement for coal mining to achieve consistency with federal requirements and provide additional clarity. At their October 25, 2018, meeting, the MRAB voted for the rulemaking to proceed. The EQB adopted the rulemaking as proposed at their June 18, 2019, meeting. The proposed rulemaking was published on November 2, 2019, with a 30-day comment period. IRRC comments were received on January 2, 2020. *The MRAB Regulatory, Legislative and Technical Committee met virtually on March 16, 2020, to discuss the minor changes that were made to the draft final Annex A as a result of the public's and IRRC's comments. The draft final Annex A was*

*presented to the full MRAB on April 2, 2020, where the MRAB recommended the Department proceed with the final rulemaking process.*

### **Coal Refuse Disposal**

*This proposed rulemaking will reflect the changes set forth in Act 74 of 2019. The MRAB Regulatory, Legislative and Technical Committee met virtually on March 16, 2020, to discuss the initial draft. After edits from the MRAB's Regulatory, Legislative and Technical Committee's feedback are incorporated, this proposed rulemaking will be taken to the July 2, 2020, MRAB meeting for recommendation to proceed with the proposed rulemaking process.*

### **Guidance Document Revisions**

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

*The Liners, Impoundments, Stockpiles, and Coal Refuse Disposal Areas (#563-2112-656) technical guidance document requires substantial reworking to reflect its applicability to capping of coal refuse disposal sites. This document requires insertion of technical specifications for use of barrier fabrics. It is currently in the initial draft stages, and DEP will consult with industry representatives in the next few months to refine the draft.*

*The Surface Water Protection – Underground Bituminous Coal Mining Operations (#563-2000-655) technical guidance document will require a workgroup with applicable stakeholders to draft necessary revisions. Major revisions to this document will likely include finalization of the revised biological protocol for assessing streams, revisions to stream monitoring protocol to remove control streams, allowance of alternative stream assessment methods (especially for low gradient streams), and stream recovery process clarifications. DEP plans to incorporate revisions and provide a public presentation on the status of the revisions within the next few months.*

*The Civil Penalties Assessment (#562-4180-306) technical guidance document was published as draft in the 2<sup>nd</sup> quarter of 2019. Additional discussions with coal industry representatives and the MRAB have resulted in revisions that will be incorporated in the final version.*

*The Alkaline Addition for Surface Coal Mines (#563-2112-217) technical guidance document was published as draft in May of 2019 and is expected to be published as final in the 2<sup>nd</sup> quarter of 2020.*

### **Act 54 Effects of Underground Mining Report**

The Bureau of Mining Programs released the 5<sup>th</sup> report from the University of Pittsburgh on the DEP website in December. The report was required by the Bituminous Mine Subsidence and Land Conservation Act (Act 54) of 1994. BMP is crafting a response table that includes all the recommendations in the report that will also be published on the website. In addition, the BMP is formatting a web-based report to show the data regarding the effects of underground mining for 2018 and 2019. BMP plans to continue to publish the data on water supplies, structural damage, streams, wetlands and additional information on the website every year. Ongoing data reports will allow for more timely public input, more effective understanding of problem resolution, and increase transparency and timeliness. *BMP will make a presentation to the CAC at its April 21<sup>st</sup> meeting regarding the published report and the future data releases.*

### **2019 Surface Mining Control and Reclamation Act (SMCRA) Amendments**

HR 4248 - Surface Mining Control and Reclamation Act (SMCRA) Amendments of 2019 was introduced in the US House of Representatives on September 9, 2019 and it was approved by the House Natural Resources Committee on Wednesday, January 15, 2020, without any amendments. This clears the way for a vote on the bill by the full U.S. House of Representatives. The primary sponsor of the bill is Congressman Matt Cartwright (D-PA-8) with several other PA Congressmen signed on as co-sponsors including: Representative Glenn Thompson (R-PA-15), Representative Michael Doyle (D-PA-18), Representative Mike Kelly (R-PA-16), Representative Daniel Meuser (R-PA-9), and Representative Conor Lamb (D-PA-17).

The bill extends the abandoned mine land fee (AML fee) collection authority outlined under Title IV of SMCRA on current coal mine production at the same rate (\$0.28 for surface mined coal; \$0.12 for deep mined coal; and \$0.08 for lignite) for an additional 15 years to September 30, 2036. The current fee authorization is set to expire on September 30, 2021.

The bill allows state and tribal AML programs to formally establish AML Emergency Programs under their approved reclamation plans and requires the federal Office of Surface Mining Reclamation and Enforcement (OSMRE) to reimburse the states/tribes for the costs of addressing those AML Emergencies. The funding for the reimbursements would come from the federal share of the AML Trust Fund. The bill will also reimburse states for AML fees that were sequestered since Fiscal Year 2013. (For PA, nearly \$32 million has been sequestered since FY 2013).

Since Pennsylvania has the largest remaining inventory of unaddressed abandoned mine land features in the country and over 5,500 miles of streams impaired by acid mine drainage, this bill would ensure continued funding for addressing legacy coal mine hazards, treating and/or abating abandoned mine drainage, and addressing AML Emergencies.

### **2020 Abandoned Mine Land Program and FY2020 AML Pilot Grants**

*On February 6<sup>th</sup> the Office of Surface Mining Reclamation and Enforcement announced that \$32.2 million will be awarded to Pennsylvania under the 2020 AML Program Grant, which became effective on January 1, 2020. Compared to the 2019 funding level, the 2020 AML distribution is a reduction of \$21.7 million or 40%. The reduction in funding is attributable to two main factors. First, Pennsylvania received approximately \$20 million in additional AML Grant funding (after sequestration) in both FY2018 and FY2019 as phase-in monies withheld from states and tribes in the initial years following the SMCRA Amendments of 2006 (reauthorization) were returned in two equal payments. Second, the nationwide decline in coal production has continued, resulting in less fees being paid into the national AML Trust Fund.*

*PA's total Title IV Grant calculation is \$34.2 million. However, the FY2020 sequestration of mandatory federal budgetary resources withheld 5.9% of the AML grant funds equaling just over \$2.0 million. Last year, the impact of sequestration was a cut of 6.2%, which was a loss of nearly \$3.6 million. The cumulative impact of sequestration has been a loss of nearly \$26 million in AML funding since sequestration began in 2013.*

*On December 20<sup>th</sup>, the President signed an Omnibus Appropriations Bill that funds the federal government through FY2020. Included in that bill is \$25 million in AML Pilot Program funding for Pennsylvania. This will be the 5<sup>th</sup> year that Pennsylvania has received AML Pilot Program funding. PA received \$30 million in FY2016, and \$25 million in each of the subsequent fiscal years (FY2017-FY2020.) The AML Pilot funds are to be used "for the reclamation of abandoned mine lands or treatment of abandoned mine drainage in conjunction with economic revitalization or community development and reuse goals."*

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## **Air Quality**

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### **Air Quality Rulemakings**

#### **Air Quality Fees**

The Clean Air Fund constitutes approximately 60% of the Air Quality Program's budget and is comprised of two accounts: Major Emission Facilities (Title V), and Mobile and Area Facilities (Non-Title V). The Non-Title V account is anticipated to hit a zero balance sometime in FY2020-21 and the Title V account will reach a zero balance sometime in FY2023-24.

The rulemaking will affect approximately 500 Title V facilities and 2,100 non-Title V facilities permitted by DEP. The rulemaking will also impact the owners/operators of approximately 5,000 asbestos projects per year. Total additional revenue from the rulemaking is expected to be approximately \$12.5 million per year.

The proposed rulemaking was adopted unanimously by the EQB on December 18, 2018. Public comment opened on April 13, 2019, with three scheduled public hearings: DEP SWRO May 13, DEP SERO May 15 and DEP SCRO May 16. The public and the Independent Regulatory Review Commission (IRRC) comment periods closed on June 17 and July 17, 2019, respectively. Comments were received from industry groups, environmental groups, members of the House of Representatives and members of the House Environmental Resources and Energy Committee, members of the public, and IRRC. The final-form rulemaking was presented to the Air Quality Technical Advisory Committee (AQTAC), the CAC and the Small Business Compliance Advisory Committee (SBCAC) on December 12, 2019, and January 21 and January 22, 2020, respectively. The committees concurred with the Department's recommendation to present the final-form rulemaking to the EQB. AQTAC also recommended that DEP begin a rulemaking process so that fees for CO<sub>2</sub> are explicitly addressed at the earliest legal opportunity. DEP anticipates bringing the final-form rulemaking before the EQB in the second quarter of 2020.

