

February 2021 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, is responsible for developing a comprehensive response to identify and eliminate the sources of PFAS contamination, address strategies to deliver safe drinking water, manage environmental contamination, explore funding for remediation efforts, and increase public education. 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 challenges associated with PFAS and the 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. DEP expects to finalize this regulation in early 2021.

The Bureau of Safe Drinking Water's PFAS Sampling Plan resumed in mid-August under an approved return to work and health and safety plan. Sampling was temporarily suspended in March due to COVID-19. Sample analysis is split between DEP's Bureau of Laboratories (BOL) and the contract lab using EPA Method 537.1, which can detect 18 PFAS. This will provide even more occurrence data to inform future actions moving forward. *Sample collection efforts were completed in January 2021.*

Work on the PFAS Toxicology Services Contract with Drexel University is continuing. *A final draft report with recommendations on toxicity values and MCLGs is expected by the end of January 2021.*

Throughout 2019, the U.S. Geologic Survey (USGS), DEP, and Susquehanna River Basin Commission staff collected raw surface water PFAS samples to quantify the extent of PFAS contamination at all of Pennsylvania's 178 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.

DEP and USGS will continue to collect PFAS surface water samples at approximately 20 locations throughout Pennsylvania based on the results of the data collection effort. The additional data collection will be performed as part of the Department's Surface Water Quality Network. Ongoing data collection will be used in the development of PFAS water quality criteria and implementation of surface water assessments.

Chesapeake Bay Phase 3 Watershed Implementation Plan (WIP)

In an effort to expand public transparency of Pennsylvania's progress toward meeting our Phase 3 Watershed Implementation Plan goals, the Chesapeake Bay Office has instituted a new electronic monthly newsletter. Anyone can subscribe to receive the newsletter. Previous newsletters and the link to subscribe can be found [here](#).

The Chesapeake Bay Office submitted the 2020 Milestone Programmatic Progress Report to EPA by the deadline on January 15, 2021. This document is also published to the Phase 3 WIP "Tracking Pennsylvania's Progress" [webpage](#). In addition, the Chesapeake Bay Office submitted the 2020 Annual Numeric Progress through the National Environmental Information Exchange Network (NEIEN) as well as the updated Quality Assurance Program Plan (QAPP) to EPA on December 1, 2020. Numeric Progress is entered into the Chesapeake Assessment Scenario Tool (CAST); over the course of a two month period, EPA Chesapeake Bay Program Office (CBPO) and DEP Chesapeake Bay Office staff have been in correspondence, following the iterative reporting and feedback timeline set forth by the Chesapeake Bay Program Partnership. Final results from 2020 Numeric Progress should be provided in mid-late February by the EPA CBPO to DEP. A meeting with EPA Region 3 and CBPO staff and DEP, SCC, and DCNR staff is scheduled for the end of February to discuss EPA's evaluation of both the 2020 Programmatic and Numeric Progress.

The [State Team](#) for Pennsylvania's Phase 3 WIP met January 26, 2021, for the team's first biannual meeting of 2021. The agenda for the meeting is currently available on the State Team webpage; a recording of the meeting and slide decks presented at the meeting will also be available on the webpage.

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. Coordinator and CAP Implementation Grant applications were submitted by October 15, 2020, for eligible counties: the pilot counties (Lancaster, York, Adams, Franklin) and the tier 2 counties (Bedford, Center, Cumberland, Lebanon). Over \$6 million in Environmental Stewardship Funds were announced as awarded on November 20, 2020. The funding is funded on a calendar year basis, with coordinator funds being provided up to a \$100,000 maximum. CAP Implementation Grants are provided to eligible applicants (those counties that have developed their CAPs) and will target resources where the need is greatest for nutrient and sediment reduction to the Chesapeake Bay. *Tier 3 and 4 Counties are entering into agreements and have been awarded funds for CAP coordination.* This upcoming year, the source of the coordinator and CAP implementation grant funds will be Environmental Stewardship Funds; no federal funds have been provided.

DEP Chesapeake Bay Office staff have been using the weekly "Webinar Wednesdays" virtual forum for training on topics identified by the County Coordinators and bringing in presenters from different DEP programs as well as external presenters from NFWF, National Wildlife Federation, Alliance for the Chesapeake Bay, and Water Words that Work. We recently have worked with the EPA Chesapeake Bay Program Office to

produce an introductory BMP Verification module, with opportunity for additional more specific modules in the near future.

The draft Conowingo WIP (CWIP) was published for public comment by the Chesapeake Bay Program Partnership on October 15, 2020. The draft CWIP was drafted for the Partnership by the Center for Watershed Protection, Chesapeake Conservancy, and the Chesapeake Bay Trust under a grant awarded by EPA. The CWIP 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 public comment period for the CWIP was extended an additional 30 days to January 20, 2021. *The public comment period ended and the Conowingo WIP Steering Committee is reviewing the comments with the Center for Watershed Protection in an effort to address public comments as well as comments received by EPA.* The CWIP, a webinar that provides information about the CWIP, the CWIP Financing Strategy, and other communications materials can be found on [the CWIP Steering Committee webpage](#).

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

The 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 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 – Noncoal Mining Clarifications and Corrections \(#7-554\)](#): The rule was adopted by the EQB on November 17, 2020.
- [Proposed Rulemaking – CO₂ Budget Trading Program \(#7-559\)](#): The rule was adopted by the EQB on September 15, 2020. The rule was published on November 7, 2020, for a 69-day public comment

period. Ten (10) virtual public hearings were held December 8 – 14, 2020. *The public comment period closed on January 14, 2021, with approximately 13,870 comments received.*

- Proposed Rulemaking – Control of VOCs from Gasoline Dispensing Facilities (Stage I and Stage II) (#7-525): The rule was published on September 26, 2020, for a 65-day public comment period. Three virtual public hearings were held on October 27, October 28, and October 29. The public comment period closed on November 30, 2020. IRRC’s comments were received on December 30, 2020.
- Proposed Rulemaking – Water Quality Standards for Manganese and Implementation (#7-553): The rule was published on July 25, 2020 for a 64-day public comment period. Three virtual public hearings were held on September 8, 9, and 10, 2020. The public comment period closed September 25, 2020. During the comment period and public hearings, 950 individuals provided comments or testimony on the rulemaking. On September 30, 2020, the House Environmental Resources and Energy Committee voted to send a letter to the Independent Regulatory Review Commission (IRRC) expressing the committee’s disapproval of the proposed rulemaking. IRRC’s comments were received on October 26, 2020.
- Proposed Rulemaking – Dam Safety and Waterway Management (#7-556): The rule was adopted by the EQB on July 21, 2020. The rule was published on December 5, 2020, for a 60-day public comment period ending on February 3, 2021.
- Proposed Rulemaking – Control of VOC Emissions from Oil and Natural Gas Sources (#7-544): The rule was published on May 23, 2020, opening a 66-day public comment period. Three virtual public hearings were held on June 23, 24, and 25. The comment period closed on July 27, 2020. IRRC’s comments were received on August 26, 2020.
- Draft Final 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. The public comment period closed on April 30, 2020. IRRC’s comments were received on June 1, 2020. Comments received were discussed with the Cleanup Standards Scientific Advisory Board on July 30, 2020 and the draft final Annex A was presented on December 16, 2020.
- Final Rulemaking – Water Quality Standards – Class A Stream Redesignations (#7-548): The proposed rule was published on March 23, 2019, opening a 45-day public comment period. A public hearing was held on April 26, 2019. The comment period closed on May 7, 2019. IRRC’s comments were received on June 6, 2019. The final rule was adopted by the EQB on November 17, 2020.
- Final Rulemaking – Water Supply Replacement for Surface Coal Mining (#7-545): The rule was published on November 2, 2019, opening a 30-day public comment period. The comment period closed on December 2, 2019. IRRC’s comments were received on January 2, 2020. The draft final Annex A was discussed with the Mining and Reclamation Advisory Board on April 2, 2020. The final rule was adopted by the EQB on November 17, 2020.
- Final Rulemaking – Air Quality Fee Schedule Amendments (#7-536): The rule was adopted by the EQB on July 21, 2020. The rule was delivered to the House and Senate Environmental Resources and Energy (ERE) Committees and IRRC on August 14, 2020. The House ERE Committee sent a letter disapproving the final rule on September 15, 2020. IRRC approved at its public meeting on September 17, 2020. On September 30, 2020, the House ERE Committee reported a Concurrent Regulatory Review Resolution to the House to disapprove the final rulemaking. However, the House chose not to vote on the Resolution within ten legislative calendar days. *The final regulation was published on January 16, 2021.*

