

**October 2021 Report to the Citizens Advisory Council**  
(New and updated information in italics)

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**DEP Highlights**

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**DEP PFAS Update**

In 2018, Governor Wolf announced several actions to address growing concerns about PFAS contamination. Through an Executive Order, the Governor established a multi-agency PFAS Action Team. The team, led by DEP, 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. In 2019, the Action Team released a comprehensive [report](#) outlining the challenges associated with PFAS and the Team's efforts to address those challenges in Pennsylvania. The Governor also sent a letter to the EPA to again urge the EPA to move forward with establishing MCLs for PFOA and PFOS. DEP believes that the EPA must take a leadership role and work with other states and federal agencies to address PFAS holistically. More information can be found on DEP's PFAS website: [www.dep.pa.gov/pfas](http://www.dep.pa.gov/pfas).

*On September 23, 2021, the Independent Regulatory Review Commission (IRRC) approved the final-form regulatory amendments to Chapter 250: Administration of the Land Recycling Program.*

*This regulation establishes the first ever cleanup standards for three PFAS – PFOA, PFOS, and PFBS. The standards are expected to become effective in November 2021.*

At its August 15, 2017 meeting, the Environmental Quality Board (Board) accepted for further study a petition for rulemaking to set a drinking water maximum contaminant level (MCL) for PFOA. DEP completed its review of the petition and presented its recommendations to the Board at its June 15, 2021 meeting. DEP recommended, and the Board approved, moving forward with a proposed rulemaking to establish an MCL for PFOA. DEP's proposed rulemaking will be based on available data, studies, and science, and will consider all factors such as health effects, technical limitations, and costs. DEP's report is available with the [June 15, 2021 EQB meeting materials](#). Additionally, DEP's on the PFAS Toxicology Services Contract with Drexel University has been completed. A final report with recommendations on toxicity values and MCLGs was submitted at the end of January 2021. The final report was included in DEP's response to the PFOA petition and is available at the link above.

DEP's Bureau of Safe Drinking Water also completed its PFAS Sampling Plan in March 2021. The complete and final list of sample results was posted to DEP's [PFAS webpage](#) in June 2021. *The Safe Drinking Water Program is moving forward with steps to set drinking water standards for select PFAS. Please see the section on the most recent Public Water System TAC meeting for more information.*

In late 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. This data is available on the [DEP website](#) and the [USGS website](#). 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.

On March 23, 2021 Pennsylvania's Interagency Fish Consumption Advisory Technical Workgroup voted to adopt the 2019 Great Lakes Best Practices, which includes tiered meal advice for Perfluorooctane Sulfonate (PFOS). This workgroup is responsible for reviewing data and developing fish consumption advisories for Pennsylvania surface waters. Fish consumption advisories are posted on the DEP website and are included in the Pennsylvania Fish and Boat Commission Regulation Booklet that is provided to licensed anglers.

### **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 an 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. EPA's assessment of numeric data has been provided to DEP and DEP has met, and will continue to meet with, EPA to discuss the results more fully in the coming weeks. A meeting with EPA Region 3 and CBPO staff and DEP, SCC, and DCNR staff is scheduled for the beginning of June to discuss Phase 3 WIP progress and assistance needed from EPA moving forward.

The [State Team](#) for Pennsylvania's Phase 3 WIP met January 26, 2021, for the team's first biannual meeting of 2021. *Pennsylvania's Phase 3 WIP State Team also met on July 28, 2021.* The recording of the meeting as well as the presentation materials are currently available on the website.

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's Chesapeake Bay Office (CBO) has awarded \$800,000 in state grant funds to continue supporting the eight Tier 1 and 2 county coordinators in the implementation of their countywide action plans (CAPs) to improve local water quality. The grants are funded through the Environmental Stewardship Fund to support and coordinate local CAP implementation to reduce nutrient pollution. *In October 2021, the Community Clean Water Coordinator and the CAP Implementation Grants will be opened for all eligible Chesapeake Bay counties (those that have completed their Countywide Action Plans). Funding for this grant round includes EPA Chesapeake Bay Regulatory Accountability Program, Chesapeake Bay Implementation Grants and the DEP Environmental Stewardship Fund.*