#### Revision of Sulfur Limits in No. 2 and Lighter Commercial Fuel Oil

The rulemaking would reduce the maximum allowable sulfur content limit for No. 2 and lighter commercial fuel oil, generally sold for and used in residential and commercial oil heat burners and furnaces, from the current limit of 500 parts per million (ppm) of sulfur to 15 ppm. Emissions of SO<sub>2</sub> contribute to the formation of regional haze, which degrades visibility in many American cities and scenic areas, and PM<sub>2.5</sub>. Philadelphia and the surrounding states have already lowered their maximum allowable sulfur content to 15 ppm. DEP presented the proposed rulemaking to the EQB on April 16, 2019, and it was adopted unanimously. The EQB published this proposed rulemaking for comment on July 6, 2019, and public hearings were held on August 6, 7, and 8, 2019, at the Southwest, Southeast and Southcentral Regional Offices of DEP. The public comment closed on September 9, 2019. DEP received 22 supporting comments and one opposing comment. DEP presented the final-form rulemaking to AQTAC, SBCAC and the CAC Policy and Regulatory Oversight (PRO) Committee on October 17, 23 and 28, respectively. The CAC PRO presented the final-form rulemaking to the CAC on November 19, 2019. Each committee concurred with DEP's recommendation to present the final-form rulemaking to the EQB. The EQB approved the final-form rulemaking on January 21, 2020, and *it is scheduled for IRRC consideration on May 21, 2020, with an effective date of September 1, 2020.*

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

On October 27, 2016, EPA published Control Techniques Guidelines for the Oil and Natural Gas Industry (O&G CTG). On December 13, 2018, the Department presented Preliminary Draft Proposed RACT Regulations for the Oil and Natural Gas Industry to AQTAC. The proposed rulemaking would establish RACT requirements for VOCs from existing oil and natural gas production facilities, compressor stations, processing plants, and transmission stations. The proposed control measures would also reduce methane emissions as a co-benefit. DEP presented the draft proposed rulemaking Annex A to AQTAC, SBCAC and the CAC PRO subcommittee on April 11, April 17 and May 7, 2019, respectively. On June 18, 2019, the CAC concurred with moving the proposed rulemaking to the EQB. The proposed rulemaking was adopted by the EQB on December 17, 2019. DEP anticipates publishing the proposed rulemaking for public comment this spring.

On January 22, 2020, the Center for Environmental Health and the Center for Biological Diversity sued EPA, filing suit in US District Court for failure to meet its statutory deadlines to issue a finding of failure to submit (FFS) to States that have not submitted RACT SIPs addressing the O&G CTG and the EPA's failure to take final action on approving or disapproving RACT SIPs submitted for the O&G CTG. The RACT SIP submittal for the O&G CTG was due to EPA on October 27, 2018. EPA was obligated to issue an FFS to Pennsylvania by April 27, 2019. If or when EPA issues an FFS to Pennsylvania for the O&G CTG RACT submittal, the date

of the notice of the FFS will start an 18-month sanction clock that can be stopped by the submission of a DEP rulemaking addressing the RACT requirements of the O&G CTG.

### Stage II Vapor Recovery Revision

With the advent of onboard vehicle vapor recovery systems, Stage II vapor recovery at the gasoline pump has become redundant and, in some cases, counterproductive. The Department presented Preliminary Draft Proposed Amendments to the Stage II Vapor Recovery Regulations to AQTAC on December 13, 2018. The proposal would require decommissioning of vacuum-assisted vapor recovery systems at the pump in the 5-county Philadelphia and 7-county Pittsburgh-Beaver Valley areas. However, the proposed rulemaking would add requirements for annual leak testing, low-permeation hoses, and dripless nozzles. DEP presented the draft proposed rulemaking Annex A to AQTAC, SBCAC and the CAC PRO subcommittee on April 11, April 17 and May 7, 2019, respectively. The CAC concurred on May 22, 2019, with forwarding the proposed rulemaking to the EQB. DEP anticipates bringing the proposed rulemaking before the EQB in Spring 2020.

### Reasonably Available Control Technology (RACT II)

On May 9, 2019, EPA published conditional approval of Pennsylvania's RACT II State Implementation Plan (SIP) revision. The SIP revision was submitted to EPA on May 16, 2016, to meet RACT requirements under both the 1997 and 2008 8-hour ozone National Ambient Air Quality Standards (NAAQS) for major sources. EPA approved most of the SIP revision while conditionally approving certain provisions based on DEP's commitment to submit all remaining case-by-case RACT II SIP revisions no later than May 9, 2020. *As of March 27, 2020, approximately 80% of the case-by-case permits have been issued.*

On July 8, 2019, the Sierra Club and Earthjustice filed a petition in the US Court of Appeals for the Third Circuit challenging EPA's Conditional Approval. The Sierra Club claims: the proposed emission limits for coal-fired boilers equipped with selective catalytic reduction control devices are too lax; the rule allows unsupported temperature-based exemptions; and the lack of temperature reporting requirements prevent agency and citizen determinations of compliance with RACT II.

### RACT III

On October 26, 2015, EPA revised the primary and secondary NAAQS for ozone. A re-evaluation of RACT is required each time a revised ozone NAAQS is promulgated for nonattainment areas. Because the entire Commonwealth is in the Ozone Transport Region and is treated as a moderate nonattainment area, RACT is applicable to major sources of nitrogen oxides (NOx) and/or volatile organic compounds (VOC) statewide. On October 17, 2019, DEP presented RACT III rulemaking concepts to AQTAC *and will be presenting draft proposed rulemaking language to AQTAC at its April meeting.*

### Hydrofluorocarbons (HFC)

*HFC are manmade gaseous organic compounds which are used in a variety of applications including air conditioning, refrigeration, foam blowing and aerosol propellants. They are potent greenhouse gases with high global warming potentials (GWP). They have been used since the early 1990s as replacements for stratospheric ozone depleting chemicals like chlorofluorocarbons (CFC) and hydrochlorofluorocarbons (HCFC). Today, many HFC alternatives are available with zero ozone depleting potential and very low GWP, including hydrofluoroolefins (HFOs) and natural refrigerants. DEP anticipates presenting proposed rulemaking concepts to AQTAC and the SBCAC at their April meetings.*

### Regional Greenhouse Gas Initiative (RGGI)

On October 3, 2019, Governor Wolf [took executive action](#) instructing DEP to join RGGI, a market-based collaboration among nine Northeast and Mid-Atlantic states to reduce greenhouse gas emissions and combat climate change while generating economic growth. DEP is developing a draft proposed rulemaking Annex A based on the RGGI Model Rule and will present a proposed rulemaking to the EQB no later than July 31, 2020. DEP presented additional details and concepts of Pennsylvania's regulation at the February 13 AQTAC meeting

and the Citizens Advisory Council meeting on February 18, 2020. DEP anticipates bringing the draft proposed rulemaking Annex A before the advisory committees in the second quarter of 2020.

### Ozone Transport Commission (OTC) Public Comment Period and Public Hearing for its CAA section 184(c) Petition

On November 21, 2019, the OTC held a public hearing in Newark, DE, regarding its proposed 184(c) petition which recommends daily control technology optimization requirements and daily nitrogen oxide (NOx) emission limits at coal-fired electricity generating units (EGUs) in Pennsylvania. One facility, Homer City Generating Station, gave testimony. Nine commenters including DEP submitted written comments before the closure of the public comment period on November 22, 2019. A copy of the proposed petition and all comments are available at <https://otcair.org/>. *On a March 19<sup>th</sup> conference call, the OTC States' Commissioners and Air Directors decided to delay votes on the 184c petition until April due to COVID-19.*

If the OTC approves the petition, it will be sent to EPA for action. If EPA approves OTC's petition, Pennsylvania would be required to amend its SIP to incorporate the daily requirements as a revision to its SIP. It should be noted that the Pennsylvania facilities listed in the petition are in compliance with recent EPA SIP-approved Pennsylvania RACT II regulations addressing NOx emissions from major sources including EGUs. This OTC CAA section 184(c) petition is also very similar to the New York, Delaware, Maryland, and Connecticut CAA section 126 petitions previously denied by EPA or which have been proposed for denial by EPA.

### 2010 Sulfur Dioxide (SO<sub>2</sub>) NAAQS Attainment Demonstration SIP Revisions

DEP submitted to EPA the required State Implementation Plan (SIP) revisions for Allegheny and Indiana/Armstrong Counties on October 2 and 11, 2017, respectively. EPA published its intent to approve the Indiana/Armstrong SIP on July 13, 2018, with the public comment period closing on August 13, 2018. EPA received seven comments. In response to these comments, DEP submitted supplemental SIP information to the EPA on January 14, 2020.

On September 4, 2019, in response to complaints filed by the Center for Biological Diversity, Center for Environmental Health and the Sierra Club, EPA proposed a consent decree establishing deadlines for EPA to act. The proposed consent decree deadlines for EPA's approval or disapproval are April 30, 2020, for the Allegheny nonattainment area SIP submittal and October 30, 2020, for the Indiana SIP submittal.