Public Comment Periods

Proposals Open for Public Comment

- 2013-2018 Report on the Effects of Subsidence Resulting from Underground Bituminous Coal Mining in Pennsylvania (Closes 4/9/21)
- Draft Stream Evaluation Reports: Beaver Creek (Delaware County) and Middle Lehigh River Tributaries (Carbon County) (Closes 2/12/21)
- Draft General Permit: General NPDES Permit for Stormwater Discharges Associated with Mining Activities (BMP GP-104) (Closes 2/8/21)

Recently Closed Comment Periods

- Proposed Rulemaking: Dam Safety and Waterway Management (#7-556) (Closed 2/3/2021)
- Draft Technical Guidance: Engineering Manual for Surface Mining Operations (563-0300-101) (Closed 1/28/21)
- Environmental Assessment Approval for PENNVEST Funding Consideration (Jan 2021) (Closed 1/19/2021)
- Proposed Rulemaking: CO2 Budget Trading Program (#7-559) (Closed 1/14/2021)
- Coastal Zone Management Federal Consistency: United State Environmental Protection Agency – National Performance Standards for Discharges Incidental to the Normal Operation of a Commercial Vessel (Closed 1/4/2021)
- Proposed Conditional State Water Quality Certification under Section 401 of the Clean Water Act for United States Army Corps of Engineers Pennsylvania State Programmatic General Permit 6 (PASPGP-6) (Closed 1/4/2021)

Communications Monthly Press Releases

Press Releases Issued

December 31 – DEP to Host Virtual Public Hearing on PennEast Pipeline Permit Applications for Phase 1

January 4 – Jim Miller Named Regional Director of Southwest Regional Office

January 6 – Students Encourage Pennsylvanians to Test Their Homes for Radon During National Radon Action Month

January 7 – DEP Lifts Drought Watch or Warning for 20 Counties, Three Counties Remain on Watch

January 13 – ADVISORY – VIRTUAL PANEL DISCUSSION – FRIDAY – Wolf Administration to Host ‘Feeding Pennsylvanians, Reducing Waste’ Discussion on Food Security

January 13 – DEP Issues Code Orange Air Quality Action Day for Fine Particulate Matter for Thursday, January 14, 2021, in Southeastern and Southcentral Counties

January 15 – Wolf Administration Hosts ‘Feeding Pennsylvanians, Reducing Waste’ Discussion on Food Security and its Environmental Impacts

January 21 – Chapter 102 Electronic Permit System to be Released Monday

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 (RLT) 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 EQB unanimously voted to adopt the final rulemaking on November 17, 2020.

Noncoal Mining Clarifications and Corrections

25 Pa. Code Chapter 77 was finalized in 1990 to implement the Noncoal Surface Mining Conservation and Reclamation Act. Since 1990, the Department's experience implementing the noncoal mining regulatory program has highlighted several issues that necessitate clarification of the regulations in Chapter 77. This proposed rulemaking seeks to address these clarifications and corrections, and many of the proposed revisions are administrative in nature. Beginning in October 2018, the Aggregate Advisory Board began reviewing and discussing concepts for the proposed rulemaking. Interaction with the Aggregate Advisory Board continued with several meetings of its RLT Committee throughout 2019 and 2020. On May 6, 2020, the Aggregate Advisory Board voted to concur with the Department's recommendation that the proposed rulemaking proceed in the regulatory process. The EQB unanimously voted to adopt the draft rulemaking on November 17, 2020.

Coal Refuse Disposal

This proposed rulemaking will reflect the changes set forth in Act 74 of 2019. The MRAB's RLT 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 was presented to the full MRAB on July 16, 2020. The MRAB objected to the use of "will" instead of "may" in one section and ultimately did not hold a vote on how to proceed with the proposed rulemaking. Further discussions on the proposed rulemaking took place with the MRAB's RLT Committee on October 15, 2020. The proposed rulemaking was then taken back to the full MRAB on October 22, 2020, where they voted to concur with the Department's recommendation that the proposed rulemaking proceed in the regulatory process.

Guidance Document Revisions

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

The Liners, Impoundments, Stockpiles, and Coal Refuse Disposal Areas (#563-2112-656) technical guidance document requires substantial reworking to reflect its applicability to capping of coal refuse disposal sites. This document also requires insertion of technical specifications for use of barrier fabrics. The first draft of the revisions was presented to the MRAB on July 16, 2020. The MRAB's RLT Committee discussed the draft at its October 15, 2020, meeting and opted to form a workgroup with an outside expert on slurry impoundments in order to further review this guidance. The workgroup met on December 7, 2020, to discuss revisions to the draft. A revised draft will be produced, then shared with the MRAB before being published for public comment.

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 draft was presented to the MRAB on July 16, 2020, and was available for public comment from October 3, 2020, through November 2, 2020. *Two sets of public comments were received but did not necessitate changes to the guidance. The draft final technical guidance document was presented to the MRAB on January 21, 2021, and the Department anticipates publishing this guidance document as final in quarter 1 2021.*

The Engineering Manual for Surface Mining Operations (#563-0300-101) major revision draft version was presented to the MRAB on July 16, 2020, and was provided to the Aggregate Advisory Board on August 5, 2020, and discussed at their RLT meeting on September 18, 2020. The MRAB's RLT Committee also discussed the draft guidance at their October 15, 2020, meeting. This draft guidance document was published for public comment on October 31, 2020, kicking off a 90-day public comment period that *ended* on January 28, 2021.

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 2019. The report was required by the Bituminous Mine Subsidence and Land Conservation Act (Act 54) of 1994. BMP has since published a response table that includes all the recommendations from the latest report on DEP's Act 54 webpage. *In addition, the BMP has created a web-based report to show the data regarding the effects of underground mining for 2018 and 2019. BMP has started to publish the data on water supplies, structural damage, streams, wetlands and additional information on its website. Ongoing data reports will allow for more timely public input, more effective understanding of problem resolution, and increase transparency and timeliness.*

BMP GP-104: NPDES General Permit for Stormwater Associated with Mining Activities

Originally issued in 2010 and renewed in 2016 after a short administrative extension, the current version of this general NPDES permit expires in February 2021. This general permit provides NPDES coverage for hundreds of small noncoal, anthracite, and a few other mining activity operations where stormwater-related constituents are the only potential source of pollution to surface waters. The draft permit reissuance documents were sent to EPA on April 6, 2020. On June 26, 2020, EPA and BMP staff discussed EPA's new concerns with the permit, which were substantial. The parties agreed to consider this submission "informal" while also agreeing to regular meetings to revise the draft permit and associated fact sheet. These meetings took place throughout August and September 2020 and resulted in significant changes to the documents. The main changes aligned the coverage expiration date with the permit expiration date across the board, essentially meaning that instead of staggered 5-year coverage, all coverage expires on the same day every five years. This will create a huge workload for District Mining Operations. Additional changes were made to address TMDL and other water quality concerns that will be handled through review of the notice of intent for coverage and use of BMPs on the sites.

The revised package was submitted to EPA for formal review on September 25, 2020. EPA and BMP discussed minor issues with the final documents on October 23, 2020 where BMP suggested that EPA supply these comments with their concurrence of the permit so BMP could move ahead with publishing the draft for public comments. EPA responded on November 20 requesting extensive revisions including concerns that the

Department assumed were settled. Due to the expiration of the permit that will affect approximately 900 anthracite and noncoal operations that have existing coverage under this permit, the Department published the draft for public comment on January 9, 2021, and informed EPA of this plan to move ahead. The public notice also included an extension of the permit for existing coverage but prevents new coverage until a permit can be reissued. The public comment period expires February 8, 2021. Meanwhile, BMP continues to converse with EPA on what they have indicated are outstanding issues.

Air Quality

Final Rulemakings

Air Quality Fees

The Clean Air Fund constitutes approximately 65% 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 FY2021-22 and the Title V account will reach a zero balance sometime in FY2023-24.