Following a successful CAP Implementation Workshop held in January 2021 with the eight Tier 1 and 2 CAP county partners -- Adams, Bedford, Centre, Cumberland, Franklin, Lancaster, Lebanon and York County -- the CBO is meeting individually with county coordinators and lead team members on a regular basis to coordinate efforts and support actions to accelerate the implementation of CAPs. These informal meetings cover CAP updates, concerns and successes, and creative solutions to challenges. With funding identified as a major need for all counties, the CBO hosted a webinar May 12<sup>th</sup> for the county CAP coordinators and lead partners on funding sources that may support CAP projects, including the recently announced Growing Greener and Section 319 grant funding.

DEP has awarded approximately \$1 million in state grant funds to support the 26 Tier 3 and 4 counties in the development of their CAPs to improve local water quality. The grants are also funded through the Environmental Stewardship Fund to support local development of planning teams and coordination of CAPs. DEP's Regional Offices have created teams that are working with the counties and CBO to support this effort. All 26 counties have committed to creating CAPs, have begun stakeholder meetings to develop partnerships and are identifying their priorities and the practices that will support them while also reducing nutrient pollution in their local waters. The county CAP coordinators and lead partners are having regular meetings with the DEP Region Support Teams and the CBO. These meetings serve as trainings for the coordinators, provide opportunities for regular updates from the CBO, and a chance for the coordinators to ask questions and network with other coordinators.

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. *Recently, the Environmental Finance Center (EFC) presented to the Coordinators during one of the weekly webinars.*

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 Conowingo WIP Steering Committee *reviewed* comments with the Center for Watershed Protection in an effort to address public comments. *A Letter of Understanding (LOU) has been developed to coincide with the CWIP Finance Strategy to work with the Susquehanna River Basin Commission (SRBC) as the central funding disbursement authority across New York, Pennsylvania, and New York. The LOU has not been finalized at this time.* On May 5, 2021, EPA provided their evaluation of the draft CWIP to the Steering Committee and published the evaluation on May 6, 2021. On June 2, 2021, the Principals Staff Committee (PSC) met to discuss the proposed revisions to the CWIP and identify a strategy moving forward. *The CWIP was approved as final by the PSC and the Steering Committee and formally submitted to EPA on September 16,*

2021. 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](http://www.dep.pa.gov/chesapeakebay/phase3) Questions on the WIP and Pennsylvania's Chesapeake Bay Program can be submitted to [RA-EPChesBay@pa.gov](mailto:RA-EPChesBay@pa.gov).

### **PA Litter Action Plan**

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

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

Since the release of these reports, DEP, PennDOT and Keep Pennsylvania Beautiful have formed 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 are in the process of determining behavior change strategies to address Pennsylvania's littering problem and develop a statewide action plan aimed at reducing litter. Initial litter workgroup meetings occurred throughout May and June, *and again in September. Based on the feedback received during these meetings, DEP and PennDOT are currently compiling a final statewide litter action plan that outlines actions everyone can take to reduce littering in Pennsylvania. A final report is expected to be published in the fourth quarter of 2021.*

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

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

- *Proposed Rulemaking – VOC RACT Requirements for Shipbuilding and Ship Repair Surface Coating Operations, SOCM Processes, and Large Petroleum Dry Cleaners for the 2015 Ozone NAAQS (#7-568): The rule was adopted by the EQB on September 21, 2021.*
- *Proposed Rulemaking – Exclusion for Identification and Listing Hazardous Waste at MAX Environmental Technologies, Inc. Bulger and Yukon Facilities (#7-566): The rule was adopted by the EQB on September 21, 2021.*
- *Proposed Rulemaking – Coal Refuse Disposal Revisions (#7-565): The rule was adopted by the EQB on June 15, 2021.*
- *Proposed Rulemaking – Radiation Safety Requirements for Non-Healing Arts Radiation Generating Devices (#7-555): The rule was adopted by the EQB on May 19, 2021. *The proposed rule was published**

*in the Pennsylvania Bulletin on August 14, 2021, with a 30-day public comment period that closed on September 13, 2021.*