### Driving PA Forward Grants and Rebates

- The Onroad Rebate Program is currently closed and will reopen in spring 2020 with approximately \$6 million available for funding. The Driving PA Forward website will be updated with approved voucher redemptions on an ongoing basis as replacement projects are completed. *Programmatic changes are being made to streamline the program.*
- The \$6.4 million Class 8 Truck and Transit Bus Grant Program closed its second application round for calendar years 2018-2019 on September 23, 2019. Funding recommendations are currently under review and should be approved in early-mid April. *Programmatic changes are being made to streamline the program. DEP anticipates reopening it in early summer 2020 with approximately \$3.0 to \$3.2 million available.*
- The \$3 million Direct Current (DC) Fast Charging and Hydrogen Fueling Grant Program closed its second application round for calendar years 2018-2019 on October 11, 2019. Funding recommendations were finalized and approved in late March. *Notifications are being drafted and should go out in the next few weeks. DEP intends to reopen this program for CY2020 in May 2020, but that date is tentative.*
- The Level 2 Electric Vehicle (EV) Charging Rebate Program remains open. *DEP has approved approximately 250 new plugs so far in Round 2 of this program, about 1/3 of the plug total that would trigger the next round of the program with lower rebate amounts.*

- The \$2.6 million FY 2019 PA State Clean Diesel Grant Program opened on January 31, 2020 and *closed* on March 6, 2020. *A recording of the February 19th webinar is available for viewing on the Driving PA Forward website. Application reviews have been delayed due to COVID-19. Once resolved, staff will review and score applications, and prepare recommendations for funding. Additionally, DEP submitted a Notice of Intent to Participate to EPA for FY2020 funding. Staff are preparing the application and associated documentation for the FY2020 funding.*
- The Ocean-Going Vessel Shorepower Grant Program application deadline was 4:00 p.m. on October 30, 2019. Three million dollars was available for calendar years 2019-2020 for the purchase and installation of eligible dock-mounted, containerized, or barge-mounted marine shore power systems at eligible ports in Pennsylvania. No applications were received for this program. Staff are reviewing the program and conducting outreach to determine if it will be reopened in 2020.
- The Electric Cargo Handling Grant Program application deadline was 4:00 p.m. on November 15, 2019. Three million dollars was available for calendar years 2019-2020 for the repower or replacement of eligible diesel-powered forklifts, airport ground support equipment, and port cargo handling equipment to all-electric versions. Three applications were received and *have been reviewed. A Recommendation for Funding package is being prepared. Approximately \$2.244 million remains available for a potential Round 2 solicitation for this program.*
- The \$10 million Marine and Rail Freight Movers Grant Program for calendar years 2019-2021 opened for applications on January 31, 2020 and will close on June 5, 2020. A webinar was scheduled for March 25<sup>th</sup> but has been postponed due to COVID-19. *Once it has been rescheduled, public notification will be provided.* This is a competitive grant program that will fund the repower or replacement of diesel-powered, pre-Tier 4 switcher locomotives that operate 1,000 hours or more per year, or the repower or upgrade of unregulated, Tier 1, or Tier 2, diesel-powered engines for tugboats or for ferries.

Businesses, nonprofits, government agencies, and other organizations are eligible to apply for all programs. More information is available at [www.dep.pa.gov/DrivingPAForward](http://www.dep.pa.gov/DrivingPAForward).

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## **Energy Programs Office**

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### **Climate Change**

On April 29, Governor Wolf released the final Climate Action Plan (CAP), along with a Climate Story Map. He also made the announcement that PA was officially joining the US Climate Alliance. *The most recent Climate Change Advisory Committee (CCAC) meeting was conducted on February 25, 2020. Topics for discussion included creating a timeline and the scope for the 2021 Climate Action Plan (CAP), as well as Pennsylvania's Climate Impacts Assessment 2019 Update. Guest presentations focused on a story map of the coastal effects of climate change in Southeast PA. The next CCAC meeting will be held on April 30, 2020. Presentations & discussion will be conducted on public health impacts from climate change, Act 129, and Pennsylvania's proposed CO<sub>2</sub> budget trading program (the Regional Greenhouse Gas Initiative (RGGI)).*

### **Greenhouse Gas Cap and Trade Petition Analysis**

DEP received a Greenhouse Gas Cap and Trade Petition in November of 2018 that included a potential regulation designed to create an economy-wide cap and trade system for greenhouse gas emissions. At the April 16<sup>th</sup> EQB meeting, the EQB accepted the Petition for review by DEP. DEP submitted a Request for Qualifications for a contractor to assist with a detailed analysis of the regulation and its potential implementation through a comprehensive report. Included in this report will be an analysis of the program structure, overall economy-wide impacts if adopted, and specific impacts by sector. DEP has awarded the contract to ICF Inc. LLC. *ICF has been working on modeling impacts to the electricity sector and has provided the Department with a draft petition review memo, which describes the scope and scale of the report.*

## **DEP Clean Energy Program Plan**

The Energy Programs Office submitted a Request for Qualifications for a contractor to develop a comprehensive report to be entitled DEP's Clean Energy Program Plan. *ICF was awarded the contract.* The report is intended to be a near-term planning document to inform current and future DEP energy program planning activities regarding energy production and use activities in Pennsylvania. This plan will assist in achieving Pennsylvania's long term environmental protection goals including: leading by example, supporting in-state clean energy production resources and goals as well as achieving Pennsylvania's climate goals. *ICF and EPO staff created a Clean Energy Plan Outline, briefing document, and a research matrix. ICF additionally interviewed EPO staff for input on the plan. A meeting with a supporting Clean Energy Plan workgroup was held on February 27<sup>th</sup>. After taking input from the workgroup, ICF has been drafting the plan and meeting with DEP weekly to review content. ICF is scheduling webinars rather than face to face meetings with the workgroup to seek further input.* DEP hopes to have the project completed by late spring 2020.

## **Pennsylvania Energy Development Authority (PEDA)**

DEP held a PEDA Board meeting on September 18, 2019, in Room 105 of the Rachel Carson State Office Building. The meeting included a review of a *2019 Draft Energy Development Plan*. *PEDA's Energy Development Plan* was last updated in 2014. The Energy Development Plan was posted for public comment in early November 2019 and comments were due in December 2019. Five organizations submitted comments. *DEP has completed its review of the comments and is preparing the plan for a final vote of the board at the next PEDA Board meeting, which has yet to be scheduled due to COVID-19.* The PEDA Annual Report 2018-19 was completed and is posted on the PA DEP, PEDA web page.

## **Industrial Energy Efficiency Technical Assistance**

The 2015 Climate Action Plan (CAP) and the 2018 CAP update contain work plans that call for significantly increasing the number of energy assessments for the manufacturing sector. The current Pennsylvania State Energy Plan (SEP) proposal directly coincides with the CAP recommendations. For state fiscal year 2019-20, DEP contracted with the Pennsylvania Technical Assistance Program at the Pennsylvania State University (PennTAP) and the Emerging Technology Applications Center (ETAC) to provide energy efficiency technical assistance targeting the Industrial sector of energy consumers. *PennTAP completed twenty-two site assessments and ETAC completed nine site assessments to date for various companies throughout Pennsylvania representing the building and construction, agricultural, metal fabrication, and chemical, rubber and plastics industries.*

## **Energy Assurance**

The DOE State Energy Program funded local government Fuel Shortage Planning project being done with contractor ICF has continued to progress. *With the workshop sessions now complete, the ICF team and the Energy Programs Office will be focusing on developing an online follow-up survey to be distributed to workshop participants. The survey will seek to track any progress made in fuel shortage planning since the workshops, identify any barriers to fuel shortage planning, and understand what additional guidance or resources are most needed by local planners. ICF will also be developing a final report for the project, summarizing the project activities, analyzing the feedback from the workshop evaluation forms and online survey, and identifying next steps for local fuel shortage planning in Pennsylvania. Materials developed from this project are being shared from the new energy assurance website so that other parties can benefit from them.*

## **Local Climate Action Assistance Program**

DEP's Energy Programs Office is partnering with ICLEI – Local Governments for Sustainability to guide college students in producing greenhouse gas inventories and climate action plans for twenty local governments in PA. ICLEI will be providing technical assistance & training via webinars. The fall cohort has concluded, with 17 of 20 total greenhouse gas inventories currently completed. The goal of the spring cohort is for those same 20 local governments to have climate action plans developed for them by the students. Three webinars

were held in January, and three were held in February which focused on how to use ICLEI's Clearpath tool to forecast greenhouse gas emissions, develop and quantify reduction actions, and allow participants to share their challenges as well as progress. *In March, one additional webinar was provided, as well as one-on-one technical assistance by ICLEI. Participating communities also started to conduct their in-person public engagement forums in March to gather input on the development of their climate action plans. Three final webinars will occur in April.* Participating local governments include Erie & Chester Counties, Centre Region Council of Governments, and the Cities of York & Reading.

### **Performance Excellence in Electricity Renewal (PEER) Assessments**

On September 25<sup>th</sup>, DEP's Energy Programs Office, in conjunction with their contractor, Green Business Certification Inc (GBCI), hosted a webinar on the PEER assessment and certification program. PEER measures and evaluates the resiliency of power systems at college campuses, water/wastewater treatment plants, rural electric cooperatives, municipal utilities, hospitals, emergency management headquarters, major electric utilities, and/or transit systems. An in-person workshop was held at PEMA Headquarters in Harrisburg on December 3, 2019, to dive deeper into the PEER program. Since then, *four* entities have been confirmed to receive free PEER assessments by GBCI: PEMA, Lafayette College, *Chatham University*, and Penn State Milton S. Hershey Medical Center. *As of March 2020, PEMA, Lafayette College, and Penn State Hershey Medical Center had all begun the PEER assessment process. Chatham University was working out the logistics of creating PEER curriculum at their university, in addition to starting the assessment. Due to COVID-19, the assessment process at all four entities has been temporarily halted. Thus, an extension on this grant will be requested by GBCI, so all entities can complete their assessments once the pandemic has ceased.*