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

DEP presented the final-form rulemaking to the EQB on July 21, 2020, who adopted it by a 17-2 vote. The rule was delivered to the House and Senate Environmental Resources and Energy (ERE) Committees and IRRC on August 14, 2020. The House ERE Committee sent a letter disapproving the final rule on September 15, 2020. DEP presented the final rulemaking to IRRC on September 17, 2020, and IRRC approved the rulemaking by a 4-1 vote. On September 30, 2020, the House ERE Committee reported a Concurrent Regulatory Review Resolution to the House to disapprove the final rulemaking. No vote on this Resolution was held. *The rulemaking was published as final on January 16, 2021.*

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). 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 rulemaking was adopted by the EQB on December 17, 2019 and published for public comment on May 23, 2020, with a 66-day comment period ending on July 27, 2020. The Department received 4,509 comments from approximately 36,211 commentators, including 121 from oral testimony given at virtual public hearings held on June 23, 24, and 25, 2020. IRRC's comments were received on August 26, 2020. *DEP is preparing a comment and response document.*

On January 22, 2020, the Center for Environmental Health and the Center for Biological Diversity sued EPA 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. On October 29, 2020, EPA issued a final rule finding that five states – California, Connecticut, New York, Pennsylvania, and Texas – failed to submit the required SIP revisions. The SIP revisions were due on October 27, 2018. The finding triggers CAA deadlines for EPA to impose sanctions if a state does not make a complete SIP submission for the CTG and for EPA to promulgate a Federal Implementation Plan if it does not approve a state's SIP revision. Specifically, 18 months after the effective date of EPA's finding, a 2-to-1 offset ratio for the nonattainment New Source Review

permitting program will go into effect. Six months after the date of offset sanctions, highway funding may be withheld in nonattainment areas.

Proposed Rulemakings

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. In response, the Department has proposed regulations which would require the decommissioning of vacuum-assisted vapor recovery systems at gasoline dispensing facilities 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. On May 19, 2020, the EQB voted unanimously to adopt the proposed rulemaking. The proposed rulemaking was published for public comment on September 26, 2020. Three virtual public hearings were held on October 27, 28, and 29, 2020, and the public comment period ended on November 30, 2020. DEP is preparing a comment and response document.

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. On July 22, 2020, DEP brought the proposed rulemaking before the SBCAC, which also failed to concur with the Department's recommendation to forward the proposed rulemaking to the EQB by a vote of 3-4-0. On September 15, 2020, the EQB adopted the proposed rulemaking by a vote of 13-6. The proposed rulemaking was published in the Pennsylvania Bulletin on November 7, 2020. *Ten virtual hearings were held December 8-14, 2020, and the public comment period closed on January 14, 2021. DEP is preparing a comment and response document.*

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, SBCAC and CAC on April 16, April 22, and May 19, 2020, respectively. Because of technical difficulties, AQTAC delayed voting on the draft Annex A action item 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 second quarter of 2021.

Large Petroleum Dry Cleaners, Shipbuilding and Repair Coatings Operations, and SOCMR Reactors, Distillation, and Air Oxidation Processes

This proposed RACT rulemaking is based on EPA's Control Technique Guidelines for these three industries. The proposed rulemaking would control VOC emissions from certain existing sources and assist DEP in certifying Control Techniques Guidelines (CTG) to meet requirements under the Clean Air Act and the U.S. Environmental Protection Agency's (EPA) 2015 Ozone Implementation Rule. The Department presented the draft proposed rulemaking to AQTAC, SBCAC, CAC PRO on October 15, October 28, November 11, and

November 17, 2020, respectively. DEP anticipates presenting the proposed rulemaking to the EQB in the second quarter of 2021.

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 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.

On December 21, 2020, the U.S. House and Senate passed a \$1.4 trillion omnibus spending package that includes the American Innovation and Manufacturing Act of 2019 (AIM). The key environmental benefits of AIM include phasing down the production and importation of HFCs by 85% by 2035. AIM requires EPA to ensure HFCs are made available for six essential uses: inhalers, defense sprays, foams for boats and truck trailers, the semiconductor manufacturing process, mission-critical military uses, and onboard fire-suppression for aviation. These essential uses currently do not have a non-HFC alternative, and only represent about five percent of the total HFC market. The bill also requires EPA to consider overall environmental impact and economic costs when deciding to grant or deny an essential use exemption and requires transparency and the consideration of costs if EPA decides to accelerate the HFC phase-down schedule. The agreement prevents states from regulating the use of the six congressionally designated essential HFC uses for a period of five years, renewable for an additional five years. DEP staff are evaluating the federal legislation and the need to continue to develop HFC regulations for Pennsylvania.

Regulatory State Implementation Plan (SIP) Revisions

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. On August 27, 2020, the Court vacated and remanded three aspects of EPA's approval of DEP's RACT II Rule: 1) Emission limits for coal-fired boilers equipped with selective catalytic reduction control devices; 2) SCR operating temperature-based exemptions; and 3) the SCR temperature reporting requirement.

In late November 2020, DEP and the Allegheny County Health Department issued letters to facilities with coal-fired boilers equipped with SCR requiring that they submit case-by-case RACT evaluations no later than April 1, 2021.

Non-Regulatory SIP Revisions

2010 Sulfur Dioxide (SO₂) NAAQS Attainment Demonstration SIP Revisions

DEP submitted to EPA the required SIP revision for Indiana and Armstrong Counties 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 October 19, 2020, EPA published its approval of the attainment demonstration.

On December 18, 2020, Sierra Club, Clean Air Council, and Citizens for Pennsylvania's Future sued EPA in the Third Circuit regarding the agency's approval of the attainment plan. EPA and DEP are reviewing the complaint.

Driving PA Forward Grants and Rebates

- The Onroad Rebate Program re-opened on 10/2/20 with approximately \$6.4 million available. The application period for this round closed on 12/4/20, as all available funds had been committed to eligible projects. Sixty-four projects were approved to receive Onroad Rebate vouchers totaling \$6,473,185. These rebates will be used to fund replacement projects for 181 older, diesel-powered Class 4-8 (GVWR) vehicles. *DEP anticipates issuing all Onroad Rebate vouchers for this round of funding by the end of January.*
- The Truck and Bus Fleet Grant Program (formerly the Class 8 Truck and Transit Bus Grant) re-opened on 10/2/20 with approximately \$3.0 million available. The application period ended on 11/13/20. Fourteen applications were received and are being scored.
- The Direct Current Fast Charging & Hydrogen Fueling Grant Program opened for calendar year (CY) 2020 on 7/2/20, with \$1.8 million available. Twelve applications were received and are being scored.
- The Version 2 Level 2 Electric Vehicle (EV) Charging Rebates will remain open at the current funding level until rebates have been awarded for 750 new EV charging plugs. After the 750-plug limit has been reached, Version 3 will begin with lower, maximum project reimbursement rates. DEP has approved funding for approximately 660 new plugs so far - about 88% of the total that would trigger Version 3 of Program funding with lower rebate amounts.
- The \$2.6 million FY2019 DERA/PA State Clean Diesel Grant Program opened on 1/31/20 and closed on 3/6/20. Twenty-eight applications were received and are being scored.
- The Ocean-Going Vessel Shorepower Grant Program application deadline was 10/30/19. DEP offered \$3 million for CYs 2019-2020 for this round of funding. However, no applications were received. DEP is currently evaluating the program requirements and expects to re-open in early-mid 2021.
- The Electric Cargo Handling Grant Program application deadline was 11/15/19. DEP offered \$3 million in funding for CYs 2019-2020. Of the three applications received during this round, a single project award of \$435,960 was offered to the Philadelphia Regional Port Authority on 9/8/20. A grant agreement for this project *has been* executed. Approximately \$2.6 million remains available for a second round of funding, which re-opened on 10/30/20 and closes on 3/5/21.
- The first round of the Marine & Rail Freight Movers Grant Program opened for applications on 1/31/20 and closed on 6/5/20. DEP offered \$10 million in funding for CYs 2020-2021. A single award of \$1.26 million was offered to the Southeastern PA Transportation Authority to fund a work-locomotive replacement project. Approximately \$8.7 million remains available for a second round of funding, which re-opened on 11/6/20 and closes on 3/19/21.

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

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 and EPA acknowledged receipt in the July 7, 2020 Federal Register. *On January 15, 2021, EPA published that it will*

hold a virtual public hearing on February 2, 2021, and that the public comment period will close March 8. DEP is preparing comments.

