

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

DEP Highlights

DEP PFAS Update

In 2018, Governor Wolf announced several actions to address growing concerns about 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.

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.

Work on the Bureau of Safe Drinking Water's PFAS Sampling Plan has been temporarily suspended due to the novel coronavirus, COVID-19. When work resumes, sampling will be shifted to DEP's Bureau of Laboratories (BOL) to take advantage of the fact that BOL is accredited for EPA Method 537.1, which can detect 18 PFAS. This will provide even more occurrence data to inform future actions moving forward.

Work on the PFAS Toxicology Services Contract with Drexel University is continuing. A final report with recommendations on toxicity values and MCLGs is expected on or before December 2020.

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 Questions on the WIP and Pennsylvania's Chesapeake Bay Program can be submitted to RA-EPChesBay@pa.gov.

PA Litter Action Plan

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

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

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 novel coronavirus (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.

Regulatory Update (Detailed summaries included in respective program sections)

Please refer to the DEP Rolling Regulatory Agenda for the full Regulatory Update.

- Proposed Rulemaking – Control of VOC Emissions from Oil and Natural Gas Sources: The rule is planned for publication in May 2020.
- Proposed Rulemaking - Control of VOC Emissions from Gasoline Dispensing Facilities (Stage I and Stage II): This rule is planned for EQB consideration on May 19, 2020.
- 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 closed on April 30, 2020. IRRC's comments are due on June 1, 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 - Triennial Review of Water Quality Standards: IRRC approved this final rule on January 31, 2020. On February 4, 2020, the House Environmental Resources and Energy Committee issued a disapproval resolution. No action was taken on the resolution over the course of 10 legislative days. The rule is now undergoing review by the Office of Attorney General (OAG). Once approved by the OAG, it can be published as final and the rule will be effective.

Public Comment Periods

Proposals Open for Public Comment

- Draft General Permit WMGR123 - Processing and Beneficial Use of Oil and Gas Liquid Waste (Closes 6/16)

Recently Closed Comment Periods

- Interstate Pollution Transport Reduction; Proposed 2020 Ozone Season Nitrogen Oxide Emission Limits for Nonelectric Generating Units (Closed 4/6)
- Coastal Zone Management Federal Consistency – Philadelphia Navy Yard Pier 4 Maintenance Dredging (Closed 4/13)
- Proposed Revision to the Infrastructure State Implementation Plan for the 2015 8 Hour Ozone National Ambient Air Quality Standard (Closed 4/20)
- Draft TGD: Public Water Supply Manual – Part IV Noncommunity System Design Standards (Closed 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 (Closed 4/20)
- Environmental Assessment Approval for PENNVEST Funding Consideration (Closed 4/20)
- Proposed Rulemaking: Administration of the Land Recycling Program (Closed 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 (Closed 5/1)

Communications Monthly Press Releases

Press Releases Issued

March 31 - DEP Emergency Work to Stabilize Hillside in Elizabeth Township, Allegheny County to Begin in April

April 7 - DEP Reaches Settlement with CNX for Erosion and Sedimentation Violations at Well Sites in Greene and Washington Counties

April 14 - DEP Reaches Agreement with Range Resources for Air Quality Violations in Washington County

April 20 - DEP Announces Projected Climate Change Impacts to Support Planning for Pennsylvania’s Future

April 20 - DEP Approves Permit for Underground Injection Well in Allegheny County

April 22 - Earth Day 2020 – Bringing Pennsylvanians Together Even Though We’re Apart

April 23 - DEP Program Helps 20 Pennsylvania Communities Develop Local Climate Action Plans

April 24 - DEP Begins 2020 Black Fly Control Work

Active and Abandoned Mine Operations

Active and Abandoned Mine Operations Rulemakings

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, the proposed rulemaking is scheduled to be on the agenda for the July 2, 2020, MRAB meeting to request a 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.

Revisions to the Surface Water Protection – Underground Bituminous Coal Mining Operations (#563-2000-655) technical guidance document will proceed in cooperation with a workgroup coordinated by the CAC. This was discussed at the April meeting of the Council. Major revisions to this document will include finalization of the revised biological protocol for assessing streams, revisions to stream monitoring protocol to remove control streams, allowance of alternative stream assessment methods (especially for low gradient streams), and stream recovery process clarifications.