### **The Role of Energy Efficiency in Community Resilience**

DEP's Energy Programs Office's contractor, Pennsylvania Municipal League, is developing outreach materials such as videos and webinars aimed at local policy makers and other officials on the role of energy efficiency and community resilience. The outreach materials will be incorporated in the Sustainable Pennsylvania Communities program, a project of the Pennsylvania Municipal League and Sustainable Pittsburgh, that is a voluntary performance recognition program designed to help municipalities achieve sustainability goals, which in turn will allow them to save money, conserve resources, and encourage innovation. The first three webinars took place on October 31, 2019, November 22, 2019 *and February 26, 2020* which included messages about how energy efficient buildings and resiliency are interrelated and their economic, environmental and public health impacts. Two of three outreach informational flyers about the webinars were also developed and distributed to municipalities as well as outreach groups to help get the word out. Three informational videos have also been created. PML hosted *the fourth* in a series of five informational webinars to introduce local incentives to improve building efficiency and community resilience on February 26, 2020. *The fourth webinar was held on March 31, 2020.* Free registration for the webinars is available on the Pennsylvania Code Construction Academy website and available for viewing afterwards at:

<https://www.paconstructioncodesacademy.org/energy-resilience-resources>

### **Building Energy Code Trainings**

DEP has recently contracted with the Pennsylvania Municipal League (PML) and Performance Systems Development (PSD) to provide building code officials, contractors, design professionals and builders with training on the 2015 International Energy Conservation Code (IECC) for residential and commercial construction projects in the upcoming months. A series of workshops, webinars and specialized (circuit rider) trainings have been planned. *PML and PSD are preparing outreach and training materials in a virtual format in the upcoming months.*

### **Support for Building Energy Code Performance Testing in Rural Areas**

Pennsylvania Municipal League (PML) and Performance Systems Development (PSD) are contracted to conduct an in-depth survey of rural stakeholders to determine if there are any impacts on the building industry and code officials from the recent 2015 IECC code requirement in rural areas. PML and PSD will develop a

report of conclusions and recommendations if there are any adverse findings. *PML and PSD surveyed and interviewed energy professionals, code officials and third-party inspectors in February 2020. The results were analyzed and a draft report, a map, and an online directory of service providers to do the blower door testing, which is required in the 2015 IECC, was developed for EPO staff to review. Additionally, PSD is preparing to begin duct and envelope testing trainings virtually for code officials and contractors.*

### **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. The 2019 AFIG Program awarded 12 grants for a total of \$1.9 million for applications submitted in the first acceptance period. The second application acceptance period ended December 13, 2019. 29 applications were received and are currently being evaluated. Approximately \$5 million in grants are made available annually for school districts, municipal authorities, political subdivisions, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in the Commonwealth.

*The FAST Act Alternative Fuel Corridor Infrastructure Program closed on March 24, 2020. Six applications for public-use electric refueling infrastructure were received. These applications support public vehicles seeking to undertake alternative fuel refueling and are currently being evaluated.*

*The program is a special solicitation under the AFIG which will provide up to a fifty percent reimbursement grant to install public re-fueling infrastructure along the highway corridors in Pennsylvania designated as alternative fuel corridors by the FAST Act (Fixing America's Surface Transportation Act - Pub. L. No. 114-94) as "Signage Ready" or "Signage Pending" by the Federal Highway Administration. These corridors include specific sections of interstates located in Pennsylvania. (I-70, I-76, I-276, I-376, I-476, I79, I-90, I-95, I-80, I-78, I-81, I-83, I-84, and US-30). Approximately \$1 million in grants is available to install hydrogen, propane and compressed natural gas refueling infrastructure. Individual project awards will be capped at \$500,000.*

### **EV Everywhere**

*The Drive Electric PA Coalition held its Spring 2020 meeting on March 27, 2020, via a teleconference call. The Coalition reviewed and discussed legislation, policy, incentives and educational opportunities relating to the expansion of EV and EV infrastructure. DEP also provided data and summary statistics regarding electric vehicle adoption in PA. PennDOT presented a summary of its upcoming I-78/I-81 alternative fuels corridor study, which will identify gaps along the corridor and propose solutions to make the corridor alternative fuel ready. SEPTA presented its experience operating 25 electric transit buses that have been in service for almost a year and discussed its on-going efforts to expand its electric bus fleet. The next meeting of the Coalition is scheduled for July 23, 2020, from 10:00 AM to 2:00 PM via a teleconference call. The meeting may be conducted in person if large gathering restrictions due to COVID-19 are lifted. Details on the upcoming meeting, including the agenda, will be posted on DEP's website here:*

*<https://www.dep.pa.gov/Business/Energy/OfficeofPollutionPrevention/State-Energy-Plan/Pages/Drive-Electric-PA-Coalition.aspx>.*

### **Agricultural Energy Use Analysis**

In an effort to assist Pennsylvania's agricultural producers with saving energy, EPO has contracted with EnSave, Inc. to perform an analysis of energy use on farms in Pennsylvania. *On February 21<sup>st</sup>, EnSave provided an interim draft report that includes recommendations for energy efficiency programming in Pennsylvania. The draft was provided to an agriculture energy efficiency stakeholder group for review, and a conference call was held on March 10<sup>th</sup> during which EnSave discussed highlights of the report. Stakeholder comments have been provided to EnSave, and the final report should be completed in early April.*

### **Energy Workforce Development**

DEP contracted with BW Research Partnership to deliver two Pennsylvania-specific reports that will help

determine the future direction of energy workforce development activities. This will include a Pennsylvania Clean Energy Employment 2020 Report and a Pennsylvania Energy Employment 2020 Report. These reports will be based on data that BW is collecting as part of its US Energy and Employment Report. The clean energy report will highlight employment in the major clean energy sectors and will also include workforce data such as demographics and employer hiring difficulties, revenue or wage data, and other customized data points. The general energy employment report will contain information on job growth over time and employer hiring projections in all energy technology sectors, not just clean energy. The reports should be completed before the end of April 2020. *BW is compiling preliminary data from both reports and is preparing for report delivery in April 2020. The Energy Programs Office is executing a contract with BW for a follow-up project to identify training needs and gaps in Pennsylvania for clean energy jobs.*

### **Building Operator Certification (BOC) Level 1 Training**

*DEP's contractor, the National Sustainable Structures Center at the Pennsylvania College of Technology, started leading BOC Level 1 Courses on March 24<sup>th</sup> in Malvern and March 31<sup>st</sup> in Monroeville. These are the first courses in a series of six days of classroom training for each location and two online training courses. The courses will wrap up in June. These programs are specifically targeted to reach facility managers/staff in K-12 school districts, local government, community colleges/universities, and state agencies to train them how to better manage their existing buildings for optimal energy efficiency. Attendees may pay to take a certification exam if they choose. Funding to subsidize tuition is provided by the U.S. Department of Energy's (DOE) State Energy Program (SEP). Due to COVID-19 concerns, the trainings for both locations were moved to online only and were presented as a series of 16 shorter, 3-hour sessions. The BOC classes will end on June 11<sup>th</sup>.*

### **Building Re-Tuning and Operations Conference**

*A building re-tuning (BRT) and operations conference was held for facility managers on March 3, 2020, at the Nittany Lion Inn, University Park. BRT principles include low and no-cost solutions for optimizing building energy efficiency. This full-day conference included three different learning tracks for attendees to choose from: 1) BRT principles and practical application, 2) energy efficient technologies and BOC topics, and 3) funding opportunities and BOC topics. Site walkthroughs took place in Penn State University buildings. BOC maintenance points will be available for attendees needing to maintain their BOC certification. Funding is provided by the U.S. Department of Energy's (DOE) State Energy Program (SEP).*

### **U.S. Department of Energy's (U.S. DOE) State Energy Program (SEP) Formula Grant Application**

*The U.S. DOE SEP application for Program Year 2020 (July 1, 2020 – June 30, 2021) was released to State Energy Offices on February 3, 2020. The formula allocation for Pennsylvania is \$2,078,180, and the application was due to U.S. DOE by April 7, 2020. Pennsylvania's application was submitted to the U.S. DOE on March 31, 2020. The overall goals of the program are to increase energy efficiency of the economy; implement energy security, resiliency, and emergency preparedness plans; reduce energy costs; support local governments in targeting underserved sectors for energy efficiency improvements; increase investments to expand the use of domestic energy resources; and promote economic growth with improved environmental quality. Some of the program activities are, but not limited to, state energy planning, energy emergency planning, public education to promote energy efficiency and renewable energy, and energy audits for buildings and industrial facilities.*

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## **Environmental Cleanup and Brownfields**

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### **Environmental Cleanup and Brownfields Rulemakings**

Proposed Rulemaking, 25 Pa. Code, Chapter 250 (relating to Administration of Land Recycling Program)  
The Land Recycling Program has developed a proposed rulemaking to update Statewide health standard medium-specific concentrations (MSCs) listed in Appendix A of Chapter 250. Additional changes to the

regulations are needed to clarify regulatory language, update outdated information, and to make other corrections. *The proposed rulemaking was published in the February 15, 2020, edition of the Pennsylvania Bulletin with a public comment period ending on April 30, 2020.*

### **Storage Tank Advisory Committee (STAC)**

*The next STAC meeting is scheduled for June 10, 2020. The meeting will begin at 10:00 a.m. in Room 105 in Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.*

### **Cleanup Standards Scientific Advisory Board (CSSAB)**

*The next CSSAB meeting is scheduled for June 18, 2020. The meeting will begin at 9:30 a.m. in Room 105 in Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.*

