

July 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 its public comment period ended on 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. Comments submitted on this proposed regulation are currently under review. DEP expects to finalize this regulation in early 2021.

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.

Throughout 2019, USGS, DEP, and SRBC staff collected raw surface water PFAS samples to quantify the extent of PFAS contamination at all of Pennsylvania's 178 water quality network stations (WQN). Additional,

passive water PFAS samples were collected at 18 sites, most of which overlapped with the WQN sites. This effort included testing grab and passive samples for 33 PFAS compounds and total oxidizable precursor PFAS compounds. DEP and USGS will issue the results of these analyses, which will include the results of the environmental and quality assurance samples and description of the data. An analysis report of the data will be produced in the future as a co-publication between DEP and USGS.

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. *Due to the novel coronavirus (COVID-19) pandemic, the workgroups have been put on hold.*

Regulatory Update (Detailed summaries included in respective program sections)

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

- *Proposed Rulemaking – Water Quality Standards for Manganese and Implementation*: The rule is scheduled for publication, opening a 64-day public comment period, on July 25, 2020. Three virtual public hearings are scheduled for September 8, 9, and 10, 2020. The public comment period will close September 25, 2020.
- *Proposed Rulemaking – Dam Safety and Waterway Management*: The rule is planned for EQB consideration on July 21, 2020.
- *Proposed Rulemaking – Control of VOC Emissions from Oil and Natural Gas Sources*: The rule was published on May 23, 2020, opening a 66-day public comment period. Three virtual public hearings were held on June 23 (6pm), June 24 (2pm) and June 25 (6pm). The comment period closes on July 27, 2020.
- *Proposed Rulemaking - Control of VOC Emissions from Gasoline Dispensing Facilities (Stage I and Stage II)*: This rule was adopted by the EQB 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 were received on June 1, 2020.
- *Final Rulemaking – Air Quality Fee Schedule Amendments*: The rule is planned for EQB consideration on July 21, 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. IRRC unanimously approved on June 18, 2020.
- *Final Rulemaking – Unconventional Well Permit Application Fees (#7-542)*: The EQB adopted this final-form rulemaking on January 21, 2020. IRRC unanimously approved on June 18, 2020.
- *Final-Omitted Rulemaking – Hazardous Waste Generator Improvements Rule (#7-543)*: The EQB adopted this final-omitted rulemaking on January 21, 2020. IRRC unanimously approved on June 18, 2020. The rule is scheduled for publication on July 18, 2020.
- *Final Rulemaking - Triennial Review of Water Quality Standards*: The rule is planned for publication on July 11, 2020.

Public Comment Periods

Proposals Open for Public Comment

- Environmental Assessment Approval for PENNVEST Funding Consideration (Jul 2020) (Closes 7/13)
- Coastal Zone Management Federal Consistency - United States Army Corps of Engineers Maintenance Dredging in the Delaware River Federal Navigation Channel (Closes 7/27)
- Proposed Rulemaking: Control of VOC Emissions from Oil and Natural Gas Sources (#7-544) (Closes 7/27)

- Certification of Pennsylvania’s Submittal of All Case By Case Reasonably Available Control Technology Determinations (Closes 7/31)
- Draft 2020 Integrated Water Quality Monitoring and Assessment Report (Closes 8/11)

Recently Closed Comment Periods

- Clean Water and Drinking Water State Revolving Fund Programs: Federal Fiscal Year 2020 Intended Use Plans (Closed 7/6)
- Proposed General Plan Approval and/or General Operating Permit for Natural Gas-Fired Combined Heat and Power Facilities (Closed 6/29)
- Pennsylvania’s 2020 Annual Ambient Air Monitoring Network Plan (Closed 6/29)
- Draft TGD: Appendix II-A The use of Caps as Activity and Use Limitations (261-0300-101) (Closed 6/22)
- Draft General Permit WMGR123 - Processing and Beneficial Use of Oil and Gas Liquid Waste (Closed 6/16)

Communications Monthly Press Releases

Press Releases Issued

May 29 – DEP Accepting Feedback on Regulations to Reduce Air Pollution from Natural Gas Development

June 8 – DEP “Healthy Waters, Healthy Communities” Storymap Shares Tips and Shows Benefits of Improving Water Quality in Pennsylvania’s Part of Chesapeake Bay Watershed

June 8 – DEP Issues a Code Orange Air Quality Action Day Forecast for Southeastern and Southcentral Pennsylvania Counties for June 9, 2020

June 11 – Construction Commences on AMD Treatment Plant in South Fayette, Allegheny County

June 22 – DEP Launches Expanded Online Permitting Options to Assist Businesses

June 26 – DEP Awards over \$434,000 in Environmental Education Grants to Benefit Youth, Adults Statewide

June 30 – DEP Completes Hazardous Sites Cleanup Response at Pool Doctor-Beaver Alkali Products

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 Mining and Reclamation Advisory Board (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’s 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. The full package for final rulemaking is being prepared.

Coal Refuse Disposal

This proposed rulemaking will reflect the changes set forth in Act 74 of 2019. The MRAB's Regulatory, Legislative and Technical Committee met virtually on March 16, 2020, to discuss the initial draft and again on May 18, 2020, where they approved moving ahead with the rulemaking. The proposed rulemaking is scheduled to be presented to the full MRAB on July 16, 2020.

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. The first draft of the revisions is scheduled to be presented to the MRAB on July 16, 2020.