The Civil Penalties Assessment (#562-4180-306) technical guidance document was published as draft in the 2nd 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 3rd quarter of 2020.

Act 54 Effects of Underground Mining Report

The Bureau of Mining Programs (BMP) released the 5th 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 presented the published report and plan for future data releases at the CAC's April 21st meeting. The CAC approved the formation of a workgroup to supply recommendations regarding Act 54 requirements and the associated Surface Water Protection technical guidance.*

Mining and AML Related Bills Under Consideration for Inclusion in a Coronavirus Stimulus Bill

The Interstate Mining Compact Commission (IMCC) and the National Association of Abandoned Mine Land Programs (NAAML), both of which PA is a member state, have been notified by representatives of the U.S. House Natural Resources Committee that several mining and abandoned mine reclamation related bills are under consideration for inclusion in a federal Coronavirus Relief/Infrastructure Bill. The bills under consideration include:

HR 4248 - Surface Mining Control and Reclamation Act (SMCRA) Amendments of 2019

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 also 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.

HR315 – Community Reclamation Partnerships Act

This bill amends the federal Surface Mining and Control Act of 1977 which authorizes state programs to restore land and water adversely impacted by surface coal mines that were abandoned before August 3, 1977. A state with an approved reclamation program may enter into a memorandum of understanding with relevant federal or state agencies for remediating mine drainage on abandoned mine land and water impacted by abandoned mines.

In addition, the bill authorizes a partnership between a state and a community reclaimer for remediating abandoned mine land if:

- The partnership's proposed project is consistent with an approved state memorandum of understanding and conducted on certain prioritized sites;*
- The state assumes all responsibility on behalf of the community reclaimer and the owner of the proposed project site for costs or damages resulting from actions or inactions of the community reclaimer in carrying out the project, except for gross negligence or intentional misconduct by the community reclaimer; and*
- The state has the necessary legal authority to conduct the project and has financial resources to ensure the project's completion.*

A community reclaimer is a person who voluntarily assists a state in a reclamation project, did not participate in the creation of site conditions at the proposed site or activities that caused any land or waters to become eligible for reclamation or drainage abatement expenditures, is not a past or current owner or operator of any site with ongoing reclamation obligations, and is not subject to outstanding violations of surface coal mining permits.

HR2156 – Revitalizing the Economy of Coal Communities by Leveraging Local Activities and Investing More (RECLAIM) Act of 2019

The RECLAIM Act of 2019 seeks to address outstanding AML issues while also encouraging the reinvigoration of the economies of depressed coal communities by accelerating the release of \$1 billion from the remaining, unappropriated balance in the national AML Trust Fund. For each of five federal fiscal years (FY2020-2024), \$200 million would be distributed to eligible states/tribes based on the distribution formula outlined in the bill. Pennsylvania would receive approximately \$58.3 million each year before sequestration.

Reclaiming abandoned mines near coal communities impacted by both abandoned mine lands and the recent decrease in coal mining paves the way for the economic revitalization of these communities. The funding authorized by the RECLAIM Act is limited to reclamation work alone. Private development and community partnerships would be leveraged for the economic revitalization and community aspects of the projects. While the economic component is only explicitly required for Priority 3 sites (AMD and AML sites that are degrading the environment but do not pose a threat to human health and safety), it is also required for Priority 1 or 2 sites (AML sites that pose a direct threat to human health and safety) unless the state can justify a waiver of this requirement as outlined in the bill.

HR3876 and S3172 - Black Lung Benefits Disability Trust Fund Solvency Act of 2020

These bills extend the excise tax on coal from U.S. mines until December 31, 2029. The tax is a source of funding for the Black Lung Disability Trust Fund.