Energy Programs Office

Climate Change Advisory Committee

The most recent Climate Change Advisory Committee (CCAC) meeting was conducted virtually on December 22, 2020. DEP's contractor, ICF, presented on the progress of Pennsylvania's 2021 Climate Impacts Assessment (IA) and Climate Action Plan (CAP) reports. The Draft Final IA and an initial draft of the CAP were shared with the CCAC for their review and comment ahead of the meeting, and the CCAC's feedback was requested by January 12, 2021. *A total of 113 comments were received from 9 individual CCAC members on the 2021 IA and CAP materials provided for review. DEP is working with ICF to address those comments, as appropriate, and incorporate any needed updates into the next iterations of the documents.* The next CCAC meeting is scheduled for February 23, 2021. *DEP and ICF will present to the committee a summary of how their input was incorporated into the Draft Final IA and Draft CAP, as well as progress made on the greenhouse gas reduction analysis for the CAP. The CCAC will have another opportunity to provide input on the Draft CAP during and following the February meeting.*

Pennsylvania Energy Development Authority (PEDA)

The COVID-19 PEDA Restart grant solicitation closed on October 2, 2020, with the receipt of 53 applications. EPO staff completed a comprehensive scoring evaluation and review, recommending 11 projects for funding. Department staff presented the recommended projects to the PEDA Board at a meeting on November 30, 2020. The PEDA Board voted to award \$1.7 million in funding for 11 projects. The Department also informed the PEDA Board that PEDA staff are still working on the procurements with the PA Department of Treasury to implement a Pennsylvania Green Bank. EPO staff have completed the PEDA 2019 Annual Report and posted it to the DEP website.

Industrial Energy Efficiency Technical Assistance

For state fiscal year (SFY) 2020-21, 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 *ten* site assessments, and ETAC completed *seven* site assessments this fiscal year for various companies throughout Pennsylvania representing the *mining*, food processing, agricultural, metal fabrication, mining, household and dental care products, *health and beauty products*, and biomedical industries.

Energy Assurance

EPO *is working with ICF* to develop Energy Assurance Resiliency Outreach for Healthcare/Medical Facilities. The project will result in a virtual training with online materials to help healthcare facilities test their preparedness for a diverse range of energy emergency events. *The first draft of the guide was submitted to and reviewed by EPO. A final version should be completed in February.* EPO and the DEP Director of Emergency Response have coordinated with PEMA to establish monthly Fuels Sector Monthly Coordination Calls to provide situational awareness regarding supply concerns related to heating and transportation fuels. The next call is scheduled for *February 12, 2021.*

Local Climate Action Program (LCAP)

For the second year, DEP's Energy Programs Office is partnering with ICLEI – Local Governments for Sustainability (ICLEI) to guide 29 college students from 13 higher education institutions in producing GHG inventories and climate action plans (CAPs) for 21 local governments in PA. Participants confirmed for the new program year include the Cities of Harrisburg, Lancaster & Allentown; Cumberland County; Montgomery County Consortium of Communities, which represents 50 municipalities in southeast PA; and CONNECT

(Congress of Neighboring Communities), which consists of 38 municipalities surrounding Pittsburgh. Seven training webinars for students and local governments were held in August through November, with students producing greenhouse gas inventories for their assigned local governments by December. The first two training webinars on the climate action planning process were conducted on January 22nd and 29th *and three additional sessions will be held in February.*

Commonwealth – University Capstone Partnership

Through the Commonwealth-University Capstone Partnership, EPO has been working with the Governor’s Office of Performance through Excellence (OPE) since December to match five local governments with college students in order to assist in their Climate Action Plan (CAP) implementation. East Stroudsburg University *has been* matched with Jermyn Borough in Lackawanna County to research various green infrastructure methods that could be installed and/or incentivized, as well as tackling the invasive species issue in the Lackawanna River, which flows through the Borough. *Graduate students from the University of Pittsburgh have been paired with the Triboro Ecodistrict (Etna Borough, Sharpsburg Borough, and Millvale Borough in Allegheny County) to assist in conducting solar PV feasibility assessments in those communities. Both projects officially began during the last week in January and will be completed by April.*

Building Energy Code Trainings

DEP is working 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. A series of workshops, webinars and specialized (circuit rider) trainings were planned for SFY 2019, and PSD completed 18 virtual residential and commercial IECC trainings. Funding is provided by the U.S. Department of Energy’s (DOE) State Energy Program (SEP). Additional energy code trainings, circuit rider assistance plus creation of an outreach and education plan for building owners and homeowners around the benefits of energy codes plus specialized training for duct and envelope training (DET) are being held in SFY 2020. *PML and PSD conducted a virtual residential energy code training for 35 participants on January 7, 2021 at the Pennsylvania Building Officials Conference. There were two virtual duct and envelope testing trainings in January and three scheduled for February with organizations involved with energy codes in various parts of PA.*

Alternative Fuel Incentive Grant (AFIG)

The AFIG Program offers grant funding for clean, alternative fuel projects in Pennsylvania and investment in Pennsylvania’s energy sector. Approximately \$5 million in grants is available for school districts, municipal authorities, political subdivisions, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in the Commonwealth. The 2020 AFIG closed on December 11, 2020. A total of 31 applications were submitted via the DCED Electronic Single Application system. 21 applications were submitted for Vehicle Purchase and/or Retrofit projects, 7 applications were submitted for Refueling Infrastructure projects, and 3 applications were submitted for Innovative Technology projects. The total funding amount applied for is \$5,513,918. DEP staff are currently reviewing the applications *and will make recommendations for funding to Executive Staff in February.* The AFIG program will reopen in spring 2021.

Agricultural Energy Use Analysis and Outreach

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. The final report was delivered to DEP on March 30, 2020. EPO staff, with stakeholder input, developed a set of outreach and technical assistance initiatives based on the EnSave analysis and recommendations. EPO has issued a purchase order to Penn State Extension, in order to have them begin implementing some of the initiatives identified by EnSave and other stakeholders. Outreach to the agriculture sector this year will include virtual outreach to the dairy and poultry sectors, utility bill analyses for farms, and creation of online agriculture energy calculator tools to assist farmers with determining cost savings from energy efficiency projects. A weekly 8-part webinar series has been

scheduled to begin on March 18, 2021, covering various farm energy efficiency topics. An agriculture stakeholder group meeting was held on December 2, 2020, to discuss marketing efforts and share updates.

Energy Workforce Development

DEP contracted with BW Research Partnership to deliver two Pennsylvania-specific *reports for 2021* that will help determine the future direction of energy workforce development activities. This includes a Pennsylvania Clean Energy Employment 2021 Report (PACEER) and a Pennsylvania Energy Employment 2021 Report (PAEER). *2020 versions of these reports were released in August and are located on EPO's [Workforce Development](#) web page.* EPO has executed a contract with BW for a follow-on project to identify *workforce needs and gaps in Pennsylvania for clean energy jobs. BW delivered a draft report on the outcomes of the surveys and identification of workforce gaps was delivered to EPO at the end of December. EPO has shared the draft with L&I and DCED and has asked for feedback by the end of January. A final report is expected this spring.*

Building Operator Certification (BOC) Level 1 Training

DEP's contractor, the National Sustainable Structures Center (NSSC) 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 presented as a series of 16 shorter, 3-hour sessions. *The first set of BOC classes concluded on June 11th. Eleven subsidized students enrolled in the course, which leaves nine of 20 seats remaining for the current fiscal year. Online sessions began in January 2021 and conclude in April 2021. There are currently 12 people registered for the BOC course, with all 9 subsidized tuition seats filled.*

Electrical Energy Storage Assessment for Pennsylvania

EPO is working with Strategen 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. Strategen is currently working on finalizing the Energy Storage Assessment as well as PowerPoint presentation slides relating to the study. Biweekly meetings with Strategen are scheduled through *early February* when the final assessment and related presentation materials are due.

Food Waste-to-Energy Assessment

EPO has partnered with the DEP Bureau of Waste Management (BWM) and MSW Consultants on a Food Waste-to-Energy Assessment as part of a Waste Characterization Study. 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. MSW Consultants have finalized its research and outreach and is compiling the analysis and recommendations. They will present a draft report to the Department in February 2021.

Drive Electric PA Coalition

DEP and PennDOT hosted a Drive Electric PA Coalition virtual meeting on January 21, 2021. The meeting featured presentations from (1) PUC and PECO regarding time-of-use electric rates, (2) PennDOT who discussed electric vehicle usage fee considerations, (3) legislative news and member updates related to EVs and EV infrastructure, and (4) the Clean Cities Coalition, who discussed a grant they recently received from the Department of Energy to educate the public about electric vehicles.