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. Because of significant changes made during the redrafting process and an error in publishing an incomplete draft version, the document will be published again as a draft and open for public comment before finalization. *The latest draft is scheduled to be presented to the MRAB on July 16, 2020.*

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. The final version will be presented to the MRAB at the July 16, 2020, meeting.

The Engineering Manual for Surface Mining Operations (#563-0300-101) major revision has been in a preliminary draft stage for years while undergoing coordinated programs and legal review. The draft version will be presented to the MRAB on July 16, 2020, and the Aggregate Advisory Board in August prior to publishing. Due to the document's length, a 90-day comment period is anticipated.

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 Abandoned Mine Land (AML) Related Bills Under Consideration for Inclusion in a Coronavirus Stimulus Bill

The Moving Forward Act, H.R. 2, was introduced in the U.S. House of Representatives on June 22, 2020. The \$1.5 trillion proposal aims to rebuild U.S. communities through infrastructure and innovation improvements. The bill, which is comprised of work by the House Committee on Transportation and Infrastructure, Education and Labor, Financial Services, Energy and Commerce, Ways and Means, Oversight and Reform, and Natural Resources Committee Chairman Raúl Grijalva, seeks to increase investments in America's roads, bridges, transit, rail, schools, housing, broadband infrastructure, drinking and wastewater systems, postal service, clean energy sector, and health care infrastructure.

The bill incorporates the nearly \$500 billion INVEST in America Act, which includes a multi-year surface transportation bill that was approved by the House Transportation Committee in June. It also includes, among other things, both H.R. 4248 (the AML Reauthorization Act) and H.R. 2156 (the RECLAIM Act), both passed by the House Natural Resources Committee earlier this year.

The AML related bills that are included in H.R. 2 are:

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.

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.

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 *on July 21, 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 period 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 adopted the final-form rulemaking on January 21, 2020, and IRRC *unanimously approved it on June 18, 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 published 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 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 promulgated DEP final-form 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 on April 11, April 17, May 7, and May 22, 2019, respectively. They all concurred with forwarding the proposed rulemaking to the EQB. On May 19, 2020, the EQB voted unanimously to adopt the proposed rulemaking. *Publication of the proposal for public comment is anticipated in the third quarter of 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. DEP successfully submitted all case-by-case SIP revisions to the EPA before 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. *Oral arguments were heard on May 21, 2020.*

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, the Small Business Compliance Assistance Committee (SBCAC) and the CAC on April 16, April 22 and May 19, 2020, respectively. Because of technical difficulties, AQTAC delayed voting on the Annex until its meeting on May 7, 2020. The SBCAC, AQTAC and CAC concurred by votes of 7-0, 17-2 and 17-0, respectively, with DEP's recommendation to move the RACT III draft proposed rulemaking to the EQB for consideration. *DEP anticipates bringing the proposed rulemaking before the EQB during the third quarter of 2020.*

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 presented the draft proposed rulemaking Annex A to the AQTAC and CAC on May 7 and May 19, 2020, respectively. By votes of 9-9-1 and 4-9-1, respectively, the two advisory groups failed to concur with the Department's recommendation to forward the proposed rulemaking to the EQB. *DEP anticipates bringing the proposed rulemaking before the Small Business Compliance Advisory Committee and the EQB during the third quarter of 2020.*

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

On November 21, 2019, the OTC held a public hearing in Newark, DE, regarding its proposed 184(c) petition which recommends daily control technology optimization requirements and daily nitrogen oxide (NOx) emission limits at coal-fired electricity generating units (EGUs) in Pennsylvania. On April 22, 2020, DEP made a special RACT III rulemaking presentation to the OTC and discussed NOx emissions limits at EGUs. *On June 2, 2020, the OTC Commissioners voted to send the petition to the EPA by a vote of 9-2-2.*

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

2010 Sulfur Dioxide (SO₂) NAAQS Attainment Demonstration SIP Revisions

DEP submitted to EPA the required State Implementation Plan (SIP) revision for Indiana/Armstrong Counties on October 11, 2017. EPA published its intent to approve the 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, the Center for Environmental Health and the Sierra Club, EPA proposed a consent decree establishing a deadline for EPA's approval or disapproval of the SIP by October 30, 2020.

Driving PA Forward Grants and Rebates

- The Onroad Rebate Program is currently closed and will reopen in summer 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. Round 2 grant agreements are being executed. Programmatic changes are being made to streamline the program. DEP anticipates reopening it in *late* summer 2020 with approximately \$3.0 to \$3.2 million available.
- The Direct Current (DC) Fast Charging and Hydrogen Fueling Grant Program *opens for calendar year (CY) 2020 on July 2, 2020, with \$1.8 million available in funding.* Grant agreements are being executed *for CY2019 Round 2 awards.*
- The Level 2 Electric Vehicle (EV) Charging Rebate Program remains open. DEP has approved approximately 298 new plugs so far in Round 2 of this program, about 40% of the plug total that would trigger the next round of the program with lower rebate amounts.
- The \$2.6 million FY2019 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. Staff are currently reviewing and scoring applications and will prepare recommendations for funding. Additionally, DEP submitted its application to EPA for 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. DEP has received one inquiry relating to a potential project.
- The Electric Cargo Handling Grant Program application deadline was 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 with all-electric versions. Three applications were received, and a Recommendation for Funding package is currently being routed for approval. 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 2020-2021 opened for applications on January 31, 2020 and *closed* on June 5, 2020. A webinar was scheduled for March 25th but *was* postponed due to COVID-19 *and has not been rescheduled.* 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. *DEP received one application. DEP will likely reopen the program this year for another round of applications. DEP received one inquiry about the program after the close of the application period.*

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 June 30th. The meeting featured an update from the Energy Programs Office (EPO) on the 2021 Climate Action*

Plan and Climate Impacts Assessment, as well as a presentation on the draft 2017 Pennsylvania Greenhouse Gas (GHG) Inventory. Guest presentations were also provided by the GreenGov Council and DEP's Local Climate Action Program. The next CCAC meeting will be held on August 25, 2020. DEP released a solicitation on May 1 to seek a contractor to assist in preparing the next Climate Action Plan and Climate Impacts Assessment. The solicitation closed on May 29th, and the contractor, ICF, is will begin work on July 1, 2020.