- Proposed Rulemaking – Additional RACT Requirements for Major Sources of NO<sub>x</sub> and VOCs for the 2015 Ozone NAAQS (RACT III Major Sources) (#7-561): The rule was adopted by the EQB on May 19, 2021. *The proposed rule was published in the Pennsylvania Bulletin on August 7, 2021, with a 66-day public comment period that will close on October 12, 2021. Three public hearings were held on September 7, 8, and 9, 2021, with no attendees.*
- Proposed Rulemaking – Water Quality Standards – Dunbar Creek et al. Stream Redesignations (#7-557): The rule was adopted by the EQB on April 15, 2021. The proposed rule was published in the Pennsylvania Bulletin on July 31, 2021, with a 45-day public comment period *that closed on September 14, 2021. Three witnesses provided testimony at a public hearing held on August 30, 2021.*
- Proposed Rulemaking – Prohibiting Electronic Liquid Vaporizing Devices at Underground Bituminous Coal Mines (#7-558): The rule was adopted by the Board of Coal Mine Safety on September 1, 2020. The proposed rule was published in the Pennsylvania Bulletin on March 13, 2021, with a 30-day public comment period that closed on April 12, 2021. The Board received one public comment on the proposed rule. IRRC's comments were received on May 12, 2021.
- Proposed Rulemaking – Noncoal Mining Clarifications and Corrections (#7-554): The rule was adopted by the EQB on November 17, 2020. The proposed rule was published in the Pennsylvania Bulletin on March 20, 2021, with a 45-day public comment period that closed on May 4, 2021. The Board received four public comments on the proposed rule. IRRC's comments were received on June 3, 2021.
- 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. On February 24, 2021, 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 March 5, 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 – 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. The draft final Annex A was presented to the AQTAC on April 8, 2021, the SBCAC on May 19, 2021, and CAC on June 15, 2021.
- Final Rulemaking – CO<sub>2</sub> 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. On January 12, 2021, the House Environmental Resources and Energy Committee (*ERE*) 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 February 16, 2021. Comments received were discussed

with the Air Quality Technical Advisory Committee (AQTAC) on April 8, 2021 and the Citizens Advisory Council (CAC) on April 20, 2021. The draft final Annex A was presented to the AQTAC on May 17, 2021, and the CAC and the Small Business Compliance Advisory Committee (SBCAC) on May 19, 2021. *The EQB adopted the final rule on July 13, 2021 and IRRC approved the final rule on September 1, 2021. The House and Senate ERE Committees voted to report concurrent resolutions to the General Assembly to disapprove the final rule on September 2 and September 14, 2021, respectively.*

- **Final Rulemaking – Administration of the Land Recycling Program (#7-552):** The rule was 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. The final-form rulemaking was adopted at the June 15, 2021 EQB meeting. *IRRC approved the final rule on September 23, 2021.*
- **Final Rulemaking – Water Quality Management and NPDES Fee Amendments (25 Pa. Code Ch. 91 and 92a) (#7-533):** The rule was published on March 30, 2019, opening a 45-day public comment period that closed on May 14, 2019. IRRC’s comments were received on June 13, 2019. The draft final Annex A was presented to the Agricultural Advisory Board (AAB) January 27, 2020, and to the Water Resources Advisory Committee (WRAC) January 30, 2020. A revised draft final Annex A was presented to AAB on October 22, 2020, and to WRAC on November 19, 2020. The final rule was adopted by the EQB on March 16, 2021. On May 4, 2021, the House Environmental Resources and Energy Committee voted to send a letter to IRRC disapproving the final rulemaking. IRRC approved the final rule at its May 20, 2021 public meeting. *The final rule was published in the Pennsylvania Bulletin on August 28, 2021.*

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## **Public Comment Periods**

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

- Proposed Rulemaking: Additional RACT Requirements for Major Sources of NOx and VOCs for the 2015 Ozone NAAQS (#7-561) (Closes 10/12)
- Environmental Assessment Approval for PENNVEST Funding Consideration (Oct 2021) (Closes 10/12)