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 shared proposed responses with the Cleanup Standards Scientific Advisory Board (CSSAB) at the July 30, 2020 meeting. DEP presented proposed changes for the final-form regulation to the CSSAB at its December 16, 2020, meeting. The CSSAB's discussion focused on the status of vanadium and lead soil numeric values. In the fall of 2020, the CSSAB Lead and Vanadium Workgroup provided analyses and recommendations regarding the vanadium and lead soil values. DEP considered the information from the Workgroup as part of its analysis for the final-form rulemaking. DEP provided a presentation at the meeting explaining why DEP does not plan to change the vanadium direct contact soil numeric value for this particular rulemaking and the proposed changes to the lead soil direct contact numeric values. CSSAB members disagree with DEP's interpretation of the Commonwealth Document Law and strongly opposed its decision to retain the current Direct Contact Medium-Specific Concentration for Vanadium. The CSSAB also expressed concern about changing the Target Blood Lead Level from 10 micrograms per deciliter to 5 micrograms per deciliter.

Storage Tank Advisory Committee (STAC)

The Storage Tank Advisory Committee (STAC) met virtually on December 2, 2020. Kris Shiffer, Chief, Division of Storage Tanks, reviewed the STAC membership list and stated that 14 of the 16 positions are filled. Currently, two vacancies exist representing both the public and local government. Richard Burgan, Director, Bureau of Special Funds, Department of Insurance, attended to provide an update with regards to the Underground Storage Tank Indemnification Fund. EPA staff from the Office of Research and Development, presented a new tool called UST Finder to assist state agency staff and the public in locating active and closed underground storage tanks (USTs), UST facilities, and leaking UST sites. Jeff Bitner, Project Manager for Enterprise Content Management/OnBase, presented information to the membership on the Department's OnBase Public Upload webpage. Mr. Shiffer then presented information regarding current compliance rates for Pennsylvania's UST program.

The next STAC meeting is scheduled for March 9, 2021. 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 CSSAB met virtually on December 16, 2020. Discussion topics included approval of meeting minutes from previous meetings, administrative and membership issues, and updates on the status of the Land Recycling

Program and the PFAS Action Team in addition to the discussion on the proposed changes for the final-form Chapter 250 regulation referenced above.

The next virtual CSSAB meeting is scheduled for 9:30 a.m. on April 14, 2021. Information on how to join the meeting, as well as agenda and meeting materials, will be posted on the Board's webpage within two weeks of the meeting date. Once posted, this information can be 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 Scientific 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 *Pennsylvania Bulletin* on May 23, 2020, for a 30-day public comment period. DEP is currently evaluating comments received during the public comment period and will prepare a Comment and Response document to be published with the final TGM addendum.

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 (EE) 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.

The 2021 Environmental Education Grants Program deadline for applications was December 11, 2020. Over 100 eligible applications, reflecting approximately \$1.2 million in funding requests, were submitted. The diverse proposals, ranging from one-day workshops to multi-day immersive programs, will engage community members as well as teachers and youth. All proposals address one or more EE program priorities (Water, Climate Change and Environmental Justice) and 70% of proposals reflect engaging people living and/or working in environmental justice areas. The awards are tentatively scheduled to be announced in spring 2021.

Advisory Council on Environmental Education

Under the leadership of the Pennsylvania 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 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 Watershed Agreement (CBA). The Council met on October 2, 2020, to discuss the Council's position on the revision of the PA Environment & Ecology standards.

PA Falcon Reintroduction Program

The female interloping falcon that has been observed visiting the 15th floor ledge was banded 85/AK, at the Transamerica Building in Baltimore, MD. This is the second falcon from this nest to be observed in Pennsylvania.

As the DEP EE&IC's two-day falcon workshop previously scheduled for August 2020 was cancelled due to the pandemic, DEP is collaborating with the PA Game Commission, Penn State University's Shavers Creek, and the Motus system on developing virtual professional development opportunities for formal and non-formal educators. These virtual opportunities will be delivered beginning in May 2021.

Update from the PA ELit Task Force

DEP continues to support the Pennsylvania Environmental Literacy Task Force and its efforts to encourage Pennsylvania teachers to incorporate the Meaningful Watershed Educational Experience (MWEE) framework into their classrooms. The Task Force's current two-year MWEE project hopes to reach 1,000 school administrators, teachers and non-formal educators by providing them with easily adaptable modular classroom activities and opportunities for professional development. The Task Force's efforts also include developing a PA Facilitator's MWEE Guide, designed for those who will be training educators on available MWEE tools and resources. *New initiatives, including professional development opportunities for formal and non-formal educators, are planned for late spring and early summer of 2021. Two MWEE Ambassador Trainings are to be held; one hosted by Erie County and the second in Monroe County. The virtual aspect of this training will be made available to all educators throughout the Commonwealth. Also, under development is a professional development opportunity for school administrators to develop an Environmental Literacy Plan for their school building or district.* For more information about MWEEs, please visit the Chesapeake Bay Foundation's [MWEE webpage](#).

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 2020-2022 Chesapeake Bay Watershed Agreement has led participating authorities to refine management approaches and develop high-level action statements for the 2020-2022 Student, Sustainable Schools, and Planning Logic and Action Plans to improve environmental literacy within the Chesapeake Bay Watershed. Signatory states and backbone organizations for the Workgroup have completed entering their performance targets (e.g. milestones indicating how they will support the high-level actions.) In particular, states are looking for opportunities to collaborate with organizations undertaking similar efforts in environmental education or similar fields; making sure that the performance targets are the most important and impactful efforts to advance the management approach; ensuring that the performance targets are not redundant with other efforts; and identifying gaps that may still need to be filled. Each jurisdiction (PA, NY, DE, MD, WV, VA, and the District of Columbia) have included their performance targets for the next two years.

Envirothon

As the recipient of a 2020 DEP Environmental Education Grant at the General Grant II level, PA Envirothon is required that participants from at least 60 Pennsylvania counties must directly participate in this project. Additionally, the project must demonstrate that at least 30% of program participants are members of an Environmental Justice Community.

Planning for a successful virtual State Competition in March 2021, the PA Envirothon has launched its first Android and Apple friendly app to help users learn about the Envirothon topics while experiencing Pennsylvania's outdoors this app features links to the Envirothon Station Training; tree, fish, wildlife and other identification guides; bird song and frog and toad calls; and other information. *The PA Envirothon Program is also making plans to engage teachers and coaches. Partnering with the PA Environmental Literacy Task Force, a Meaningful Watershed Educational Experience (MWEE) workshop will be delivered on March 18, 2021.*

Environmental Justice

Continuing to reflect the priority of Environmental Justice within the DEP Environmental Education Grant program, over 70% of the 100 applications submitted for 2021 are from Environmental Justice areas.

The EE&IC staff continues to collaborate with the DEP Office of Environmental Justice to further address environmental justice issues, *including developing an EJ Viewer to show school districts and buildings located within EJ Areas.*

Environment and Ecology Standards Update

EE&IC staff have been directly involved in the process to update the state's environment and ecology standards by serving on the Steering Committee. The revised Environment and Ecology standards have been drafted and Pennsylvania Department of Education (PDE) is proposing the E&E standards be embedded in the Science Standards.

The revised standards will be published for public comment in 2021, and the EE&IC will share information about the public comment period once it is announced. The proposed revised standards can be viewed on the PDE's [website](#).

Teaching Green Newsletter

The latest edition of the "Teaching Green" newsletter was released on January 14, 2021. This newsletter is produced quarterly by EE&IC staff to keep the environmental education community up to date on the work of DEP and to share information on new environmental education opportunities and programs designed to strengthen environmental literacy within the Commonwealth. To sign-up and receive the latest issue, go to: <https://signup.e2ma.net/signup/1866903/1790186/>

2021 Farm Show

Out of an abundance of caution regarding the spread of the novel coronavirus (COVID-19), the PA Department of Agriculture's 2021 Farm Show was held virtually. This virtual event opened on January 9 and concluded on January 16. The virtual Farm Show focused on agricultural awareness, education, and literacy while highlighting the interconnectedness of our food chain. Events focused on education and awareness were held for both the general public and the agricultural industry. To learn more, please visit the Farm Show's [website](#).

During the Farm Show, the Pennsylvania Departments of Environmental Protection and Agriculture hosted "Feeding Pennsylvanians, Reducing Waste," a panel discussion on food security in Pennsylvania and how commonwealth programs, partners, and residents are taking steps to reduce food waste, protect the environment, protect the security of the food supply chain, and protect the charitable food system. View a recording of the panel discussion on [DEP's Facebook page](#).