In July 2020, EPO will be rolling out a DEP Climate Change Training Program in concert with their contractor, the Association of Climate Change Officers. The goal of the new agency-wide program, which will be funded by the U.S. Department of Energy's State Energy Program (SEP), is to build organizational capacity on climate change at DEP. The program will consist of an 8-hour online climate primer for DEP senior leadership, a climate capacity assessment of all staff, an in-depth Certified Climate Change Professional (CC-P) training, and a visioning workshop for creating a PA Climate Leadership Academy amongst all state agencies. The climate primer will begin during the week of July 20th, and the capacity assessment will also be completed in July. The online CC-P training will be conducted from September through November, and the visioning workshop will be held by October.

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 meeting with the Air Quality Technical Advisory Committee on May 7, 2020, and the Citizen's Advisory Council on May 19, 2020. ICF is currently modeling the economic impacts from the program, *and has received a contract extension until August 15, 2020, to complete the analysis.*

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 to discuss final recommendations for the Plan and the future proofing section of the report were held on May 7 and May 8, 2020. *ICF and EPO staff are working on the final draft of the report in order to have it completed by June 30, 2020.*

Pennsylvania Energy Development Authority (PEDA)

The PEDA Annual Report 2018-19 is posted on the PA DEP, PEDA web page.

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. *EPO staff are planning to convene a virtual PEDA Board meeting on August 4, 2020.*

Industrial Energy Efficiency Technical Assistance

The 2018 Climate Action Plan (CAP) calls for increasing energy efficiency and the first step to accomplishing those actions are to increase the availability of energy assessments for the manufacturing sector. 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-eight site assessments, and ETAC completed *ten* 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 is finalized. The final report summarized project activities, analyzed the feedback from the workshop evaluation forms and online survey, and identified next steps for local fuel shortage planning in Pennsylvania. The materials developed from this project are currently on the energy assurance webpage so that other parties can access the materials. Planning for the next phase has already started, which will include a focus on assistance to health care and educational facilities. This next phase is scheduled to be bid in July.

Local Climate Action Program (LCAP)

DEP's Energy Programs Office is partnering with ICLEI – Local Governments for Sustainability (ICLEI) to guide college students in producing GHG inventories and climate action plans (CAPs) for twenty local governments in PA. ICLEI will be providing technical assistance & training via webinars. The fall cohort has concluded, with all 20 total GHG inventories currently completed. The goal of the spring cohort is for those same 20 local governments to have CAPs 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 *provided* 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. *In order to support 20 additional municipalities, ICLEI's grant has been extended until June 30, 2021. The EPO is currently working to secure the commitment of 20 new communities, as well as the support of college students.*

Shared Energy Manager Program

To assist the municipalities who participated in the LCAP (above) in implementing their climate strategies, the EPO is in the process of procuring a contractor that will provide staff to act as a Shared Energy Manager (SEM) for 5 to 10 of those communities. The goal of this SEM program would be to provide boots-on-the-ground support in the form of technical expertise and implementation guidance to 5 to 10 local governments in order to lower their energy consumption and improve their energy management practices. This program will be funded by the U.S. Department of Energy's State Energy Program and should begin in July 2020.

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. *An extension to the contract was granted, and the remainder of the assessments will be completed after July 1, 2020.*

The Role of Energy Efficiency in Community Resilience

DEP's Energy Programs Office partnered with the Pennsylvania Municipal League (PML) to develop 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. *This program* 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. *Three* outreach informational flyers about the webinars were developed and distributed to municipalities as well as outreach groups to help get the word out. Four informational videos have also been created. *A total of five webinars were held on: October 31, 2019, with 61 attendees; November 22, 2019, with 56 attendees; February 26, 2020, with 40 attendees; March 31, 2020, with 51 attendees; and April 30, 2020, with 73 attendees. The webinars included messages about how energy efficient buildings and resiliency are interrelated and their economic, environmental and public health impacts.* 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. Virtual residential and commercial IECC trainings were held on April 8, April 15, May 7, May 14, May 21, and May 26, 2020. *An extension to the contract was completed, and the remainder of the trainings will be scheduled after July 1, 2020.* 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. A map, and an online directory of service providers to do the blower door testing, which is required in the 2015 IECC, are under development, *and the final report is complete. An extension to the contract was completed so PSD can complete in-person duct and envelope testing trainings for code officials and contractors after July 1, 2020.*

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 second application acceptance period ended December 13, 2019. *20 applications have been approved for funding, and awards are currently being prepared. Guidelines for the 2020 AFIG program have been developed and have been submitted for 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. *Recommendations for funding awards have been developed and submitted for approval.*

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 noon via a teleconference call. 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 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. EPO is currently reviewing the EnSave recommendations to determine the best agriculture energy efficiency programming opportunities for next year.