### **Recently Closed Comment Periods**

- Draft Technical Guidance: Chapter 105 Alternatives Analysis Technical Guidance Document (Closed 10/4)
- Nutrient Credit Trading Program – Certification Requests: Lycoming County Conservation District (Closed 10/4)
- Coastal Zone Management Federal Consistency: Philadelphia Water Department – Old Frankford Creek Siphon Elimination Project (Closed 9/27)
- Draft Technical Guidance: Prioritized Review Process under ESCGP for Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities (800-2100-001) (Closed 9/27)
- Draft Reclamation Fee Report Fiscal Year 2020-2021 (Closed 9/27)
- Draft Technical Guidance: Liners and Caps for Coal Refuse Disposal Areas (563-2112-656) (Closed 9/20)
- Proposed Rulemaking: Water Quality Standards – Dunbar Creek et al. Stream Redesignations (#7-557) (Closed 9/14)
- Proposed Rulemaking: Radiation Safety Requirements for Non-Healing Arts Radiation Generating Devices (#7-555) (Closed 9/13)

- Nutrient Credit Trading Program – Mass Certification: Significant Sewage Point Source Discharges in the Chesapeake Bay Watershed with Cap Loads (Closed 9/13)
- Draft Revised Water Quality Assessment Methodologies: Fish Tissue Consumption Assessment Method; Assessment Determination and Delisting Methods (Closed 9/7)

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## **Communications Monthly Press Releases**

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### **Press Releases Issued**

*June 30 - DEP Releases 2020 Oil and Gas Annual Report*

*July 5 - DEP Issues Code Orange Air Quality Action Day for Ozone for Tuesday, July 6, in Southeastern Counties, Lehigh Valley-Berks Area, and Southwestern Counties*

*July 6 - DEP Issues Code Orange Air Quality Action Day for Ozone for Wednesday, July 7, in Southeastern Counties*

*July 8 - ADVISORY – JULY 13 – HARRISBURG – Environmental Quality Board to Consider Regional Greenhouse Gas Initiative Final Regulation*

*July 13 - Environmental Quality Board Adopts Final CO2 Budget Trading Program Rulemaking*

*July 14 - DEP Issues Code Orange Air Quality Action Day for Ozone for Thursday, July 15, 2021, in Southeastern Counties*

*July 15 - DEP Issues Code Orange Air Quality Action Day for Ozone for Friday, July 16, 2021, in Southeastern Counties*

*July 19 - DEP Issues Code Orange Air Quality Action Day for Fine Particulate Matter for Tuesday, July 20, 2021, in Multiple Areas of Pennsylvania*

*July 20 - DEP Issues Code Orange Air Quality Action Day for Fine Particulate Matter for Wednesday, July 21, 2021, in Multiple Areas of Pennsylvania*

*July 26 - Wolf Administration to Move Forward with Radiological Testing of Leachate at Landfills*

*July 27 - Wolf Administration: Prevalence of Ticks in Pennsylvania is High, Take Steps to Prevent Tick Bites and Tick-borne Diseases*

*July 29 - Mosquito Spraying Initiates in Crawford County*

*August 4 - Mosquito Spraying Continues in Crawford County*

*August 5 - DEP Issues Code Orange Air Quality Action Day for Ozone for Friday, August 6, 2021, in Southeastern Counties and Lehigh Valley-Berks Area*

*August 6 - DEP Approves Rolling Hills Landfill's Expansion Application in Berks County*

**August 8** - DEP Issues Code Orange Air Quality Action Day for Ozone for Monday, August 9, 2021, in Southeastern Counties

**August 9** - Mosquito Spraying Set for Crawford County for August 11 and 12, 2021

**August 10** - DEP Collects \$140,000 from ETC Northeast Field Services, LLC for Violations in Beaver County

**August 11** - DEP Issues Code Orange Air Quality Action Day for Ozone for Thursday, August 12, 2021, in Southeastern Counties

**August 12** - DEP Issues Code Orange Air Quality Action Day for Ozone for Friday, August 13, 2021, in Southeastern Counties

**August 16** - DEP Collects \$85,000 Penalty from Sunoco for Mariner East 2 Violations

**August 18** - Crawford County to Receive Additional Mosquito Spraying

**August 19** - ADVISORY – ERIE – TOMORROW – DEP to Tour Family-Owned Company, Announce \$1 Million Available in Small Business Advantage Grants