Celebrating the 50th Anniversary of the Passing of Article I, Section 27

Scheduled for the spring of 2021, DEP will be participating in a new exhibit recognizing the passing of Article I, Section 27 of the PA Constitution, which states that, "The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of

these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.” Currently, this exhibit is near the conclusion of the design phase. In addition to DEP, PA’s other natural resource agencies (DCNR, the PA Game Commission and the PA Fish and Boat Commission) will also be participating. This exhibit will be hosted by the Ned Smith Center for Science and Art in Millersburg, PA.

Environmental Justice

Environmental Justice Advisory Board (EJAB)

The EJAB’s most recent virtual meeting was held with the Citizens Advisory Council on Thursday, November 12, 2020. *The next EJAB meeting will be held virtually on Thursday, February 18, 2021, and will include a presentation from the Pennsylvania Energy Development Authority and an update from the EPA’s Environmental Justice Program.*

EJAB members prepared and a letter outlining Environmental Justice recommendations about RGGI that was submitted to Secretary McDonnell and the Governor’s Office on August 17, 2020. EJAB recently formed a Subcommittee on Public Participation and Outreach. The committee is exploring meaningful public participation and outreach practices in light of social distancing and telework scenarios and revisions to the EJ Policy. There is another subcommittee on Environmental Justice and Environmental Health, which is working to assist OEJ and DEP around issues involving environmental justice and environmental health. This committee started to explore EJ mapping tools and provided some guidance around the Department of Health and the EJ and Environmental Health Map it is developing.

EJAB members and OEJ together with other partners are now planning an Environmental Justice symposium, titled “EJ in PA”, which is scheduled for April 6, 2021.

Community and Stakeholder Engagement

Public Meetings & Stakeholder Engagement

OEJ engaged in virtual meetings and events throughout January. This included meeting with community organizations and various workgroups and committees including: the American Planning Association Pennsylvania Chapter, Climate Justice Alliance Just Transition Group, Healthy Communities in PA, COVID-19 Health Equity Response Team, Pennsylvania Interagency Health Equity Team, Faith Alliance for Revitalization, Healthy Environment and Schools Reopening Workgroup, Future Forces Workgroup, Chesapeake Bay Program’s Diversity Workgroup, Shamokin Creek Restoration Alliance, Remediation of the Philadelphia Energy Solutions Refinery, Internal Lead Workgroup, Martin Luther King CommUNITY of Greater Kennett Square Annual MLK Day event Superfund Community Advisory Groups (CAG), Transportation and Climate Initiative Investment and Equity Subcommittee, Chesapeake Bay County Wide Action Plan Team, and others.

Roundtables

The most recent roundtable meeting was held on Tuesday, October 6, 2020, with stakeholders in Scranton. The discussion focused on the Keystone landfill, legacy mine contamination, growth and transportation, public participation in the permitting process, and other environmental justice considerations in the Scranton area. *There have been two follow up meetings with the Scranton EJ Roundtable Group (December 6 and January 29).* These events invite approximately 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

Environmental Justice Planning

In October DEP announced in the Pennsylvania Bulletin a withdrawal of the draft EJ Policy to create a new policy that is more comprehensive and includes EJ issues beyond public participation. *OEJ is currently in the Planning and Outreach and Engagement phase regarding development of a new EJ Policy and has been focused on collecting internal feedback.*

OEJ collaborated with the EPA and other PA agencies, including DOH and DCNR, to develop and deliver training concerning Environmental Justice and community engagement for DEP, other state agencies and community organizations. OEJ rolled out an internal training that began with DEP's Executive Staff in September. In December, OEJ led six (6) internal trainings on environmental justice with over 1,500 DEP employees participating in the trainings. The purpose of the trainings is for all DEP staff to have a baseline knowledge of environmental justice and to discuss and obtain staff feedback about the current EJ Policy and how to improve and expand environmental justice within the agency. OEJ is reviewing feedback from the trainings and identifying next steps.

OEJ Initiatives

Translation Services

OEJ is working with the Office of Administration, Communications, and other programs to finalize and publicize a translation and interpretation process for DEP. OEJ developed an outline of the process for obtaining translation services and assisted the Policy Office with their translation of RGGI materials. OEJ worked with the Office of Administration to get billing and contracting in place for phone-based interpretation services. OEJ convened meetings with several DEP offices to discuss the roll out process for all DEP staff and next steps for translation and interpretation.

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 2021 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.

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. DEP worked with a multiplicity of stakeholders in Shamokin to conduct a brownfields inventory, rank sites for development and prepare a report outlining possible next steps. DEP was awarded the grant for the 2021 federal fiscal year and is now implementing the work in Darby Borough, Delaware County. The kick-off meeting with the Darby Borough Project Advisory Committee was held on December 16, 2020 *with a follow up meeting on February 1, 2021.*

Grants

OEJ is working with DEP's Grants Center and individual programs to track grant participation in EJ areas and incorporate EJ consideration into program area grants.

Outreach on Key DEP Initiatives

OEJ is working with the Policy and Energy Programs Offices (EPO) to support outreach and engagement around the Regional Greenhouse Gas Initiative (RGGI) proposed rulemaking with EJ partners. Several presentations on RGGI have been delivered to EJ partners. OEJ is also working with RGGI staff to develop equity draft principles supporting the initiative.

Additionally, OEJ is collaborating with the EPO to develop a plan to facilitate outreach to EJ communities for the Northeast States for Coordinated Air Use Management (NESCAUM) Memorandum of Understanding (MOU) around Medium and Heavy Duty Zero Emission Vehicles. DEP has delivered presentations on the NESCAUM MOU to DEP Advisory Boards and Commissions and will continue delivering presentations to other stakeholders. OEJ also coordinated with the EPO to connect them with the freight committee of the Lehigh Valley Planning Commission (LVPC) to help them understand existing resources on vehicle electrification. The issue of transportation related emissions was identified in the Lehigh Valley Roundtable in July 2020.

OEJ is also working with EPO regarding inclusion and evaluation of equity and EJ considerations in the next Climate Action Plan.

Oil and Gas

Oil and Gas Rulemakings

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

In 2016, the General Assembly passed Act 52, which abrogated the ongoing rulemaking process regarding conventional oil and gas wells and established the Pennsylvania Grade Crude Oil Development Advisory Council (CDAC). Act 52 directed 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.” From 2016 to the present, the Office of Oil and Gas Management (OOGM) has worked with CDAC to develop potential legislation and proposed regulations relating to conventional oil and gas wells.

Because discussions so far have not resulted in viable legislation, DEP is proceeding with the development of a proposed conventional oil and gas rulemaking and advanced the regulatory concepts via two rulemaking packages during 2020. The first rulemaking relates primarily to the proper management of waste generated at conventional oil and gas well sites; the second rulemaking addresses other critical environmental protection performance standards at such sites. OOGM plans to develop and advance the proposed rulemakings through the CDAC and the Oil and Gas Technical Advisory Board (TAB) with presentation to the EQB for approval during 2021.

On August 6, 2020, the Office of Oil and Gas Management presented these two proposed rulemakings to CDAC. On September 17, 2020, DEP also informed TAB of the discussion of the proposed rulemakings that occurred with CDAC and shared copies of both proposed rulemakings with TAB. At its December 3, 2020, meeting, CDAC and OOGM staff continued discussion and initial review of the proposed rulemakings. A motion was proposed to schedule a meeting for CDAC to continue its review of the rulemakings in February 2021, but the motion failed by a vote of 7 to 8. CDAC will meet next in April 2021. On December 16, 2020, DEP updated TAB regarding the discussion and actions taken at the CDAC meeting that occurred on December 3, 2020.

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.

The Department presented revised documents to the Oil and Gas TAB at its December 16, 2020, meeting. The Department anticipates publishing the draft documents for public comment in the Pennsylvania Bulletin in early 2021.

Pressure Barrier Policy Technical Guidance Document (TGD)

OOGM has completed all updates to the Pressure Barrier Policy TGD and have introduced further improvements concerning blowout prevention (BOP) testing in light of recent changes to the American Petroleum Institute's (API) Recommended Practice 53, which is directly referenced in the regulations. An additional update has also been introduced respective of a well control emergency and subsurface blowout incident in Pennsylvania that occurred at a Utica shale well in 2019. The document was discussed at the Oil and Gas TAB's meeting on May 20, 2020. OOGM received comments from TAB members on June 26, 2020. The Pressure Barrier Policy TGD was published on August 29, 2020, as draft in the Pennsylvania Bulletin with a 30-day public comment period that ended on September 28, 2020. A total of 91 comments were submitted from five commenters. OOGM is continuing to evaluate the comments in preparation for publication as final. The updated document will be presented to TAB at its next meeting scheduled for May 5, 2021.