### **Land Recycling Program Technical Guidance Manual (TGM) Addendums**

The final revised Land Recycling Program TGM was published on January 19, 2019. Additional information regarding two remedial technologies will be added to the TGM as addendums. The first addendum is “The Use of Caps as Engineering Controls,” which is proposed to be an appendix to Section II of the TGM and will help inform remediators and regional office staff of recommended best practices for caps. This proposed TGM addendum was discussed at the February 13, 2019, CSSAB meeting. A workgroup comprising CSSAB members and their staff reviewed the proposed addendum and provided recommendations for revisions. The revised proposed capping guidance addendum was provided to the CSSAB at the June 12, 2019, meeting. Additional revisions and comments provided by the CSSAB and Regional Offices have been incorporated. The final draft document is currently under internal review. The second TGM addendum will provide guidance on the use of vertical soil mixing as a remediation technology to address historic pesticide contamination on agricultural lands. *Technical concepts that will form the foundation of this proposed guidance addendum are expected to be provided to the CSSAB for discussion at the June 18, 2020, CSSAB meeting.*

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## **Environmental Education**

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*As is noted below, the efforts of the DEP Environmental Education and Information Center (EE&IC) have been impacted by the COVID-19 pandemic. In the hopes of promoting environmental education while students are home, the EE&IC has collaborated with the Pennsylvania Association of Environmental Education (PAEE) and other state agencies to provide links and environmental education information to the public. This information can be found on the PAEE web-site at <http://www.paee.net/teaching-ee-at-home.html>.*

### **DEP Environmental Education Grants Program**

The Environmental Education Grant Program was established by the Environmental Education Act of 1993, which mandates that five percent of all pollution fines and penalties collected annually by the Department of Environmental Protection be set aside for environmental education. Since the inception of the environmental education grant program, DEP has awarded more than \$12 million in grants to support environmental education efforts throughout Pennsylvania. This grant program was designed to promote Environmental Education principles that encourage the public to promote a healthy environment, foster an understanding of the natural world’s functions, and promote an understanding of the necessity for environmental protection and sound resource management.

The 2020 DEP Environmental Education Grant round opened on October 31, 2019, and the application period closed December 31, 2019. Grants are available at three different levels. Mini-grants will be awarded for local or regional projects up to \$3,000. For 2020, General Grants will be offered at two levels: General Grants I for regional or statewide projects will be funded up to \$20,000, and General Grants II will fund projects from \$20,000 to \$85,000 and are earmarked for statewide projects that have a local, state, and national reach and serve Environmental Justice communities. Priority topics for this year, aside from Environmental Justice,

include projects that address Climate Change and Water. *Due to COVID-19, the date for providing grant recommendations has been rescheduled. The EE&IC will work to have the grant award notifications announced as close to April 22<sup>nd</sup> as possible.*

### **PA Falcon Reintroduction Program**

*Once again, the male Peregrine falcon, banded \*W/V has returned as the nesting male for 2020. Currently, the female, banded \*A/E, and \*W/V are incubating 4 eggs. The Department anticipates the first hatching to occur around April 15.*

*Two professional development opportunities for non-formal and formal educators are scheduled for this spring and summer. The first has been rescheduled to June 4, 2020, from 9 a.m. to 3 p.m. at the PA Game Commission's Middle Creek Wildlife Management Area, 100 Museum Rd., Stevens, PA. Entitled WILD About Falcons, this workshop will explore the successful peregrine falcon reintroduction in Pennsylvania, their natural history, their numerous adaptations, and endangered species concepts. Participants will also enjoy the opportunity to observe a live falcon and time in the field honing raptor identification skills. Participants are eligible for 5.5 Act 48 credit hours.*

*The second workshop is scheduled for August 19 and 20, 2020, in collaboration with and hosted by Penn State University's Shaver's Creek Environmental Center located near State College. Act 48 credit will also be available for this workshop. A small fee will be charged. To register, educators should contact DEP's Environmental Education and Information Center by phone at (717) 705-3767 or e-mail at [ra-elearningcenter@pa.gov](mailto:ra-elearningcenter@pa.gov)*

*Each year, in collaboration with the PA Game Commission, a banding event is held. During this program the young nestlings will be banded. Banding is a vital aspect to the Falcon Recovery Program, providing biologists with important information on migration, dispersal and falcon population dynamics. Scheduled for Tuesday, May 12, this event will be carried live on the DEP web-site and Facebook.*

*Another key aspect of the Falcon Recovery Program is Falcon Watch and Rescue. During this period, DEP EE&IC staffers and volunteers keep an eye on the young falcons during fledging. During these first flights, these young falcons can find themselves in a dangerous situation. To prevent losses, these birds may need rescued and returned to the roof of the RCSOB. For those interested in volunteering, contact [ra-elearningcenter@pa.gov](mailto:ra-elearningcenter@pa.gov).*

### **Update from the PA Watershed Education Task Force**

The Stroud Water Resource Center, Pennsylvania Department of Education, DCNR, Penn State Extension, Millersville University and DEP continue to collaborate on this task force to spread the development of additional Meaningful Watershed Educational Experiences (MWEE) projects across the Commonwealth. The final professional development workshop was held on March 5, 2020, at the *Dauphin County Agriculture and Natural Resources Center in Dauphin, PA. 40 educators completed this MWEE Ambassador workshop.*

*The PA Watershed Education Task Force was scheduled to be recognized at the 2020 PAEE Conference with the Outstanding Environmental Education Program Award for its work done with the Pennsylvania Meaningful Watershed Educational Experience and Ambassador Training Capacity Building Program. This award recognizes an exemplary or innovative environmental education program, which could serve as a model of excellence for educators throughout the Commonwealth of PA. Unfortunately, due to the COVID-19 pandemic, this conference was cancelled.*

*During the PAEE conference, the DEP EE&IC was scheduled to reward environmental education student projects and partnering organizations within the newly created MWEE Award Program. Again, due to the conference cancellation, this event did not occur. Those programs that were to be awarded have been*

*contacted. Two awards were to be presented, the MWEE Partner in Excellence Award and the MWEE School of Excellence Award. The MWEE Partner in Excellence award recognizes a non-formal environmental education provider who has previously demonstrated or is actively demonstrating exceptional partnership(s) with pre-K through Grade 12 educational institution(s) to implement one or more steps of the MWEE. Partners include, but are not limited to: DCNR State Parks, intermediate units, municipalities and municipal authorities, county conservation districts, government organizations, incorporated non-profit 501© (3) organizations, nature centers, non-formal and community-based environmental education providers, and institutions of higher learning (colleges and universities).*

The NOAA B-WET grant that provided funding for this task force has expired. This task force is currently applying for an additional, three-year NOAA B-WET grant to continue these efforts.

### **Earth Day**

*In recognition of the 50th Anniversary, the EE&IC staff was the contact for numerous schools and programs in planning an Earth Day 50 event that was to be held at the Governor's Residence. Due to COVID-19, this event was cancelled. The current situation has also caused numerous Earth Day events to be cancelled throughout the state.*

### **Weathering the Storm Stormwater Workshops**

Stormwater workshops have been folded into the MWEE framework to help drive school projects that will reduce stormwater issues at the school or within their community. Stormwater workshop locations and partners are being planned for this coming spring and summer including a session to be hosted by the Fairmount Water Works in Philadelphia. *At this point, scheduling for the workshops has been delayed.* Through the utilization of the MWEE framework and through resources such as Bay Backpack, educators will be provided with prepared lessons and materials to develop projects within their communities. In addition, participants will be informed of the funding opportunities available through the DEP Environmental Education Grant Program.

### **Envirothon**

*Again, due to the COVID-19 pandemic, the 2020 PA Envirothon competition scheduled for May 19 & 20, 2020, has been cancelled. Tentatively, the 2020 international NCF-Envirothon competition is scheduled to be held in Lincoln, Nebraska, at the University of Nebraska from July 26 – August 1, where students will be tested on the 2020 Current Issue topic: "Water Resources Management: Local Control and Local Solutions." Since the statewide Envirothon event was cancelled, DEP, the Game Commission, the Fish and Boat Commission, DCNR, and Conservation Districts are working together to develop on-line activities and possibly a competition electronically. The Envirothon staff are also working to develop a new app.*

### **Environmental Justice**

DEP's EE&IC and the Environmental Justice (EJ) offices have been collaborating on efforts to further environmental education in EJ areas. As part of this effort, the 2020 DEP Environmental Education Grant program prioritized projects in Environmental Justice areas. As part of this initiative, PA Department of Education, DCNR, and DEP's EE&IC and Environmental Justice (EJ) offices are collaborating with the Harrisburg Housing Authority's Environmental Training Camp to provide environmental education guidance and instruction for this summer's program.

### **Air Quality Flag Program**

The U. S. Environmental Protection Agency and PA DEP invite Pennsylvania schools to fly an Air Quality Flag. Children and teens, especially those who are active outdoors or those who have asthma, are one of the demographics that are most greatly impacted by poor air quality. By becoming a part of the [Air Quality Flag Program](#), schools across the country hang or raise a flag every day alerting the students of the quality of the air they breathe. The color of the flag matches the color of the Air Quality Index.