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 includes a Pennsylvania Clean Energy Industries 2020 Report (PACEIR) and a Pennsylvania Energy Employment 2020 Report (PAEER). These reports *are* based on data that BW *collected* as part of its US Energy and Employment Report. The PACEIR highlights employment in the major clean energy sectors and includes workforce data such as demographics and employer hiring difficulties, revenue or wage data, and other customized data points. The PAEER contains information on job growth over time and employer hiring projections in all energy technology sectors, not just clean energy. DEP *has received* final drafts from BW and will release the final reports *in the near future*. The Energy Programs Office has executed a contract with BW for a follow-on project to identify training needs and gaps in Pennsylvania for clean energy jobs. *A kick-off meeting for the new project occurred in late June.*

Building Operator Certification (BOC) Level 1 Training

DEP's contractor, the National Sustainable Structures Center at the Pennsylvania College of Technology *provided* BOC Level 1 Courses programs specifically targeted to reach facility managers/staff in K-12 school

districts, local government, community colleges/universities, and state agencies to train them how to better manage their existing buildings for optimal energy efficiency. Attendees may pay to take a certification exam if they choose. Funding to subsidize tuition is provided by the U.S. Department of Energy's (DOE) State Energy Program (SEP). Due to COVID-19 concerns, the trainings for both locations were moved to online only and *were* being presented as a series of 16 shorter, 3-hour sessions. The BOC classes *concluded* on June 11th. Eleven subsidized students enrolled in the course, which leaves nine of 20 seats remaining for next fiscal year. An extension has been approved through June 30, 2021, to provide BOC training with the remaining funds for nine subsidized tuition seats.

U.S. Department of Energy's State Energy Program 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 for the 2020 program year. The U.S. Department of Energy notified EPO that the application was approved on June 16, 2020. The application is being routed through the Commonwealth approval system for final execution.*

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. EPO released an RFQ on May 15, 2020, to seek proposals from qualified responders. The RFQ *closed* on June 5, 2020. *A total of five proposals were received and evaluated by EPO staff. The EPO is awaiting further evaluations of cost and small business requirements prior to final selection and contract execution. The project is expected to kick-off in mid-July.*

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 was held on May 14, 2020, with GDS and staff from the GreenGov Council, DEP EPO & Bureau of Office Services, as well as the DGS Bureau of Real Estate. *Lessor interviews began the week of June 29th.*

Food Waste-to-Energy Assessment

EPO has partnered with the DEP Bureau of Waste Management (BWM) to amend an existing Waste Characterization Study contract with MSW Consultants to add a Food Waste-to-Energy Assessment component.

A project kick-off meeting between EPO, BWM, and MSW staff was conducted on June 18th. The purpose of this project is to conduct a statewide assessment, using existing sources of data such as the EPA Excess Food Opportunities Map as well as other public and propriety datasets, to identify major producers (more than 52 tons per year) of Institutional, Commercial, and Industrial (ICI) food waste across the Commonwealth, inventory and determine the capacity of current digesting and composting infrastructure to process food waste from ICI sources, and calculate the renewable energy generation potential and greenhouse gas emissions reductions from diverting this waste. The project is scheduled to be completed by January 2021.

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 proposed changes for the final-form regulation to the Cleanup Standards Scientific Advisory Board at the July 30, 2020, meeting.*

Storage Tank Advisory Committee (STAC)

The STAC meeting scheduled for Wednesday, June 10, 2020, was cancelled. The next STAC meeting is scheduled for Wednesday, September 9, 2020, and will be held as a virtual meeting, beginning at 10 a.m. Information on how to join the meeting, as well as agenda and meeting materials, will be available on the STAC's webpage, found through the Public Participation tab on the Department's web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Cleanup and Brownfields Advisory Committees," then "Storage Tank Advisory Committee").

Cleanup Standards Scientific Advisory Board (CSSAB)

The next CSSAB meeting is scheduled for July 30, 2020. This will be a virtual meeting and will begin at 9:30 a.m. Information on how to join the meeting, as well as agenda and meeting materials, will be available on the Board's webpage, found through the Public Participation tab on the Department's web site at www.dep.pa.gov (select "Public Participation," then "Advisory Committees," then "Cleanup and Brownfields Advisory Committees," then "Cleanup Standards Advisory Board").

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 "Appendix II-A: The Use of Caps as Activity and Use Limitations" 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 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 draft document was published in the PA Bulletin on May 23, 2020, *for a 30-day public comment period, which ended on June 22, 2020.*

DEP is working on a second TGM addendum, which will provide guidance on the use of vertical soil mixing as a remediation technology to address historic pesticide contamination on agricultural lands. *Aspects of this second proposed TGM addendum are currently being evaluated by a DEP workgroup made up of technical and legal staff from both Central Office and the Regional Offices.* The technical concepts that will form the foundation of this proposed guidance addendum will be provided to the CSSAB for discussion at a future CSSAB meeting.

Environmental Education

DEP Environmental Education Grants Program

The Environmental Education Grants Program was established by the Environmental Education Act of 1993, which mandates setting aside five percent of the pollution fines and penalties DEP collects annually for environmental education in Pennsylvania. Since 1993, DEP has awarded 2,020 Environmental Education Grants totaling more than \$11 million. The Environmental Education Grants Program supports:

- *Education and empowerment of disadvantaged communities to develop meaningful solutions to environmental and public health issues;*
- *Public education on greenhouse gas emissions reduction, energy conservation, renewable energy, and climate adaptation; and*
- *Education of local officials, business owners, homeowners, and the general public on reducing runoff water pollution, water quality monitoring, cold water habitats, and other aspects of water quality*

On June 26, 2020, DEP announced that 55 projects were awarded \$434,168 in 2020-21 Environmental Education Grants. These projects will engage youth and adults in environmental justice (EJ), climate change, and/or water quality improvement and will expand their understanding of these issues in Pennsylvania and provide skills to take responsible action to protect the environment. Grants were awarded to schools and colleges, environmental and community organizations, and conservation district offices, who applied in 2019 and met project criteria for funding.