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 CO₂ 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 SO₂ contribute to the formation of regional haze, which degrades visibility in many American cities and scenic areas, and PM_{2.5}. 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 on May 23, 2020 with a 66-day comment period ending on July 27, 2020.*

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. 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 April 27, 2020, 100% of the case-by-case permits have been issued, and DEP anticipates submitting all of them as SIP revisions to the EPA by May 9, 2020.*

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. *DEP presented draft proposed RACT III rulemaking language to AQTAC and the Small Business Compliance Assistance Committing (SBCAC) on April 16 and 22, 2020, respectively. Because of technical difficulties, AQTAC delayed voting on the Annex until its next meeting on May 7, 2020. The SBCAC unanimously concurred by a vote of 7-0 with DEP's recommendation to move the RACT III draft proposed rulemaking to the Environmental Quality Board for consideration.*

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 presented proposed rulemaking concepts to AQTAC and the SBCAC on April 16 and 22, 2020, respectively.*

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 presented additional details of and concepts for Pennsylvania's regulation to AQTAC, CAC and the SBCAC on February 13, February 18 and April 22, respectively. On April 23, 2020, DEP held a special joint informational meeting with the AQTAC and the CAC to present the modeling results associated with Pennsylvania's participation in a CO2 budget trading program. DEP will be presenting the draft proposed rulemaking Annex A before the AQTAC and CAC on May 7 and May 19, 2020, respectively.*

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 April 22, 2020, DEP made a special RACT III rulemaking presentation to the OTC and discussed NOx emissions limits at EGUs.*

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. *OTC has not decided when to brief the commissioners and vote on the petition.*

2010 Sulfur Dioxide (SO₂) 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. *EPA published its approval of the Allegheny County SO₂ Attainment Plan on April 23, 2020.*

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 were revised and resubmitted for approval.* 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 is implementing some minor changes for CY2020 and tentatively intends to reopen this program for CY2020 in May 2020.*
- 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 under review.* 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 25th 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.

Energy Programs Office

Climate Change

On April 20th, DEP released the 2020 Pennsylvania Climate Impacts Assessment Update, which focused on future effects of climate change on livestock, infrastructure, and the water quality of the Chesapeake Bay. The

assessment report was produced for DEP by the Penn State University Environment and Natural Resources Institute. The most recent Climate Change Advisory Committee (CCAC) meeting was conducted virtually on April 30th. The meeting featured an update from the PUC on Act 129, and the University of Maryland provided a presentation on public health impacts from climate change. DEP staff also gave a brief update on the 2021 Climate Action Plan development. The next CCAC meeting will be held on June 30, 2020. DEP will release a solicitation on May 1 to seek contractor to assist in preparing the next Climate Action Plan.

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, 2019, 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 provided the Department *with modeling results showing impacts of the electricity sector carbon dioxide budget trading program. DEP presented the modeling results at a virtual special joint informational meeting with the Air Quality Technical Advisory Committee and the Citizen's Advisory Council on April 23, 2020. ICF is currently modeling the economic impacts from the program.*

DEP Clean Energy Program Plan

The Energy Programs Office is developing a comprehensive report to be entitled DEP's Clean Energy Program Plan. 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. *EPO has contracted with ICF to assist in the development of the plan and facilitation of a workgroup to provide feedback on the plan. 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. Meetings with the Clean Energy Plan workgroup were held in-person on February 27th and virtually on April 24th. Two additional webinars are being scheduled in May. ICF is expecting to deliver a final draft of the report to DEP by the end of May, and DEP hopes to have the project completed by June 2020.*

Pennsylvania Energy Development Authority (PEDA)

DEP last 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 is completed and ready for a final vote of the Board at the next PEDA board meeting. The next PEDA board meeting will be determined when appropriate amidst the COVID-19 impacts.* The PEDA Annual Report 2018-19 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-five 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 developed an online follow-up survey, which was distributed to workshop participants on April 20th. The survey seeks 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 be using the survey results in developing a final report for the project. The final report will summarize the project activities, analyze the feedback from the workshop evaluation forms and online survey, and identify next steps for local fuel shortage planning in Pennsylvania. The materials developed from this project are presently 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 all 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, along with engaging the public in this process via in-person workshops, virtual meetings, or online surveys. A total of ten live webinars were conducted by ICLEI and recorded during the spring cohort. ICLEI will continue to provide one-on-one technical assistance to all participants through June 30th. 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 25th, 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 *was* 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. *Four* informational videos have also been created. The fourth webinar was held on March 31, 2020 *and the fifth and final webinar was held on April 30, 2020. Recordings of the webinars are available on the Pennsylvania Code Construction Academy website at:* <https://www.paconstructioncodesacademy.org/energy-resilience-resources>