## **Keep Pennsylvania Beautiful**

### **Litter Free School Zone**

*The Litter Free School Zone program is designed to encourage students in grades K - 12 to keep their school grounds litter-free and to raise public awareness regarding litter by displaying a Litter Free School Zone sign at your school. For requirements and additional program information visit the link provided or contact Stephanie Larson at [slarson@keppabeautiful.org](mailto:slarson@keppabeautiful.org) or 877.772.3673 x104. In addition to keeping your campus free from litter, we encourage you to incorporate pollinator habitat creation or restoration using native vegetation. Working with groups, such as [Monarch Watch](#), that provides grants of free milkweeds to schools and educational nonprofits, can help foster critical Monarch habitat. Your local Penn State Extension office or local Conservation District may also provide valuable information for your area. Here is a list of resources by county: <https://gacofpa.org/great-american-clean-up-of-pa-supplies-and-resources-local-resources/>.*

### **Tools for Schools**

*Keep Pennsylvania Beautiful also offers online tools and resources intended to engage educators and students in litter prevention, cleanup and recycling related activities.*

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## **Oil and Gas**

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### **Oil and Gas Rulemakings**

#### **Final-form Unconventional Well Permit Application Fee Rulemaking**

On January 21, 2020, DEP presented the final-form Unconventional Well Permit Application Fee Rulemaking to the Environmental Quality Board (EQB). This final-form rulemaking increases the current well permit application fees from \$5,000 for nonvertical unconventional wells and \$4,200 for vertical unconventional wells, to \$12,500 for all unconventional well permit applications to administer the 2012 Oil and Gas Act. Although the number of unconventional well permit applications received by DEP are down from original estimates upon which current fees were based, program and operational obligations expand annually due to the increasing well inventory, increased inspection activities, and the need to amend and develop technical guidance and management tools. The final-form amendments only apply to Chapter 78a; therefore, this rulemaking does not affect conventional well operators. The EQB approved the final-form rulemaking by a vote of 14 members supporting and 4 members opposed. *The final-form rulemaking was originally scheduled to be considered by the Independent Regulatory Review Commission on March 19, 2020; however, due to the coronavirus, the March and April IRRC meetings were cancelled. This rulemaking is now scheduled to be presented to IRRC at its meeting on May 21, 2020, and is projected to be published in the Pennsylvania Bulletin as final in the third quarter of 2020.*

#### **Erosion and Sediment Control General Permit (ESCGP-3) Prioritized Review Workgroup**

On January 14, Office of Oil and Gas Management staff hosted the third meeting of the ESCGP-3 Prioritized Review Workgroup. In addition to Office of Oil and Gas staff, attendees included Office of Chief Counsel and DCNR Bureau of Forestry staff, as well as several professionals representing industry, trade organizations, resource advocacy groups and environmental consulting firms.

Innovative approaches through design and implementation of environmentally enhanced Best Management Practices (BMPs) and superior construction practices reduce environmental impacts from oil and gas operations. To incentivize these technologies and practices, the Department intends to replace the ESCGP Expedited Review process with a Prioritized Review process that will allow for voluntary participation by industry. Permit applications submitted as Prioritized Review will be given a score based on the BMPs and environmentally

superior construction practices. Projects that score well will be given priority to be reviewed before projects that are not submitted as Prioritized Review.

The goal of the third meeting was to refine the suite of BMPs and construction practices to be included in the program and discuss scoring system concepts. Other topics included; a comparison of similar programs already being offered by local municipalities and other state and county agencies, forest fragmentation, pipeline co-location and width of right-of-way, wildlife habitat enhancements and third-party certification programs.

*The BOGPPM Surface Activities Division staff plan to draft the initial Prioritized Review document outline and present it to the workgroup during the next meeting, which was initially scheduled for March 24, 2020, but was postponed due to the coronavirus. DEP is currently working with workgroup members to establish an alternate date for this meeting.*

### **Oil and Gas Workload Report**

Please see Attachment 2.

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## **Radiation Protection**

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### **Radiation Protection Rulemakings**

#### **Chapter 227**

The Radiation Protection Act directs DEP to develop and conduct comprehensive programs for the registration, licensing, control, management, regulation and inspection of radiation generating devices (RGD) and users of such devices. The areas in need of review and update relate to non-medical X-ray equipment. There have been important advances in technology and use of X-rays and other ionizing radiation particles for industrial radiography, non-contact level monitoring, foreign body detection, chemical purification, melting, welding, polymerization, sterilization, and security screening. The proposed package was discussed at the October 10, 2019, Radiation Protection Advisory Committee (RPAC) meeting. A subcommittee has held several conference calls to help provide the Department with recommendations as it relates to the necessary revisions to regulations. *The March RPAC meeting, where this proposed rulemaking was going to be discussed further, was postponed due to COVID-19 precautions. As such, this package will be reviewed by the RPAC once a new meeting date is set.*

### **New Compliance & Enforcement Guidance Document**

The draft Radiation Protection Compliance & Enforcement Guidance document was published for public comment on December 14, 2019. This document will provide guidelines for staff on how to implement the provisions relating to enforcement actions contained in DEP's policies and procedures. The purpose of this guidance is to ensure that all staff use similar formats when addressing similar violations across DEP offices. It describes the documents available for compliance and enforcement actions, and it establishes guidelines on how they should be applied. The draft guidance document was presented to the RPAC in October and received no recommendations. The draft guidance was published in the PA Bulletin on December 14, 2019, with a 30-day public comment period. No comments were received, and *the guidance document was published in the Pennsylvania Bulletin as final on February 22, 2020.*

### **Waste Management Rulemakings**

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

The Bureau of Waste Management (BWM) received approval to develop a rulemaking for Rural Transfer Facilities (RTF) in December 2019. DEP has been working with stakeholders since 2015 on the “Convenience Center” model and exploration of ways to implement rural transfer facilities, including formation of an ad hoc subcommittee on its Solid Waste Advisory Committee (SWAC). This draft proposed rulemaking is the culmination of that effort; it is being developed to create waste management and recycling opportunities for more citizens and in communities that are currently underserved or without collection infrastructure. The draft proposed rulemaking amends the municipal waste regulations at 25 Pa. Code § 271.103 to add a new municipal waste processing permit-by-rule (PBR) for RTFs. The draft proposed rulemaking *was* scheduled to be presented to SWAC at their March 12 meeting; *however, the meeting had to be cancelled due to COVID-19. BWM is re-evaluating and adjusting the regulatory timeline for this rulemaking.*

#### **Final-Omitted Rulemaking: Hazardous Waste Generator Improvements Rule**

This final-omitted rulemaking proposal addresses necessary changes to Pennsylvania’s Hazardous Waste regulations caused by implementation of the Hazardous Waste Generator Improvements Rule (HWGIR) by EPA. The revisions to the Pa. Code under this rulemaking have previously been incorporated by reference under 25 Pa. Code § 260a.3(e). As such, the substantial changes made by the Federal Hazardous Waste Generator Improvements Rule have been in effect in Pennsylvania as of the Federal effective date of May 30, 2017. The purpose of this final-omitted rulemaking is to ensure the alignment of Pennsylvania’s hazardous waste regulations with revisions to the Federal hazardous waste regulations. This final-omitted rulemaking includes non-substantive changes to Pennsylvania’s regulations including the relocation of certain Federal provisions in 40 CFR Parts 260 – 265 as a result of the HWGIR; a change in the terminology used in the Federal rule from “conditionally exempt small quantity generator” to “very small quantity generator;” and the deletion of a reference in Subpart J of 40 CFR Part 262 (relating to standards applicable to generators of hazardous waste) in the HWGIR. The final-omitted rulemaking proposal was presented at the January 21, 2020, Environmental Quality Board meeting, where it was adopted by the Board. *The final-omitted rulemaking is tentatively scheduled for consideration by the Independent Regulatory Review Commission on May 21, 2020.*

#### **MAX Environmental Technologies, Inc. Delisting Petitions – Bulger Facility and Yukon Facility**

On May 2, 2019, DEP received two petitions from MAX Environmental Technologies, Inc. (MAX) to delist certain hazardous waste at their Bulger and Yukon facilities. DEP reviewed the petitions in accordance with the Environmental Quality Board’s Petition Policy in 25 Pa. Code Chapter 23 and determined the petitions meet the conditions in Section 23.2 for further review. The Department notified MAX on June 3, 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, 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. At the August 20 EQB meeting, DEP provided an update to the EQB that additional time would be necessary to properly evaluate the petitions and prepare a report. DEP has completed its evaluation of the petitions and is currently preparing a report that summarizes the evaluation and makes a recommendation on the petitions. Upon completion of this report, a copy will be provided to the petitioner for comment. DEP will keep the Board updated on progress toward completion of the evaluation and report, as well as additional activities.

#### **Elcon Recycling Services, LLC (Falls Township, Bucks County)**

DEP’s Southeast Regional Office Waste Management Program issued a Notice of Intent to Deny to Elcon Recycling Services, LLC (Elcon) for its Phase II Part B commercial hazardous waste treatment and storage

facility application. After completing a 10-month technical review of materials submitted by the company, DEP found a number of outstanding deficiencies that remain unaddressed to DEP's satisfaction.

A Notice of Intent to Deny is not a final or appealable action by the DEP. It is a draft decision, open to the public for comment and review. The applicant may comment on the notice and submit materials to address the deficiencies cited by DEP. The comment period opened on June 1, 2019, with a publication in the *Pennsylvania Bulletin* and closed on July 15, 2019. The applicant submitted comments and provided responses to the Notice of Intent to Deny within the comment period. Upon review of the applicant's response, DEP asked for clarification on several points of that response in a letter dated December 18, 2019. *Elcon subsequently asked for a 2-week extension to respond to that letter and provided its response on January 30, 2020. DEP is now continuing its review of the clarifications provided by Elcon.*

*DEP is also continuing its review of two additional applications from Elcon for air quality and stormwater.*

A copy of the hazardous waste application and deficiencies noted by DEP, as well as correspondence on the project, opportunities for public participation, and additional applications under review can be found at [www.dep.pa.gov/elcon](http://www.dep.pa.gov/elcon).