The DEP Environmental Education and Information Center (EE&IC) staff targeted distribution to provide funding to each region of the state. Reaching EJ areas was a key priority for this grant as DEP continues to strengthen its outreach and partnership with EJ communities. 77 percent of the grant funding is supporting 33 projects that will engage Pennsylvanians who live or work within EJ areas. Thirty-nine projects with a local community focus received grants of up to \$3,000. Fifteen projects that have a broader or statewide reach received grants of up to \$20,000. The Pennsylvania Envirothon, which engages students and teachers at the local, state, and national levels, received a grant of \$78,297.

Advisory Council on Environmental Education

Under the leadership of the 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 PA Pathways to Green Schools and the Green Ribbon Schools programs in Pennsylvania, and updating the PA Environmental Literacy Plan per the Chesapeake Bay Agreement (CBA).

PA Falcon Reintroduction Program

The 2020 Falcon Watch and Rescue began on May 29, 2020. 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 safety. With the input of various DEP offices, the EE&IC staff developed a plan to ensure the safety of DEP/DCNR personnel and volunteers by incorporating COVID-19 precautions.

Due to the COVID-19 the fledglings were not banded in 2020 nor given a health check. This made identifying the juvenile falcons more difficult. Each of the three juveniles were individually rescued. In each case, erring on the side of caution, the falcons were taken to Red Creek Wildlife Center. While at this rehabilitator, each bird was given a health check and treated for mites. Upon return to downtown Harrisburg, each falcon was released. The first two fledglings, a male and female, are now flying remarkably well and will disperse by the end of summer. Unfortunately, the third juvenile was very slow in development. Its first attempt at flight went poorly. After rescue, this fledgling had an extended stay at the rehabilitators to further develop its flight skills within their flight cage. Once its flight skills improved, this fledgling was released at the Rachel Carson State Office Building. When released this falcon immediately took flight and flew in a direction that's path was out of view of the Watch and Rescue Volunteers. After days of searching throughout the Capital Complex on the ground and on area roofs, this juvenile was never located. Though this was an unfortunate conclusion to Falcon Watch and Rescue, two of three successfully fledged. In comparison to first-year survival rates in the wild, which are only 40%, the success rate for this falcon program continues to far exceed this percentage.

Following additional searches, Falcon Watch and Rescue concluded on June 18, 2020. The Falcon Watch and Rescue volunteers did an amazing job tracking these first flights despite the challenges presented in 2020.

The DEP EE&IC's two-day falcon workshop scheduled for August 19 and 20, 2020, in collaboration with Penn State University's Shaver's Creek Environmental Center, has been cancelled due to the pandemic. Considering this cancellation, DEP is collaborating with the PA Game Commission, Penn State University's Shavers Creek, and Zoo America on developing virtual professional development opportunities for formal and non-formal educators.

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.

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.pae.net/teaching-ee-at-home.html>

The NOAA B-WET grant that provided funding for this task force has expired. This task force is pleased to announce that a second NOAA B-WET, two-year grant was awarded to continue efforts to promote and implement Meaningful Watershed Educational Experiences (MWEEs) throughout Pennsylvania.

Environmental Education & Chesapeake Bay Watershed Agreement

As outlined by the 2014 Chesapeake Bay Watershed Agreement (CBA), DEP EE&IC continues work to improve environmental literacy within Pennsylvania. The environmental literacy goals for 2020-2021 are complete. 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.

Work continues on updating the 2020-2022 Logic and Action Plans for the Student, Sustainable Schools, and Planning outcomes. Each jurisdiction (PA, NY, DE, MD, WV, VA, and the District of Columbia) are currently inputting performance targets for the next two years.

Envirothon

Due to the COVID-19 pandemic, the 2020 PA Envirothon statewide competition scheduled for May 19 and 20, 2020, at Susquehanna University and Camp Mount Luther was cancelled. *Pennsylvania Envirothon held its week-long Online Challenge from May 18 – 22, 2020. More than 300 Envirothon participants representing 110 schools in 47 counties competed in Pennsylvania’s first-ever, weeklong, online Envirothon Challenge. During each day of the Challenge, individuals completed a 20-question quiz that focused on one of the five-station topics – Soils and Land Use, Current Issues, Wildlife, Aquatic Ecology, and Forestry.*

The Envirothon staff has announced the 2020 “Pennsylvania Envirothon Week” winners. Prizes for the top scores were awarded for each day. The top 10 scorers each received a \$20 gift card. If there were more than 10 top scorers for any given day, winners were randomly selected from the pool of top scorers. From the week’s 179 participants who completed all five challenges, three overall winners took away Pennsylvania Envirothon apparel. The overall winners’ scores out of a possible total of 500 points were:

- *First Place – Maddie Tiemann, Neshaminy High School, Bucks County, a score of 480;*
- *Second Place – Nicholas DeFigio, Brownsville Area High School, Fayette County, a score of 475;*
- *Third Place – Ethan Olesko, Brownsville Area High School, Fayette County, a score of 470.*

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 referenced earlier, 77%, or 33 out of 55 awardees, for the 2020-21 DEP Environmental Education Grants are earmarked for Environmental Justice areas. The EE&IC staff continue to collaborate with the DEP Office of Environmental Justice to further address environmental justice areas and issues.