Building Energy Code Trainings

The first virtual residential and commercial IECC trainings were held on April 8 and April 15 respectively. 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. *The first virtual residential and commercial IECC trainings were held on April 8 and April 15, 2020, respectively. The next series of virtual trainings will be on May 7 and 21, 2020, on the residential energy code and on May 14 and May 26, 2020, for the commercial energy code. Funding is provided by the U.S. Department of Energy's (DOE) State Energy Program (SEP).*

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 an overview webinar on duct and envelope testing for code officials and contractors. In-person duct and envelope testing trainings will be held next fiscal year.*

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 recommendations for funding have been submitted for final approval.* 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 have been evaluated and recommendations for funding are being developed.*

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 16, 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 21st, 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 10th during which EnSave discussed highlights of the report. Stakeholder comments *were* provided to EnSave, and *the final report was delivered to DEP on March 30, 2020.*

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 Industries 2020 Report (*PACEIR*) and a Pennsylvania Energy Employment 2020 Report (*PAEER*). These reports will be based on data that BW is collecting as part of its US Energy and Employment Report. The *PACEIR* 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 *PAEER* will contain information on job growth over time and employer hiring projections in all energy technology sectors, not just clean energy. *DEP is reviewing drafts of both reports.* 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 24th in Malvern and March 31st 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 are being presented as a series of 16 shorter, 3-hour sessions. The BOC classes will end on June 11th.

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. *76 people attended the conference.* 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 *were* 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. *EPO is preparing RFPs and contract documents in anticipation of application approval.*

Electrical Energy Storage Assessment for Pennsylvania

EPO will hire a contractor to identify the potential opportunities and benefits from incorporating electrical energy storage technologies into Pennsylvania's energy portfolio through an energy storage assessment report. The report will include: a comprehensive profile of the current status of electrical energy storage as well as energy storage potential in Pennsylvania including an inventory of existing systems, regulatory opportunities and obstacles, and overall benefits and barriers for both in front of and behind the meter energy storage, an evaluation of how energy storage can enhance Pennsylvania's grid security and resiliency, allow for quality electricity distribution and off-peak usage, bring economic value through demand response and frequency regulation, and allow for operating and planning reserves for both utilities and individual businesses and institutions, and, recommendations for policies, programs, and potential financial incentives that the Commonwealth can support. DEP is preparing to release an RFQ to seek qualified responders.

GreenGov Council Outreach and Technical Assistance

On March 6th, EPO entered into a contract with GDS Associates Inc. to provide consulting services for energy efficiency in the 8 million square feet of leased space operated by the Commonwealth of PA. The project will consist of the following tasks: A virtual kickoff meeting, building characterization for leased facilities, research of best green practices for leased facilities, interviews with major lessors in the Commonwealth, a lessor/public meeting on project findings, and a final report that will accelerate the adoption of energy efficiency in leased space. The virtual kickoff meeting will be held in early May with GDS and staff from the GreenGov Council, DEP EPO & Bureau of Office Services, as well as the DGS Bureau of Real Estate.

Environmental Cleanup and Brownfields

Environmental Cleanup and Brownfields Rulemakings

Proposed Rulemaking, 25 Pa. Code, Chapter 250 (relating to Administration of Land Recycling Program)
The Land Recycling Program 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 *Pennsylvania Bulletin* on February 15, 2020, which initiated a public comment period that closed on April 30, 2020. DEP is currently evaluating comments received during the public comment period and intends to bring a final-form regulation to the Cleanup Standards Scientific Advisory Board later this year.

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.