Guidelines for Chain Pillar Development and Longwall Mining Adjacent to Unconventional Wells Technical Guidance Document

OOGM presented the updated TGD to the Oil and Gas TAB on September 17, 2020. TAB members provided limited comments, and minor updates were made in response to those comments. Publication of this document as final is anticipated for the first quarter of 2021.

Area of Review (AOR) Technical Guidance Document

The final version of the AOR TGD is expected to be published in the Pennsylvania Bulletin in the first quarter of 2021.

Transition to ePermit

25 Pa. Code Section 78a.15(a) requires all applications for unconventional well permits to be submitted electronically through its website. Since the fall of 2018, OOGM has operated two separate online applications available for the electronic submission of well permit applications: the older eWell application and the newer ePermitting application. Effective January 1, 2021, OOGM will discontinue the use of eWell for the electronic submission of new oil and gas well applications. Instead, applicants must use the ePermitting application exclusively for the electronic submission of new applications to drill, alter, renew and/or operate an oil and/or gas well. Operators that have submitted applications through eWell prior to January 1, 2021, will continue to have access to eWell to complete those applications.

The ePermitting application provides several benefits over the eWell system, with the primary benefit being that ePermitting is an enterprise application used for the electronic submission of permit applications to multiple programs within the PADEP, thereby providing common functionality to users across programs. Additionally, ePermitting is a GIS based system utilizing layer package and shapefile submissions rather than the DWG file submissions (i.e., related to computer aided design) used by eWell. PA DEP will continue to make improvements and enhancements to this application moving forward.

In consideration of the transition to the ePermitting application, the DEP OOGM and the Bureau of Information Technology conducted a webinar on December 15, 2020, to review the new submission process and functionality with respect to oil and gas well drilling permit applications. This review included a demonstration of the access process and protocols to submit subsurface permit applications through the ePermitting platform. This webinar was recorded and will be posted for future viewing.

Order of the Commonwealth Court of Pennsylvania dated January 6, 2021 in Marcellus Shale Coalition v. Department of Environmental Protection of the Commonwealth of Pennsylvania and Environmental Quality Board of the Commonwealth of Pennsylvania, Docket No. 573 MD 2016

The Department published a notice in the Pennsylvania Bulletin of the January 6, 2021 Order of the Commonwealth Court of Pennsylvania (Order), which clarifies the compliance deadlines in 25 Pa. Code § 78a.59c(a) (relating to centralized impoundments). The Commonwealth Court issued its Order in response to a Joint Application for Relief Requesting Clarification of the Compliance Deadlines in 25 Pa. Code § 78a.59c(a) filed by the Department, the Environmental Quality Board, and the Marcellus Shale Coalition in the case of Marcellus Shale Coalition v. Department of Environmental Protection of the Commonwealth of Pennsylvania and Environmental Quality Board of the Commonwealth of Pennsylvania, Commonwealth Court Docket No. 573 MD 2016. The Commonwealth Court's Order directs the Department to publicize the Order in the Pennsylvania Bulletin; notifying the regulated community and public of the correct compliance dates. The Commonwealth Court's Order extends the April 8, 2017 deadline from 25 Pa. Code § 78a.59c(a) to Monday, June 7, 2021 and extends the October 8, 2019 deadline to Monday, January 8, 2024. This notice was published in the January 30, 2021 edition of the Pennsylvania Bulletin.

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-producing devices and users of such devices. The areas in need of review and update relate to non-medical X-ray equipment. There have been important advances in technology and use of X-rays and other ionizing radiation particles for industrial radiography, non-contact level monitoring, foreign body detection, chemical purification, melting, welding, polymerization, sterilization, and security screening. The proposed package was discussed 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 and rescheduled for July 9, 2020. At the July 9th meeting, RPAC concurred with the Department's recommendation to proceed with the proposed rulemaking, and the proposed rulemaking documents are now being prepared to be taken to the Environmental Quality Board in Quarter 1 2021.

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. Proposed rulemaking documents are now being prepared to be taken to the Environmental Quality Board tentatively in the second quarter of 2021.

Draft Proposed Rulemaking: MAX Environmental Technologies, Inc. Delisting – 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. DEP completed its evaluation of the petitions and prepared a report that summarized the evaluation and made a recommendation on the petitions.

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.

The two petitions are being advanced as a single proposed rulemaking. The Hazardous Waste Management Division made a presentation at the September 10, 2020, Solid Waste and Recycling Fund Advisory Committees (SWAC/RFAC) virtual meeting providing the above background on the petitions and the resulting draft proposed regulatory language for the petitions for SWAC’s consideration. At the meeting, SWAC concurred with the Department’s recommendation to advance the draft proposed regulatory language to the EQB for consideration. Preparation of the remainder of the proposed rulemaking package is ongoing, and presentation to the EQB is tentatively *planned for the second quarter of 2021*.

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. Preparation of the comment/response document is ongoing.

Solid Waste Advisory Committee (SWAC)

The next regular meeting of SWAC is scheduled for Thursday, March 18, 2021. Additional information is available on the [SWAC website](#).

Recycling Fund Advisory Committee (RFAC)

The next annual RFAC meeting is scheduled for Thursday, September 16, 2021. 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 drafted 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 proposed 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 was adopted by the Environmental Quality Board on July 21, 2020. The proposed rulemaking was published in the Pennsylvania Bulletin on December 5, 2020, for a 60-day public comment period. *The comment period ended on February 3, 2021.*

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 proposed rulemaking was published in the Pennsylvania Bulletin on Saturday, July 25, 2020, opening a public comment period that closed on September 25, 2020. The Board has also held three virtual public hearings on September 8, 9 and 10, 2020. During the comment period and public hearings, 950 individuals provided comments or testimony on the rulemaking. On September 30, 2020 the House Environmental Resources and Energy Committee voted to send a letter to IRRC expressing the Committee's disapproval of the proposed rulemaking. IRRC's comments were received on October 26, 2020. *As suggested in IRRC's comments, staff discussed the rulemaking with the Mining and Reclamation Advisory Board on January 21, 2021, and with the Aggregate Advisory Board on February 3, 2021.*

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 was published in the Pennsylvania Bulletin on July 11, 2020. The Triennial Review has been 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 was adopted by the EQB on November 17, 2020.

Dunbar et al Stream Redesignations

A proposed stream redesignation rulemaking is tentatively scheduled to be presented to the EQB in the first half of 2021. The proposed rulemaking includes redesignation recommendations for seven streams in response to stream evaluations conducted by the Department. Stream evaluations were conducted in response to three rulemaking petitions that were previously accepted by the EQB, requests by the DEP Regional Programs and the Pennsylvania Fish and Boat Commission, ongoing statewide monitoring activities, and an error identified in Chapter 93. Redesignation recommendations include more restrictive use and less restrictive use recommendations. *The proposed rulemaking documents are now being prepared to be taken to the EQB in Quarter 2 2021.*

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 (AAB) on January 27, 2020, and the Water Resources Advisory Committee (WRAC) on January 30, 2020. Additional information regarding the rulemaking was discussed with the AAB at their October 22, 2020, meeting and is also planned for discussion at the November 19, 2020,

WRAC meeting. DEP is tentatively planning to present the final rulemaking to the Environmental Quality Board in early 2021.

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.

Agricultural Advisory Board Meeting

The next Agricultural Advisory Board meeting is tentatively scheduled for March 18, 2021.