**August 20** - DEP Announces \$1 Million in Grant Funding Available to Small Businesses and Farmers to Improve Operations through Energy Efficiency and Pollution Reduction

**August 24** - DEP Issues Code Orange Air Quality Action Day for Ozone for Wednesday, August 25, 2021, in Multiple Areas of Pennsylvania

**August 25** - Wolf Administration Continues Combatting Litter, Urges Public to Stop Costly and Unsightly Practice

**August 25** - DEP Issues Code Orange Air Quality Action Day for Ozone for Thursday, August 26, 2021, in Southeastern Counties and Lehigh Valley-Berks Area

**August 26** - DEP Issues Code Orange Air Quality Action Day for Ozone for Friday, August 27, 2021, in Southeastern Counties

**August 30** - DEP Opens Application Process for Coastal Zone Grants

**August 31** - DEP Launches Nation's Second State-Led Climate Leadership Academy, with More Than 150 Enrolled

**September 1** - Independent Regulatory Review Commission Approves CO2 Budget Final Rulemaking

**September 2** - DEP Approves Environmentally Protective Methods for Land Application of Food Processing Residual

**September 3** - DEP to Receive Comments, Host Virtual Public Hearing on Air Quality Permit Renewal for Chester Facility, Delaware County

**September 13** - ADVISORY – LANCASTER – TUESDAY – Wolf Administration to Dedicate Leacock Township Public Water System

*September 14 - DEP Dedicates Public Drinking Water System to Leacock Township*

*September 20 - ADVISORY – VIRTUAL MEDIA BRIEFING – WEDNESDAY – Wolf Administration to Announce Pennsylvania Climate Action Plan 2021, Call for Statewide Action on Climate Change*

*September 20 - DEP to Conduct Mosquito Spraying Today in Luzerne County*

*September 24 - DEP Announces \$750,000 in Grants for Environmental Educational Projects*

*September 24 - ADVISORY – VIRTUAL EVENT – MONDAY – DEP and PennDOT to Share Latest Initiatives to Increase Electric Vehicle Use*

*September 24 - DEP Proposes Remediation Plan for Soil, Groundwater, and Surface Water Contamination at Bishop Tube Site*

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## **Active and Abandoned Mine Operations**

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### **Active and Abandoned Mine Operations Rulemakings**

#### **Water Supply Replacement**

This rulemaking (25 Pa. Code Chapters 87 and 88) updates 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) recommended 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. The final rule was approved by IRRC at the April 15, 2021 public meeting. Final publication of the rule occurred on June 26, 2021. *It was printed into the PA Code on September 20, 2021. The Department has submitted the program amendment for OSM and will also revise the existing Technical Guidance Documents associated with water supply replacement in the near future.*

#### **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. The proposed rule was published in the Pennsylvania Bulletin on March 20, 2021, with a 45-day public comment period that closed on May 4, 2021. DEP is currently evaluating the comments and will consider the feedback before advancing the rulemaking.

### 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. The EQB adopted the proposed rulemaking at their June 15, 2021, meeting. *The proposed rulemaking will be published for public comment in Quarter 4 2021.*

### 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 was sent to the workgroup on May 12 and returned with some additional comments. *Additional revisions were made to the draft, and the MRAB was notified at the meeting of July 14, 2021, that the draft document was going to be published for public comment. Publication was on August 21, 2021, with a 30-day public comment period. Three sets of comments were received, and the Department is in the process of evaluating the comments.*

The Surface Water Protection – Underground Bituminous Coal Mining Operations (#563-2000-655) technical guidance document revisions will proceed in cooperation with a workgroup coordinated by the CAC. This was discussed at the April 2020 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 working draft was delivered to the CAC workgroup in May. *Once the CAC workgroup provides feedback on the draft, the Department will publish this draft guidance for public comment.*

The draft Engineering Manual for Surface Mining Operations (#563-0300-101) 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. The program is currently reviewing the comments received, preparing a comment-response document, and revising the guidance as needed.

### Act 54 Effects of Underground Mining Report

The Bureau of Mining Programs (BMP) released the 5<sup>th</sup> Act 54 report publication in December 2019. The report is 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. The DEP has begun planning for the next 5-year report.