Environmental Education

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 2020-21 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. *The rating process for the 2020-21 Environmental Education Grant Program has been completed. Recommendations were prepared in anticipation of announcing the grant recipients in coordination with Earth Day. Unfortunately, due to the COVID 19 pandemic, the Environmental Education Grant Program is on hold. The EE&IC is also currently working with the 2019-20 Environmental Education grant recipients and the DEP Grants Center to complete their projects and develop a list for those requesting waiver extensions.*

Advisory Council on Environmental Education

Under the leadership of PA Department of Education’s (PDE) Environment & Ecology Content Advisor, DEP EE&IC staff continues to serve as a member of the PA Advisory Council on Environmental Education as designated by the Environmental Education Act of 1993. Current efforts include updating the Council’s mission statement, advising PDE that the Standards for Environment and Ecology remain separate from the overall Science Standards, developing the biennial report, strengthening the Green Ribbon Schools program in Pennsylvania, and updating the PA Environmental Literacy Plan per the Chesapeake Bay Agreement (CBA).

PA Falcon Reintroduction Program

As of late April 2020, three of the four eggs have successfully hatched. The fourth egg was not viable and did

not hatch, which is not uncommon. Since 2000 the falcons on the RCSOB have produced 89 eggs with 75 successfully hatching.

The COVID-19 pandemic has significantly impacted the falcon program. Unable to determine a safe protocol for banding, the PA Game Commission has cancelled all falcon banding for 2020. For the first time in twenty years, the young falcons hatched at the RCSOB will not be banded.

The annual collaborative PA Game Commission/DEP falcon teacher workshop, which was originally scheduled for April 9, 2020, was rescheduled for June 4, 2020. This workshop will now be delivered electronically. The DEP EE&IC has scheduled a two-day falcon workshop on August 19 and 20, 2020, in collaboration with Penn State University's Shaver's Creek Environmental Center. The current plan is to conduct this workshop in-person, but this is dependent on the status of the university.

The EE&IC is also preparing for the 2020 Falcon Watch and Rescue scheduled to begin the first week of June. This program monitors the falcon fledglings attempts at first flight. At times the birds find themselves in vulnerable locations within their urban environment. When this occurs a rescue is initiated to return the fledglings to the top of the RCSOB. Currently, staff is developing a plan that insures the safety of DEP personnel and volunteers incorporating COVID-19 precautions.

Update from the PA Watershed Education Task Force

The Stroud Water Resource Center, Pennsylvania Department of Education (PDE), Pennsylvania Department of Conservation and Natural Resources (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. Additional sites, dates and formats for MWEE Ambassador Trainings are currently in the planning stage.

The PA Watershed Education Task Force was to be recognized at the upcoming 2020 Pennsylvania Recreation and Parks Society (PRPS)/ Pennsylvania Association of Environmental Educators (PAEE) Conference with the Outstanding Environmental Education Program Award for the 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. *Due to the COVID-19 pandemic, the PRPS/PAEE Conference was cancelled. Award winners will be notified by mail.*

Outreach efforts to provide environmental education-related activities for those at home during this pandemic have been developed and posted on the PAEE web-site. This information can be accessed at:

<http://www.paeenet/teaching-ee-at-home.html>

Two new awards were to be presented at the cancelled PRPS/PAEE Conference: the MWEE Partner in Excellence Award and the MWEE School of Excellence Award.

The MWEE Partner in Excellence award recognizes non-formal environmental education providers who demonstrated or are 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: intermediate units, municipalities and municipal authorities, county conservation districts, government organizations, incorporated non-profit 501(c)(3) organizations, nature centers, non-formal and community-based environmental education providers, and institutions of higher learning (colleges and universities). These awards are presented to three geographical regions of the Commonwealth. For 2020, the inaugural awardees are: Fairmount Water Works, Lackawanna and Nescopeck State Parks, DCNR-Bureau of State Parks, and Little Sewickley Creek Watershed Association.

The MWEE School of Excellence award recognizes pre-K through Grade 12 formal educational institutions who have previously implemented or are actively implementing all four steps of the MWEE. Eligible applicants represent a pre-K through Grade 12 formal educational institution, including but not limited to: school districts, public schools, private schools, charter schools, and parochial schools that provide school-day or after-school programming and successfully implemented all four steps of the MWEE. These awards are presented to three geographical regions of the Commonwealth. For 2020, the inaugural awardees are: Carmichaels Area Middle & Senior High School, Halifax Middle School, and Conestoga Valley High School.

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.