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 adopted the final-form rulemaking by a vote of 14 members supporting and 4 members opposed. The final-form rulemaking was *unanimously approved (five members in favor and no members opposed) by IRRC on June 18, 2020. The rulemaking will be published in the Pennsylvania Bulletin as final in the third quarter of 2020.*

Although this unconventional fee rulemaking will bring temporary relief to the Oil and Gas Well Plugging Fund, the IRRC Chairperson commented that a fee structure based on a one-time permit fee to cover the ongoing costs to administer the DEP oil and gas program is unpredictable and not sustainable. DEP will continue to consider an alternate method of funding the DEP oil and gas program in the future.

Proposed Environmental Protection Performance Standards for Conventional Oil and Gas Operators Rulemaking

In 2016, the General Assembly passed Act 52, which abrogated the ongoing rulemaking process regarding conventional oil and gas wells and established the Pennsylvania Grade Crude Oil Development Advisory Council (CDAC). Act 52 directed the Department to work with CDAC to “examine and make recommendations regarding existing technical regulations promulgated under 58 Pa.C.S. (relating to oil and gas) ... that impact the conventional oil and gas industry of this Commonwealth and explore the development of a regulatory scheme that provides for environmental oversight and enforcement specifically applicable to the conventional oil and gas industry.”

Since 2016, the Office of Oil and Gas Management (OOGM) has worked with CDAC and individual members to develop potential legislation and proposed regulations relating to conventional oil and gas wells. Specifically, proposed rulemaking concepts were discussed at several CDAC meetings throughout 2016, 2017, and 2018. In April 2018, program staff and CDAC members met and developed a scoping document outlining where agreement could be reached on potential legislative or regulatory language. In 2018 and 2019, program efforts on this issue centered more directly on legislative language with the hope that regulatory development could commence after the Conventional Oil and Gas Wells Act was passed.

Because those discussions have not resulted in viable legislation, DEP is proceeding with the development of a proposed conventional oil and gas rulemaking and intends to advance the concepts via two rulemaking packages during 2020. The first rulemaking relates primarily to the proper management of waste generated at conventional oil and gas well sites; the second rulemaking addresses other critical environmental protection performance standards at such sites. These proposed rulemakings are on DEP’s 6-month regulatory agenda. OOGM plans to develop and advance the proposed rulemakings through the CDAC and the Oil and Gas Technical Advisory Board. This will be followed by a presentation to the EQB for adoption. CDAC’s first regularly scheduled meeting of the year was scheduled for March 31, 2020; however, this meeting was cancelled due to COVID-19. DEP will discuss the proposed rulemaking with the members at the next CDAC meeting, but the meeting date has not yet been scheduled.

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

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

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

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. *The next meeting is scheduled for July 8, 2020.*

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 rulemaking will be reviewed at the rescheduled virtual RPAC meeting on July 9, 2020.*

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 was presented at the June 3, 2020 virtual SWAC meeting, and the Committee unanimously recommended that the draft proposed rulemaking be moved forward to the EQB for consideration for publication.*

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 presented for consideration by the Independent Regulatory Review Commission at their June 18, 2020, meeting, where it was unanimously approved. The rulemaking has been submitted to the Legislative Reference Bureau and is tentatively scheduled for publication as final on July 18, 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, 2019, that the petitions would be submitted to the Environmental Quality Board (EQB) for consideration at its next meeting. At the EQB meeting held on Tuesday, June 18, 2019, DEP summarized the petitions for the EQB and recommended that the EQB accept the petitions for further study. The EQB adopted a motion to accept the petitions. At the August 20, 2019, 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 has 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, and the petitioner responded with no comments.

At the June 16, 2020, Environmental Quality Board meeting, DEP recommended that the sludge generated in the leachate treatment system at both the MAX Bulger facility and the MAX Yukon facility be delisted as an F039 waste and that the petitions be accepted for rulemaking. The EQB voted to accept the delisting petitions and advance them for rulemaking.

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 regular SWAC meeting was held as a Skype meeting on Wednesday, June 3, 2020. The Committee heard a presentation from Shannon Reiter of Keep Pennsylvania Beautiful regarding the results of the 2019 Pennsylvania Litter Research Study and the associated Litter and Illegal Dumping Cost Study; the results of both studies were made public on February 20, 2020. Jim Austin, President/CEO of Empire Recycled Fiber, LLC, and Bob Bylone, President/CEO of the Pennsylvania Recycling Markets Center, gave a presentation on paper/fiber recycling markets and an overview of a project they are working on to manage these materials that will be located in Fairless Hills, Pennsylvania. Bureau of Waste Management staff also presented draft proposed regulatory language that creates a new municipal waste permit-by-rule (PBR) for rural transfer facilities for discussion and the Committee's recommendation; the Committee recommended that DEP move the proposed regulation forward, taking into consideration the comments and discussion that took place in the meeting. The next regular SWAC meeting will be held jointly with the Recycling Fund Advisory Committee (RFAC) on Thursday, September 10, 2020, beginning at 10 a.m.; this meeting will be held virtually. 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 *will be held jointly with SWAC on Thursday, September 10, 2020; the meeting will be virtual.* 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 on July 21, 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 Chapter 93, be met consistent with the exception in 25 Pa. Code § 96.3(d). Act 40 directed the Board to propose a regulation that moves the point of compliance for manganese from the point of discharge to any downstream drinking water intake. The Bureau of Clean Water presented a rulemaking to revise the water quality standards for manganese to the Board on December 17, 2019. This proposed rulemaking includes the following updates to 25 Pa. Code Chapter 93: (1) deleting the Potable Water Supply criterion of 1.0 mg/L from § 93.7, Table 3 and (2) adding a Human Health criterion of 0.3 mg/L to § 93.8c, Table 5. In addition, the proposed rulemaking includes language in 25 Pa. Code Chapter 96