### **Substantive Revisions to DEP's Guidance Document on Radioactivity Monitoring at Solid Waste Processing and Disposal Facilities**

On June 6, staff from DEP presented the Solid Waste Advisory Committee (SWAC) draft proposed substantive revisions to the technical guidance document that assists the regulated community with the development of Radiation Protection Action Plans as required in regulation. The primary revisions amend the policy to include guidance for the oil and gas industry in response to new provisions in Chapter 78a requiring unconventional oil and gas operators to comply with the document. Additionally, outdated and redundant information is being removed; guidance is being provided for non-solid waste recycler operations; guidance on environmental modeling is being improved; and radiation protection standards are being compiled in one place for subject facilities. The draft policy was published in the *Pennsylvania Bulletin* on October 19, 2019, opening a 30-day public comment period that closed on November 18, 2019. DEP has begun compiling and reviewing comments in preparation for drafting a final guidance document.

### **Solid Waste Advisory Committee (SWAC)**

*The March 12, 2020, SWAC meeting was cancelled in response to the Governor's Emergency Disaster Declaration for COVID-19. The next regular SWAC meeting is scheduled for Wednesday, June 3, 2020, in Room 105 of the Rachel Carson Building. Additional information is available on the [SWAC website](#).*

### **Recycling Fund Advisory Committee (RFAC)**

RFAC was re-established as a separate committee in accordance with statute at the June 6, 2019, SWAC-RFAC meeting. RFAC adopted its own bylaws at the same meeting. The next regular RFAC meeting is scheduled for Thursday, September 10, 2020, in Room 105 of the Rachel Carson Building. The meeting will be held jointly with SWAC. Additional information is available on the [SWAC website](#).

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## **Water Programs**

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### **Water Program Rulemakings**

#### **Chapter 105 Dam Safety and Waterway Management Rulemaking**

Bureau of Waterways Engineering and Wetlands is drafting a rulemaking to revise several portions of Chapter 105 to clarify existing requirements; delete or update obsolete and antiquated requirements; incorporate new or revised sections and definitions; and correct previous minor errors discovered in certain sections since the

previous rulemaking. The draft annex was presented to the Agricultural Advisory Board on January 27, 2020, and the Water Resources Advisory Committee on January 30, 2020. *Both committees concurred with DEP's recommendation to present the draft rulemaking to the Environmental Quality Board. The annex was also presented to the State Conservation Commission on February 11, 2020, and the Citizens Advisory Council on February 18, 2020. The proposed regulation is anticipated to be presented to the Environmental Quality Board in mid-2020.*

### Manganese Rulemaking

On October 30, 2017, subsection (j) (known as Act 40) was added to The Administrative Code of 1929. Act 40 directed the Environmental Quality Board (Board) to propose regulations requiring that the water quality criteria for manganese, established under 25 Pa. Code § 93, be met consistent with the exception in section 96.3(d). Act 40 directed the Board to propose a regulation that moves the point of compliance for manganese from the point of discharge to any downstream drinking water intake. The Bureau of Clean Water presented a rulemaking to revise the water quality standards for manganese to the Board on December 17, 2019. This proposed rulemaking includes the following updates to 25 Pa. Code § 93: (1) deleting the Potable Water Supply criterion of 1.0 mg/L from § 93.7, Table 3 and (2) adding a Human Health criterion of 0.3 mg/L to § 93.8c, Table 5. In addition, the proposed rulemaking includes language in 25 Pa. Code § 96 that describe two alternative points of compliance for meeting the manganese criterion. The first alternative, consistent with Act 40, is to move the point of compliance from all surface waters (i.e., at the point of discharge) to the point of all existing or planned surface potable water supply withdrawals. The second alternative, consistent with the Clean Streams Law and mindful of the responsibilities of drinking water suppliers' obligations under the PA Safe Drinking Water Act, is to maintain the existing point of compliance in all surface waters (i.e., at the point of discharge). The Department recommended the Board receive comments on both alternatives to assist the Board in its determination of the appropriate point of compliance. The Board voted to adopt the proposed rulemaking with both alternatives. Publication of the rulemaking, opening the public comment period, is anticipated for the second quarter of 2020.

### Triennial Review of Water Quality Standards 2017

On November 19, 2019 the EQB adopted the final rulemaking for the Triennial Review of Water Quality Standards. On December 31, 2019 the final rulemaking package was provided to the Independent Regulatory Review Commission (IRRC) for their review and consideration. IRRC approved this final rulemaking at their January 31, 2020 public meeting. *The House Environmental Resources and Energy Committee disapproved the rulemaking prior to the IRRC public meeting. This has delayed final publication in the PA Bulletin pending action by the House. Once published in the Bulletin, the Triennial Review will be submitted to the EPA for their review and approval.*

### Water Quality Permit Fees

DEP proposed a rulemaking that would increase fees for Water Quality Management (WQM) permit applications and National Pollutant Discharge Elimination System (NPDES) permit applications and annual fees. This proposed rulemaking would impact municipalities, industries and farmers that hold NPDES permits. The proposed regulations were published in the PA Bulletin on March 30, 2019, and the public comment period closed on May 14, 2019. DEP received comments from 91 individuals/organizations and letters signed by 67 members of the General Assembly. A comment/response document has been developed and some changes to the proposed rulemaking were made in response to comments. The annex was presented to the Agricultural Advisory Board on January 27, 2020, and the Water Resources Advisory Committee on January 30, 2020. DEP is planning to present the final rulemaking to the Environmental Quality Board in mid-2020.

### PAG-02

On December 7, 2019, DEP published the availability of the final, reissued National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Construction Activities (PAG-02) for a new 5-year term. The PAG-02 General Permit is intended to provide NPDES permit coverage to persons discharging stormwater associated with construction activities to surface waters of the

Commonwealth in satisfaction of state and federal NPDES permit requirements The PAG-02 General Permit applies to eligible projects proposing an earth disturbance activity that involves 1 acre or more of earth disturbance, or an earth disturbance on any portion, part, or during any stage of a larger common plan of development or sale that involves 1 acre or more of earth disturbance. New projects and existing projects that need a major amendment to their coverage due to increases in earth disturbance area will need to implement non-discharge alternatives or Antidegradation Best Available Combination of Technologies (ABACT) best management practices if stormwater discharges will be to waters that are impaired for siltation, suspended solids, turbidity, water/flow variability, flow modifications/alterations, or nutrients, including the Chesapeake Bay watershed. DEP and delegated county conservation districts distributed a letter to permittees of active projects explaining the changes to PAG-02 and requesting an acknowledgement that the projects remain eligible for and will comply with the reissued PAG-02, of which the deadline to reply was March 9, 2020.

### **PAG-01**

On September 28, 2019, DEP published the availability of a draft National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with Small Construction Activities (PAG-01). PAG-01 is intended to provide NPDES permit coverage to persons discharging stormwater associated with small construction activities to surface waters of the Commonwealth. PAG-01 would apply to eligible projects that propose less than five (5) acres of earth disturbance and will have impervious surface areas no greater than 30,000 square feet within the area of disturbance and no greater than 12% of the project site area. A project may be eligible for PAG-01 coverage if stormwater and non-stormwater discharges will conform to the requirements of the General Permit, technical criteria are met, and the prohibitions identified in the General Permit do not apply. DEP accepted comments through October 28, 2019, and is working toward publication of the final PAG-01 General Permit.

### **Water Resources Advisory Committee Meeting**

The Water Resources Advisory Committee (WRAC) meeting scheduled for March 26, 2020 *was cancelled due to COVID-19.*

### **Agricultural Advisory Board Meeting**

*The next Agricultural Advisory Board meeting is scheduled for May 21, 2020.*

### **Integrated Report**

DEP received EPA approval on the final 2018 Pennsylvania Integrated Water Quality Monitoring and Assessment Report (Integrated Report) Category 5 and 5alt (Federal Clean Water Act (CWA) Section 303(d) List) on November 1, 2019. The Integrated Report is required by EPA and Sections 303(d) and 305(b) of the Federal CWA. The Integrated Report includes narrative descriptions of the various control and restoration programs DEP manages, water quality trends, and the complete status of Pennsylvania waters. This Integrated Report is the first fully digital interactive Integrated Report in the nation. The draft of the 2020 Integrated Report is nearing completion. The draft report was presented to the Agricultural Advisory Board on January 27, 2020, and the Water Resources Advisory Committee on January 30, 2020. The public comment period for the draft report is expected during the spring of 2020. When approved for public comment, the Integrated Report will be posted for a 45-day comment period. At the close of the comment period WQD Assessment Section staff will draft a comment response document to address all comments received prior to posting as a final Integrated Report and submittal to EPA through the federal ATTAINS database for review and approval of Category 5 and 5alt.