Environmental Education & Chesapeake Bay Agreement

As outlined by the 2014 Chesapeake Bay Watershed Agreement (CBA), DEP EE&IC continues work to improve environmental literacy within Pennsylvania. Currently, the environmental literacy goals for 2020-2021 are under development. DEP EE&IC responsibilities include: To continue to offer funding through the PA DEP Environmental Education Grant Program; provide support of MWEE across K-12 levels; assist with the development of a statewide environmental education providers listing; annually provide professional development for environmental education providers; document MWEE implementation; improve and expand partnerships for advancing environmental literacy in PA; coordinate connections between and among Eco-Schools, PLT Green Schools, and Green Ribbon Schools; support implementation of stormwater BMPs through professional development workshops for formal and non-formal educators; continue to offer the Keystone Energy Education Program (KEEP) professional development; represent DEP on the PA Advisory Council on Environmental Education; and increase participation of PA organizations in the NOAA Chesapeake B-WET grants and implementation of MWEEs. The work of NOAA PA Environmental Literacy Capacity Building Task Force and the efforts of the DEP EE&IC continue to address each of these objectives.

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 planning, including locations and partners, is currently on hold.* 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

The 2020 PA Envirothon statewide competition scheduled for May 19 and 20, 2020, at Susquehanna University and Camp Mount Luther has been cancelled. The PA Envirothon staff are currently developing on-line resources to continue this well-established environmental education program.

Environmental Justice

DEP has been collaborating on efforts to further environmental education in environmental justice 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 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 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.

Oil and Gas

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.

Oil and Gas Technical Advisory Board Meeting

The next meeting of the Oil and Gas Technical Advisory Board (TAB) is scheduled for Wednesday, May 20, 2020. In accordance with Governor Tom Wolf's emergency disaster declaration and based on advice from the Department of Health regarding the mitigation of the spread of the novel Coronavirus (COVID-19), this meeting will be held as a conference call. Instructions for registering to attend this meeting will be posted on the TAB webpage two weeks prior to the meeting.

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

Innovative approaches through design and implementation of environmentally enhanced BMPs and superior construction practices reduce environmental impacts from Oil and Gas operations. To incentivize these technologies and practices, the Department intends to replace the ESCGP Expedited Review process with a Prioritized Review process that will allow for voluntary participation by industry. Permit applications submitted as Prioritized Review will be given a score based on the BMPs and environmentally superior construction practices proposed for a project. Projects that score well will be given priority to be reviewed before projects that are not submitted as Prioritized Review.

On April 23, 2020, DEP hosted the fourth meeting of the ESCGP-3 Prioritized Review Workgroup. In addition to DEP Office of Oil and Gas Management 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. Due to the ongoing COVID-19 pandemic and the Governor's teleworking directive and to ensure current social distancing standards, this meeting was held in a virtual environment using Skype for business.

The goal of the fourth meeting was to present and discuss the draft Prioritized Review Guidance document and the Notice of Intent Checklist for Prioritized Review. Future meetings will concentrate on further refinement of these draft documents and are expected to occur every 4 to 6 weeks until the documents are finalized.

Underground Injection Control Well Permit Issued

On April 20, 2020, DEP announced that it approved an underground injection control (UIC) well for disposal of wastewater associated with oil and natural gas production. Penneco's Sedat #3A well is located in Plum Borough, Allegheny County. DEP held a public hearing on the application on October 1, 2018, in Plum Borough and received testimony from more than 40 individuals that was incorporated into a comment and response document.

Permit issuances are required from both DEP and the U.S. Environmental Protection Agency (EPA) in order to operate a UIC well. On March 7, 2018, EPA issued an underground injection control permit, allowing the company to inject wastewater into the well pending DEP issuance of a permit to change the well's use from production to disposal. On March 13, 2018, Penneco submitted an application to DEP to change the use of the Sedat #3A Well to allow disposal.

This permit includes special conditions for monitoring and reporting including seismic monitoring to ensure early detection of minor seismic events. Prior to the Sedat #3A well's use as a disposal well, Penneco is required to apply for and obtain a permit to change the use of the nearby Sedat #1 well to a monitoring well.

Oil and Gas Workload Report

Please see Attachment 2.