describing two alternative points of compliance for meeting the manganese criterion. The first alternative, consistent with Act 40, is to move the point of compliance from all surface waters (i.e., at the point of discharge) to the point of all existing or planned surface potable water supply withdrawals. The second alternative, consistent with the Clean Streams Law and mindful of the responsibilities of drinking water suppliers' obligations under the Pennsylvania Safe Drinking Water Act, is to maintain the existing point of compliance in all surface waters (i.e., at the point of discharge). The Department recommended the Board receive comments on both alternatives to assist the Board in its determination of the appropriate point of compliance. The Board voted to adopt the proposed rulemaking with both alternatives. *The rule is scheduled for publication, opening a 64-day public comment period, on July 25, 2020. Three virtual public hearings are scheduled for September 8, 9, and 10, 2020. The public comment period will close September 25, 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 final Triennial Review of Water Quality Standards has been delivered to the Legislative Reference Bureau (LRB) for final publication in the Bulletin, and the *rule is planned for publication on July 11, 2020*. Once published in the Bulletin, the Triennial Review will be submitted to the EPA for their review and approval.

Class A Streams Redesignations

On December 18, 2018, the EQB adopted the proposed rulemaking for Class A Streams Redesignations, and the proposal was published in the Pennsylvania Bulletin on March 23, 2019, (49 Pa.B. 1367) beginning a 45-day comment period that ended on May 7, 2019. The Board received comments from 777 commenters including EPA Region 3 and the Independent Regulatory Review Commission. The regulatory changes in this final rulemaking are the result of stream evaluations of protected water uses conducted by the Department in response to a submittal of data from the Pennsylvania Fish and Boat Commission (PFBC) under 25 Pa. Code § 93.4c(a)(1)(i) (relating to implementation of antidegradation requirements) and § 93.4d (relating to processing of petitions, evaluations and assessments to change a designated use). In this regulation, stream redesignations rely on § 93.4b(a)(2)(ii) to qualify streams for High Quality designations based upon their classifications as Class A wild trout streams. These regulations include High Quality stream redesignations in the Delaware, Susquehanna and Ohio River basins. This final rulemaking package is anticipated to be presented to the EQB in the fourth quarter of 2020.

Water Quality Permit Fees

DEP proposed a rulemaking that would increase some 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 Pennsylvania 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 revised 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 late 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 on the draft permit through October 28, 2019, and is working toward publication of the final PAG-01 General Permit.

PAG-12

DEP anticipates amending the PAG-12 NPDES General Permit for Operation of Concentrated Animal Feeding Operations (CAFOs) during 2020 to ease administrative burdens and to correct an omission in the existing PAG-12, which became effective on April 1, 2018. DEP is proposing to 1) remove the general permit language that results in an automatic expiration of coverage if an annual report or annual fee is not submitted on time; 2) clarify that the annual fee of \$500 is an installment payment of the NOI fee; and 3) correct the error in omitting certain CAFOs from needing to perform daily water line inspections. DEP discussed the proposed changes with the Agricultural Advisory Board at the board's May 21, 2020, meeting and with the Water Resources Advisory Committee at their May 28, 2020, meeting. DEP will continue consultation with both the Agricultural Advisory Board and the Water Resource Advisory Committee throughout the process of amending the permit. The changes will require EPA approval prior to being incorporated in a final permit.

Agricultural Advisory Board Meeting

The next Agricultural Advisory Board meeting is tentatively scheduled for August 27, 2020. A special meeting of the Agricultural Advisory Board focused on CAFOs and the PAG-12 permit is scheduled for July 1, 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 draft 2020 Integrated Report is to be published in the Pa Bulletin on June 27 for a 45-day public comment period that ends on August 11.* At the close of the comment period, staff in the Assessment Section of DEP's Water Quality Division will draft a comment response document to address all comments received prior finalizing the 2020 Integrated Report and submitting the report 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.

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)

The EJAB convened their quarterly meeting virtually on Thursday, May 21. The call included presentations on the Regional Greenhouse Gas Initiative (RGGI) and the Climate Action Plan (CAP). The next EJAB meeting will occur via conference call on Thursday, July 16, at 1:00 p.m.

Following the May EJAB meeting EJAB members decided to prepare recommendations on RGGI centering on Environmental Justice to present at the July meeting. EJAB recently formed a Subcommittee on Public Participation and Outreach. The committee will explore meaningful public participation and outreach practices considering 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. 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 July. 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: the American Planning Association Pennsylvania Chapter, the Climate Justice Alliance, Healthy Communities in PA, COVID-19 Health Equity Response Team, Pennsylvania Interagency Health Equity Team, the Capital Region Water Community Ambassadors, Healthy Environmental and Schools Reopening, Future Forces, the Chesapeake Bay Program's Diversity, Remediation of the Philadelphia Energy Solutions Refinery, Internal Lead Workgroup, the Superfund Community Advisory Group (CAG), Equity, the Transportation and Climate Initiative, and others.