### **Small Water Systems Technical Assistance Center Advisory Board Meeting**

*The DEP Small Water Systems Technical Assistance Center (TAC) Advisory Board meeting previously scheduled for April 29, 2020, was cancelled. The next Small Water Systems TAC Advisory Board meeting is scheduled for July 23, 2020.*

## **Growing Greener Plus Grants**

The Growing Greener Plus Grant application round closed on Friday, January 3, 2020. *The grant raters have completed scoring, and the Watershed Support Section is working with the regions and district mining offices to develop the grant recommendation list. The Watershed Support Section is planning to submit the grant recommendation package by May 1, 2020.*

## **State Water Plan Update**

*The Regional State Water Plan Committees concluded their first meetings in early February 2020. The April 2020 meetings have been canceled due to COVID-19, and instead plan to reconvene on the already scheduled July 2020 dates. The Statewide State Water Plan Committee will have their first meeting in August 2020. The Committees are actively being filled. This update will focus on items such as water resources strategies outlined in the Governor's Climate Action Plan and updated regional watershed priorities.*

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## **Environmental Justice**

### **Environmental Justice Advisory Board (EJAB)**

*EJAB last convened on Thursday, February 20, 2020, in the Delaware Room of the Rachel Carson State Office Building. The meeting included DEP, the Office of Environmental Justice (OEJ), and member updates, as well as a DEP update from Secretary McDonnell and presentations on DEP's draft technical guidance on Trenchless Technology and Driving PA Forward. The next EJAB meeting will occur via conference call on Thursday, April 16, at 1:00 p.m.*

EJAB members recently formed a Subcommittee on Environmental Justice and Environmental Health, which will be working to assist OEJ and DEP around issues involving environmental justice and environmental health, particularly those issues involving people in EJ Areas. This committee has started to explore EJ mapping tools. In addition, EJAB members started planning an Environmental Justice symposium to honor John Waffenschmidt, a long time EJAB member who passed away in 2018.

## **Community and Stakeholder Engagement**

### **Public Meetings & Stakeholder Engagement**

*OEJ will engage in meetings and events throughout April. Many of the meetings will be held remotely due to COVID-19. OEJ will meet with community organizations including: Faith Alliance for Revitalization, Chester Environmental Partnership, and others.*

*OEJ will convene the quarterly EJ Stakeholder call in April 2020 to provide department updates to staff from community organizations and hear from community organizations about EJ issues.*

*OEJ staff will also participate in conferences or meetings with various workgroups and committees including the PA State Health Assessment Team meeting, ICLEI meeting, Harrisburg Environmental Advisory Council meeting, American Planning Association Pennsylvania Chapter meetings, Healthy Communities in PA meeting, Pennsylvania Interagency Health Equity Team meeting, Capital Region Water Community Ambassadors meeting, Transportation and Climate Initiative meeting, and others.*

### **Roundtables**

*A roundtable meeting in the Lehigh Valley scheduled for March 24, 2020 has been postponed due to COVID-19. The meeting will be rescheduled for a later date in 2020. These events invite approximately 20-25 stakeholders from the community to discuss pertinent environmental justice issues and find potential solutions between DEP and other state and community partners.*

## **Strategy and Planning**

### **Policy Review Process**

OEJ drafted a Comment-Response document for the EJ Public Participation Policy. The Comment and Response document and revised policy are under final review.

### **Environmental Justice Planning**

*OEJ is collaborating with EPA to plan training on capacity building with OEJ and other PA agencies around Environmental Justice and community engagement.*

## **OEJ Initiatives**

### **College Underserved Community Partnership Program (CUPP)**

*The College Underserved Community Partnership Program (CUPP) project in Nanticoke City, which includes partners from the U.S. Environmental Protection Agency, Nanticoke City, and Misericordia University, was postponed due to COVID-19. The project creates a partnership between academic institutions and local communities to provide technical assistance, in this case from marketing and communications masters' degree students who are looking at strategic planning, communications, and marketing needs in the City. OEJ will look to update this partnership again for next year.*

### **Workforce Development Initiative**

OEJ is developing a workforce development initiative to create a pipeline to drinking water and wastewater operator careers. These jobs are in demand, secure and provide sustainable wages with a minimum education requirement of a high school diploma for entry in the field. OEJ is collaborating with Delaware County Community College and William Penn School District in eastern Delaware County to pilot the program which would begin in school year 2020-21. *Due to closure of the school system in order to prevent the spread of COVID-19, there is some question on timing of the program.*

### **Brownfields Technical Assistance Grant**

*EPA awarded DEP a Small Communities Assistance pilot grant to assist a small, disadvantaged community on providing training, research and technical assistance for addressing brownfields redevelopment. Shamokin was identified as the community to implement the work. For the past several months, DEP and OEJ have been working with city officials, non-profit leaders in the community and Bucknell University to implement the grant and provide the resources to the community to support redevelopment efforts.*

## Attachment 1

### 2020 Events Calendar

Please consult the DEP Calendar of Events for a comprehensive listing of upcoming events. The Calendar can be accessed in the Public Participation Tab on the DEP website. Click on “Public Participation;” “Calendar of Events.”

<b>April</b>	
2	Mining and Reclamation Advisory Board Meeting, 10 a.m., Virtual Meeting Only
8	State Board for Certification of Water and Wastewater System Operators Meeting, 10 a.m., Virtual Meeting Only
16	Environmental Justice Advisory Board Meeting, 1 p.m., Virtual Meeting Only
16	Air Quality Technical Advisory Committee, 9:15 a.m., Virtual Meeting Only
21	Citizens Advisory Council Meeting, 10 a.m., Virtual Meeting Only
22	Small Business Compliance Advisory Committee Meeting, 10 a.m., Virtual Meeting Only
30	Climate Change Advisory Committee Meeting, 10 a.m., Virtual Meeting Only
<b>May</b>	
6	Aggregate Advisory Board Meeting, 10 a.m., Virtual Meeting Only
19	Environmental Quality Board Meeting, 9 a.m., RCSOB Room 105, Harrisburg
19	Citizens Advisory Council Meeting, 10 a.m., Virtual Meeting Only
20	Oil and Gas Technical Advisory Board Meeting, 10 a.m., Virtual Meeting Only
21	Environmental Justice Advisory Board Meeting, 8:30 a.m., RCSOB 16 <sup>th</sup> Floor Delaware Room, Harrisburg
21	Agricultural Advisory Board Meeting, 9 a.m., DEP Southcentral Regional Office, 909 Elmerton Avenue, Harrisburg
27	PA State Board for Certification of Sewage Enforcement Operators, 10 a.m., RCSOB Conference Room 11B, Harrisburg

## Attachment 2

### Oil and Gas Workload Report (As of March 13, 2020)

YTD WELL PERMIT APPLICATIONS - 1/1/2020 to 3/13/2020						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	10	6	18	18	18	0
UNCONVENTIONAL	313	118	232	220	220	12
<b>Sub Total</b>	<b>323</b>	<b>124</b>	<b>250</b>	<b>238</b>	<b>238</b>	<b>12</b>
AUTHORIZATIONS	248	93	215	202	N/A	13
<b>Total</b>	<b>571</b>	<b>217</b>	<b>465</b>	<b>440</b>	<b>410</b>	<b>25</b>

WEEKLY WELL PERMIT APPLICATIONS - 3/7/2020 to 3/13/2020						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	0	0	0	0	0	0
UNCONVENTIONAL	33	33	36	36	36	0
<b>Sub Total</b>	<b>33</b>	<b>33</b>	<b>36</b>	<b>36</b>	<b>36</b>	<b>0</b>
AUTHORIZATIONS	33	32	33	30	N/A	3
<b>Total</b>	<b>66</b>	<b>65</b>	<b>69</b>	<b>66</b>	<b>63</b>	<b>3</b>

HISTORICAL WELL PERMIT APPLICATIONS AS OF 3/13/2020						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	198,071	198,065	196,812	190,601	1,253	101,214
UNCONVENTIONAL	28,315	28,179	27,596	21,523	583	12,255
<b>Sub Total</b>	<b>226,386</b>	<b>226,244</b>	<b>224,408</b>	<b>212,124</b>	<b>1,836</b>	<b>113,469</b>
AUTHORIZATIONS	45,333	45,229	44,264	42,869	965	19,286
<b>Total</b>	<b>271,719</b>	<b>271,473</b>	<b>268,672</b>	<b>254,993</b>	<b>2,801</b>	<b>132,755</b>

YTD INSPECTIONS - 1/1/2020 to 3/13/2020				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	2,353	1,996	945	52
UNCONVENTIONAL	3,709	2,988	252	27
CLIENT/SITE	892	1	725	84
<b>Total</b>	<b>6,954</b>	<b>4,985</b>	<b>1,922</b>	<b>163</b>

WEEKLY INSPECTIONS - 3/7/2020 to 3/13/2020				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	142	137	35	4
UNCONVENTIONAL	362	356	5	2
CLIENT/SITE	85	1	23	9
<b>Total</b>	<b>589</b>	<b>494</b>	<b>63</b>	<b>15</b>

WELLS DRILLED					
	Two Years Prior 1/1/2018 to 3/13/2018	One Year Prior 1/1/2019 to 3/13/2019	Year To Date 1/1/2020 to 3/13/2020	Week of 3/7/2020 to 3/13/2020	As of 3/13/2020
CONVENTIONAL	17	19	9	1	201,720
UNCONVENTIONAL	126	180	127	2	12,446
<b>Total</b>	<b>143</b>	<b>199</b>	<b>136</b>	<b>3</b>	<b>214,166</b>

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