Radiation Protection

Radiation Protection Rulemakings

Chapter 227

The Radiation Protection Act directs DEP to develop and conduct comprehensive programs for the registration, licensing, control, management, regulation and inspection of radiation 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 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.

Waste Management

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 social distancing requirements. *The rulemaking will now be presented at the June 3, 2020, SWAC meeting.*

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 was tentatively scheduled for consideration by the Independent Regulatory Review Commission on April 16, 2020, but that meeting was cancelled due to social distancing requirements enacted in response to the Governor's Emergency Disaster Declaration for novel coronavirus, COVID-19. The rulemaking is now tentatively scheduled for consideration at the next public IRRC meeting to be held 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 *prepared* a report that summarizes the evaluation and makes a recommendation on the petitions. *A copy of the report has been provided to the petitioner for comment. The petitioner now has 30 days to submit a written response.* 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.

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 due to social distancing requirements enacted in response to the Governor’s Emergency Disaster Declaration for novel coronavirus, COVID-19. *The next regular SWAC meeting will be held virtually on Wednesday, June 3, 2020, and will follow the agenda developed for the March 12 meeting.* 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](#).

Water Programs

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-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 next Water Resources Advisory Committee (WRAC) meeting is scheduled for May 28, 2020.

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.

Alternate Onlot Sewage Pretreatment Technology Verification Policy (TVP) Technical Guidance Document

On May 9, DEP published the final technical guidance document (TGD), Alternate Onlot Sewage Pretreatment Technology Verification Policy (TVP). Act 26 of 2017 amended the Pennsylvania Sewage Facilities Act to allow alternate onlot systems to satisfy sewage planning requirements in the establishment of new lots. Act 26 also requires DEP to evaluate the latest scientific, technical, and field-testing information concerning alternate systems and to evaluate the existing alternate systems based on that information. This TGD establishes the scientific, technical, and field-testing standards for alternate onlot systems. The draft TGD was published on March 10, 2018, for a 60-day comment period, during which 31 individuals and organizations provided comments. DEP staff also discussed development and drafts of the guidance documents to implement the provisions of Act 26 with DEP's Sewage Advisory Committee (SAC) at meetings held on November 2, 15, and 30 of 2017 and on May 3, 2018. Compared with the draft TGD, substantive revisions were made to the final TGD; many of these changes were made in response to consultation with SAC and public comments received on the draft TGD.

COVID-19 Guidance for Public Water Systems and Accredited Laboratories

Since mid-March, Bureau of Safe Drinking Water staff has sent several mass emails to public water systems and

accredited labs regarding preparatory steps, emergency reporting and notification requirements, and other measures during this pandemic. DEP understands this evolving situation has the potential to affect water system operations and the availability of key staff. This information includes:

- Preparatory actions regarding essential resources (staffing levels, essential treatment chemicals and equipment, lab capacity)
- Notification requirements and information for contacting DEP SDW staff (24/7 emergency phone numbers, CO and regional resource accounts)
 - One-hour notification to DEP is required if water systems begin to experience any circumstances that may adversely affect water quality or quantity. This ensures DEP is part of the consultation process to determine next steps.
 - This section also provides information about public notice templates and other information that may be needed if notice to the public is triggered.
- Compliance monitoring information to approve alternate monitoring locations where routine sites (businesses) may be closed
- Additional resources specific to the water sector

This information has also been added to a new Safe Drinking Water COVID-19 webpage to provide an alternate means to reach public water systems and labs with this critical information:

<https://www.dep.pa.gov/Business/Water/BureauSafeDrinkingWater/Pages/Coronavirus.aspx> The webpage has been updated to include information for certified operators regarding available online trainings to maintain continuing education credits, the process to request an extension for the license renewal cycle, and other resources for certified operators. The webpage will be updated as needed as this ongoing situation unfolds.

Environmental Justice

Environmental Justice Advisory Board (EJAB)

EJAB convened on Thursday, April 16, 2020, through a conference call. The conference call included DEP, the Office of Environmental Justice (OEJ), and member updates. The next EJAB meeting will occur via conference call on Thursday, May 21, at 9:00 a.m.

EJAB members recently formed a Subcommittee on Public Participation and Outreach. The committee will explore meaningful public participation and outreach practices through social distancing and telework scenarios. There is another 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 that will likely occur in 2021.