Chapter 102 ePermitting

ePermitting is being used by multiple DEP programs for the management of electronic permit applications. Since 2018 DEP has been working toward implementing ePermitting for Chapter 102 NPDES permits for earth disturbance activities. The launch of ePermitting for PAG-02 General NPDES Permit Notices of Intent (NOIs) was scheduled for Summer 2020 but was postponed. DEP is currently coordinating Chapter 102 improvements to the ePermitting system with improvements for Chapter 105 permits. The Chapter 105 program has been utilizing ePermitting for the past two years. *The new system successfully launched and became available for use on January 25, 2021.*

Small Water Systems Technical Assistance Center Board Meeting

The DEP Small Water Systems Technical Assistance Center (TAC) Advisory Board met virtually on *January 28, 2021* to continue discussion on potential revisions to the bylaws and membership. The bylaws subcommittee met on *January 13, 2021* to finalize their recommendations. The bylaws subcommittee *presented their recommendations to the full TAC Board at the January 28, 2021 meeting. The next TAC meeting is scheduled for April 29, 2021.*

Nonpoint Source (NPS) Management Section 319

The 2020 NPS Management Section 319 Program received 36 grant applications totaling approximately \$9.2 million. The Section 319 NPS Management grant funds are provided by the U.S. Environmental Protection Agency (EPA) and authorized through Section 319(h) of the federal Clean Water Act. The program's primary purpose is to implement Section 319 Program Watershed Implementation Plans (WIP) to improve and protect Pennsylvania's waters from nonpoint source pollution. Grant application review and online scoring are complete, and DEP's Watershed Support Section staff worked with DEP's Grants Center, Chesapeake Bay Program, regional offices, District Mining Offices and Bureau of Abandoned Mine Reclamation staff to develop a grant recommendation package. The 2021 NPS Management Section 319 Program grant round closed on October 23, 2020, *and workplans submitted to EPA for their review on December 7, 2020.*

Growing Greener Program

DEP Growing Greener Plus Grants Program received 227 applications totaling approximately \$59 million for watershed restoration and protection, Surface Mining Conservation and Reclamation Act Bond Forfeiture and Abandoned Mine Drainage Set-Aside proposed projects. Grant application review and online scoring are complete, and DEP's Watershed Support Section staff worked with DEP's Grants Center, Chesapeake Bay Program, regional offices, District Mining Offices and Bureau of Abandoned Mine Reclamation staff to develop

a grant recommendation package. On December 30, 2020, DEP announced the award of more than \$34 million to fund 149 projects to clean up waters in Pennsylvania through the Growing Greener Plus program. More details about these awards can be found on [DEP's Growing Greener Plus Grants Program webpage](#).

State Water Plan

The Regional State Water Plan Water Resources Committees *conducted* a virtual public hearing through Microsoft Teams on January 6, 2021. The fourth round of regional committee meetings *were* held virtually through Microsoft Teams on January 12-28, 2021. Online resources are being used to keep the State Water Plan Update on track. The Statewide State Water Plan Water Resources Committee *had* their third meeting virtually through Microsoft Teams on January 21, 2021. The Committees have a few vacancies and are close to being full. This update *focused* on water resources strategies outlined in the Governor's Climate Action Plan and updated regional watershed priorities. More information can be found at the [State Water Plan website](#).

Coastal Resources Management

The Coastal Zone Advisory Committee (CZAC) *met* virtually on January 13, 2020. The meeting *included* Coastal Resources Management (CRM) Program updates, a presentation on CRM's freshwater mussels study, and local coastal zone updates from the Erie County Department of Planning & Community Development and the Delaware Valley Regional Planning Commission.

FY2020 Coastal Zone Grants Announced

The Coastal Resources Management Program announced their FY2020 Coastal Zone grant awards on Thursday, December 17, 2020. Sixteen projects were awarded grants for a total of \$777,465. Funding is provided by the National Oceanic and Atmospheric Administration. The press releases and associated projects that were awarded can be found at the following links: [Delaware Estuary Coastal Zone](#) and [Lake Erie Coastal Zone](#).

Drought Update

A Drought Task Force virtual meeting was hosted by the Pennsylvania Emergency Management Agency (PEMA) on December 9, 2020, to discuss conditions and recommendations for drought declarations. The Drought Task Force concurred with the Commonwealth Drought Coordinator's recommendations, and no county conditions were changed as of December 9, 2020, as the 90-day precipitation averages were still showing deficits and many public water suppliers continued to have their customers on voluntary or mandatory water use restrictions. The following 20 counties remain in Drought Watch: Bradford, Cameron, Centre, Clearfield, Columbia Cumberland, Elk, Forest, Jefferson, Juniata, Lycoming, Montour, Northumberland, Perry, Snyder, Sullivan, Tioga, Union, Warren, and Wyoming and the following 3 counties in Drought Warning: Clinton, McKean, and Potter. The Drought Task Force *reconvened* on January 7, 2021.

Drought watch and warning declarations are determined by the Commonwealth Drought Coordinator with the support other DEP staff and in concurrence with the Drought Task Force, which is comprised of various state and federal agencies. Drought emergency declarations follow a similar process and are given final approval by the Governor. A drought emergency has not been declared for any county.

Residents on drought watch are asked to reduce their individual water use 5-10 percent, based on a statewide average of 62 gallons per person per day. This means a reduction of three to six gallons of water per day. Residents on drought warning are asked to reduce their individual water use 10-15 percent, or by six to nine gallons a day. Varying localized conditions during a drought watch may lead individual water suppliers or municipalities to request more stringent conservation actions by residents. DEP has notified all water suppliers in these counties of the need to monitor their supplies and be prepared by updating their drought contingency plans as necessary. Some public water systems have already begun voluntary and mandatory water restrictions to preserve their drinking water supplies.

DEP makes drought watch, warning, or emergency declaration recommendations based on four numeric indicators. The agency gets stream flow and groundwater level data from a statewide network of gauges

maintained by the U.S. Geological Survey. In addition, DEP monitors precipitation and soil moisture. DEP also factors in information it receives from public water suppliers. There are normal ranges for all four indicators, and DEP makes its drought status recommendations after assessing the departures from these normal ranges for all indicators for periods of 3-12 months. Declarations are not based on one indicator alone. For details on indicator monitoring, see this fact sheet: [Drought Management in Pennsylvania](#).

More information can be found at www.dep.pa.gov/drought.

Attachment 1

2021 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.”

February	
3	State Board for Certification of Water and Wastewater Systems Operators Meeting, 10 a.m., Virtual meeting only
3	Aggregate Advisory Board Meeting, 10 a.m., Virtual meeting only
11	Air Quality Technical Advisory Committee Meeting, 9:15 a.m., Virtual meeting only
16	Citizens Advisory Council Meeting, 12:30 p.m., Virtual meeting only
18	Environmental Justice Advisory Board Meeting, 9 a.m., Virtual meeting only
23	Climate Change Advisory Committee Meeting, 9 a.m., Virtual meeting only
23	Sewage Advisory Committee Meeting, 10 a.m., Virtual meeting only
March	
16	Citizens Advisory Council Meeting, 12:30 p.m., Virtual meeting only
17	Statewide Water Resources Committee Meeting, 9 a.m., Virtual meeting only
18	Agricultural Advisory Board Meeting, 9 a.m., Virtual meeting only
24	Water Resources Advisory Committee Meeting, 9:30 a.m., Virtual meeting only

Attachment 2

Oil and Gas Workload Report (As of January 22, 2021)

YTD WELL PERMIT APPLICATIONS - 1/1/2021 to 1/22/2021						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	2	2	5	5	5	0
UNCONVENTIONAL	18	18	42	40	40	2
Sub Total	20	20	47	45	45	2
AUTHORIZATIONS	11	5	27	14	N/A	13
Total	31	25	74	59	59	15

WEEKLY WELL PERMIT APPLICATIONS - 1/16/2021 to 1/22/2021						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	2	2	2	2	2	0
UNCONVENTIONAL	9	9	10	10	10	0
Sub Total	11	11	12	12	12	0
AUTHORIZATIONS	4	4	3	3	N/A	0
Total	15	15	15	15	15	0

HISTORICAL WELL PERMIT APPLICATIONS AS OF 1/22/2021						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	198,167	198,150	196,896	190,644	1,254	100,853
UNCONVENTIONAL	29,038	28,934	28,336	21,982	598	12,381
Sub Total	227,205	227,084	225,232	212,626	1,852	113,234
AUTHORIZATIONS	45,997	45,947	44,839	43,272	1,108	19,479
Total	273,202	273,031	270,071	255,898	2,960	132,713

YTD INSPECTIONS - 1/1/2021 to 1/22/2021				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	700	636	547	16
UNCONVENTIONAL	947	849	46	17
CLIENT/SITE	215	1	229	11
Total	1,862	1,486	822	44

WEEKLY INSPECTIONS - 1/16/2021 to 1/22/2021				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	149	140	45	4
UNCONVENTIONAL	261	257	1	7
CLIENT/SITE	52	1	27	6
Total	462	398	73	17

WELLS DRILLED					
	Two Years Prior 1/1/2019 to 1/22/2019	One Year Prior 1/1/2020 to 1/22/2020	Year To Date 1/1/2021 to 1/22/2021	Week of 1/16/2021 to 1/22/2021	As of 1/22/2021
CONVENTIONAL	3	2	2	0	201,547
UNCONVENTIONAL	37	58	21	3	12,818
Total	40	60	23	3	214,365

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