Roundtables

A virtual roundtable meeting in the Lehigh Valley is scheduled for Wednesday, July 22, 2020. Discussions have started to plan a roundtable in October in Scranton. 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 and other PA agencies including DOH and DCNR to develop and deliver training on environmental justice for DEP, other state agencies and community organizations around Environmental Justice and community engagement. OEJ continues meeting with an interagency group to discuss a state EJ definition and strategy. *OEJ will begin rolling out internal training beginning with a training for DEP's Executive Staff on Monday, September 14, 2020.*

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 and develop additional connections between academic institutions and communities of need. OEJ is developing its own program known as the Higher Education Environmental Partnership Program (HEEP), which brings resources to address community concerns while providing universities with the opportunity to apply their studies on the ground.

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 will be hosting a virtual public meeting on Tuesday, July 7, to present findings from the final report and discuss next steps.* DEP was awarded the grant for the 2021 federal fiscal year and will be implementing the work in Darby Borough, Delaware County.

Outreach on Key DEP Initiatives

OEJ and the Energy Programs Office (EPO) collaborated to deliver presentations of the 2018 Climate Action Plan (CAP) to EJ partners in all 6 DEP regions. The last presentation was delivered on June 15, 2020, in Spanish and English for Esperanza, a community-based organization in Philadelphia. The purpose of these

presentations was to solicit feedback on the plan to drive development of the 2021 CAP. OEJ is now working to share the Regional Greenhouse Gas Initiative (RGGI) with EJ partners.

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.”

July	
8	Diesel Technical Advisory Committee Meeting, 10 a.m., Virtual Meeting Only
9	Radiation Protection Advisory Committee Meeting, 9 a.m., Virtual meeting only
15	State Board for Certification of Sewage Enforcement Officers Meeting, 10 a.m., Virtual meeting only
16	Mining and Reclamation Advisory Board (MRAB) Meeting, 10 a.m., Virtual meeting only
16	Environmental Justice Advisory Board (EJAB) Meeting, 1 p.m., Virtual meeting only
21	Environmental Quality Board Meeting, 9 a.m., RCSOB Room 105, Harrisburg
21	Citizens Advisory Council Meeting, 12:30 p.m., Virtual meeting only
22	Small Business Compliance Advisory Committee Meeting, 10 a.m., Virtual meeting only
23	Small Water Systems Technical Assistance Center Advisory Board Meeting, 9 a.m., Virtual meeting only
28	Board of Coal Mine Safety Meeting, 10 a.m., Virtual meeting only
29	Water Resource Advisory Committee Meeting, 10 a.m., Virtual meeting only
30	Cleanup Standards Scientific Advisory Board Meeting, 9:30 a.m. Virtual meeting only
August	
5	Aggregate Advisory Board Meeting, 10 a.m., Virtual meeting only
11	Environmental Justice Advisory Board Meeting, 1 p.m., Virtual meeting only
13	Air Quality Technical Advisory Committee Meeting, 9:15 a.m., Virtual meeting only
18	Environmental Quality Board Meeting, 9 a.m., RCSOB Room 105, Harrisburg
18	Citizens Advisory Council Meeting, 10 a.m. RCSOB Room 105, Harrisburg
19	PA State Board for Certification of Sewage Enforcement Officers Meeting, 10 a.m., RCSOB Conference Room 11B, Harrisburg
25	Climate Change Advisory Committee Meeting, 10 a.m., RCSOB Room 105, Harrisburg
27	Agricultural Advisory Board Meeting, 9 a.m., PA Department of Agriculture Room 309, Harrisburg

Attachment 2

Oil and Gas Workload Report (As of June 19, 2020)

YTD WELL PERMIT APPLICATIONS - 1/1/2020 to 6/19/2020						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	26	14	26	26	25	0
UNCONVENTIONAL	535	93	494	477	458	17
Sub Total	561	107	520	503	483	17
AUTHORIZATIONS	480	119	423	369	N/A	54
Total	1,041	226	943	872	807	71

WEEKLY WELL PERMIT APPLICATIONS - 6/13/2020 to 6/19/2020						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	9	9	0	0	0	0
UNCONVENTIONAL	16	16	16	16	16	0
Sub Total	25	25	16	16	16	0
AUTHORIZATIONS	8	6	26	8	N/A	18
Total	33	31	42	24	24	18

HISTORICAL WELL PERMIT APPLICATIONS AS OF 6/19/2020						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	198,087	198,073	196,820	190,607	1,253	101,134
UNCONVENTIONAL	28,537	28,441	27,853	21,663	588	12,294
Sub Total	226,624	226,514	224,673	212,270	1,841	113,428
AUTHORIZATIONS	45,559	45,437	44,431	42,980	1,006	19,359
Total	272,183	271,951	269,104	255,250	2,847	132,787

YTD INSPECTIONS - 1/1/2020 to 6/19/2020				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	4,189	3,268	1,795	130
UNCONVENTIONAL	5,036	3,615	414	68
CLIENT/SITE	1,706	1	2,228	184
Total	10,931	6,884	4,437	382

WEEKLY INSPECTIONS - 6/13/2020 to 6/19/2020				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	83	71	30	1
UNCONVENTIONAL	53	50	4	1
CLIENT/SITE	30	1	5	5
Total	166	122	39	7

WELLS DRILLED					
	Two Years Prior 1/1/2018 to 6/19/2018	One Year Prior 1/1/2019 to 6/19/2019	Year To Date 1/1/2020 to 6/19/2020	Week of 6/13/2020 to 6/19/2020	As of 6/19/2020
CONVENTIONAL	41	60	17	0	201,589
UNCONVENTIONAL	375	353	255	8	12,575
Total	416	413	272	8	214,164

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