Community and Stakeholder Engagement

Public Meetings & Stakeholder Engagement

OEJ will engage in virtual meetings and events throughout May. OEJ will meet with community organizations including: Faith Alliance for Revitalization, Chester Environmental Partnership and others.

OEJ staff will also participate in conferences or meetings with various workgroups and committees including American Planning Association Pennsylvania Chapter meetings, Climate Justice Alliance Healthy Communities in PA meeting, COVID-19 Health Equity Response Team 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 and community organizations 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. *DEP was awarded the grant for the 2021 federal fiscal year and will be implementing the work in Darby Borough, Delaware County.*

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.”

May	
6	Aggregate Advisory Board Meeting, 10 a.m., Virtual meeting only
7	Air Quality Technical Advisory Committee Meeting, 9:15 a.m., Virtual meeting only
19	Environmental Quality Board Meeting, 9 a.m., Virtual meeting only
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 th Floor Delaware Room, Harrisburg
21	Agricultural Advisory Board Meeting, 9 a.m., Virtual meeting only
28	Water Resources Advisory Committee Meeting, 9:30 a.m., Virtual meeting only
June	
3	Solid Waste Advisory Committee Meeting, 10 a.m., Virtual meeting only
9	Board of Coal Mine Safety Meeting, 10 a.m., Conference Rooms 1A and 1B, DEP Cambria Office, 286 Industrial Park Road, Ebensburg
10	State Board for Certification of Water and Wastewater System Operators Meeting, 10 a.m., Virtual meeting only
10	Storage Tank Advisory Committee Meeting, RCSOB Room 105, Harrisburg
11	Air Quality Technical Advisory Committee Meeting, 9:15 a.m., RCSOB Room 105, Harrisburg
16	Environmental Quality Board Meeting, 9 a.m., RCSOB Room 105, Harrisburg
16	Citizens Advisory Council Meeting, 10 a.m., RCSOB Room 105, Harrisburg
17	Sewage Advisory Committee Meeting, 10:30 a.m., Virtual meeting only
18	Cleanup Standards Scientific Advisory Board Meeting, 9:30 a.m., RCSOB Room 105, Harrisburg
24	Coastal Zone Advisory Committee Meeting, 9:30 a.m., Virtual meeting only
30	Climate Change Advisory Committee Meeting, 10 a.m., RCSOB Room 105, Harrisburg

Attachment 2

Oil and Gas Workload Report (As of April 17, 2020)

YTD WELL PERMIT APPLICATIONS - 1/1/2020 to 4/17/2020						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	10	6	18	18	18	0
UNCONVENTIONAL	385	112	326	314	314	12
Sub Total	395	118	344	332	332	12
AUTHORIZATIONS	331	120	275	256	N/A	19
Total	726	238	619	588	549	31

WEEKLY WELL PERMIT APPLICATIONS - 4/11/2020 to 4/17/2020						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	0	0	0	0	0	0
UNCONVENTIONAL	17	17	1	1	1	0
Sub Total	17	17	1	1	1	0
AUTHORIZATIONS	14	12	27	23	N/A	4
Total	31	29	28	24	20	4

HISTORICAL WELL PERMIT APPLICATIONS AS OF 4/17/2020						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	198,071	198,065	196,812	190,601	1,253	101,202
UNCONVENTIONAL	28,387	28,273	27,690	21,582	583	12,285
Sub Total	226,458	226,338	224,502	212,183	1,836	113,487
AUTHORIZATIONS	45,410	45,289	44,318	42,906	971	19,321
Total	271,868	271,627	268,820	255,089	2,807	132,808

YTD INSPECTIONS - 1/1/2020 to 4/17/2020				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	3,022	2,523	1,417	90
UNCONVENTIONAL	4,087	3,188	283	38
CLIENT/SITE	1,169	1	1,395	148
Total	8,278	5,712	3,095	276

WEEKLY INSPECTIONS - 4/11/2020 to 4/17/2020				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	125	121	81	8
UNCONVENTIONAL	46	34	5	4
CLIENT/SITE	60	1	155	26
Total	231	156	241	38

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