### **Potential Abandoned Mine Land (AML) Reauthorization and Increased Federal AML Funding for PA**

*On August 10, 2021, the U.S. Senate adopted the Bipartisan Infrastructure Package. The U.S. House of Representatives still needs to vote on the bill. This bill includes several significant elements impacting the AML Program. If passed, \$11.3 billion will be deposited into the federal AML Trust Fund for distribution to eligible states and tribes over a 15-year period based on the number of tons of coal historically produced in the state or tribe before August 3, 1977. Pennsylvania is estimated to receive \$254.3 million per year totaling \$3.8 billion over the 15-year program. Grants from these funds are in addition to those otherwise received by states and tribes under the existing AML program. Additionally, the bill reauthorizes collection of AML fees from industry for 13 years. The AML fees paid by active coal producers will be reduced by 20% under the bill.*

*In a separate action, the U.S. House of Representatives passed a “mini-bus” package of budget bills for various federal agencies including the Department of Interior (DOI). The proposed DOI budget includes an increase for the Abandoned Mine Land Economic Revitalization (AMLER) Program. The proposed increase would yield an additional \$10 million for the AMLER program in Pennsylvania, a total of \$35 million in FY 2022. Since 2016 through 2021, \$155 million has been allocated to Pennsylvania under the AMLER Program.*

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## **Air Quality**

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### **Final 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 driplless nozzles. In May 2020, the EQB voted unanimously to adopt the proposed rulemaking. The proposed rulemaking was published for public comment, three virtual public hearings were held, and the public comment period ended in November 2020. DEP presented the draft final-form rulemaking to AQTAC, SBCAC, and CAC on April 8, May 19, 2021, and June 15, 2021, respectively. DEP anticipates presenting the draft final-form rulemaking to the EQB during the fourth quarter of 2021.

#### **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. On September 15, 2020, the EQB adopted the proposed rulemaking by a vote of 13-6. The proposed rulemaking was published for public comment, ten virtual hearings were held, and the public comment period closed on January 14, 2021. Over 14,000 comments were received. DEP presented an update to AQTAC and the CAC on April 8 and 20, 2021, respectively. DEP presented the draft final-form rulemaking to AQTAC on May 17, 2021, and the CAC and SBCAC on May 19, 2021. By a roll-call vote, each committee voted to recommend to DEP that the final-form regulation be presented to the EQB. *The EQB adopted the final-form regulation at its July 13, 2021 meeting, and IRRC approved it on September 1, 2021. The House and Senate ERE Committees voted to report concurrent resolutions to the General Assembly to disapprove the final rule on September 2 and September 14, 2021, respectively.*

#### **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 establishes RACT requirements for volatile organic compounds (VOCs) from existing oil and natural gas production facilities, compressor stations, processing plants, and

transmission stations. In December 2019 the EQB voted to publish the proposed rulemaking for public comment. The rulemaking was published, three virtual hearing were held, and the comment period ended in July 2020. The Department received 4,509 letters of comments from approximately 36,100 commentators and 121 oral testimonies at the public hearings. DEP anticipates advancing the draft final-form rulemaking to the advisory committees during the *first quarter of 2022*.

In response to a suit, EPA issued a finding in November 2020 that five states – California, Connecticut, New York, Pennsylvania, and Texas – failed to submit the O&G CTG required SIP revisions. The SIP revisions were due in October 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**

#### **RACT III Major Sources of NO<sub>x</sub> and VOC for the 2015 Ozone NAAQS**

In 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 (NO<sub>x</sub>) and/or VOCs statewide. DEP presented draft proposed RACT III rulemaking language to AQTAC, SBCAC and CAC in April and May 2020. On May 19, 2021, the EQB voted to adopt the proposed rulemaking. *The proposed rulemaking was published in the Pennsylvania Bulletin on August 7, 2021, with a 67-day public comment period that closed on October 12, 2021. Three public hearings were held on September 7, 8, and 9, with no attendees.*

#### **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 (CTG) for these three industries. The proposed rulemaking would control VOC emissions from certain existing sources 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 and CAC on October 15, October 28, November 11, and November 17, 2020, respectively. *DEP presented the proposed rulemaking to the EQB on September 21, 2021, and the EQB voted unanimously to adopt the proposed rulemaking.*

#### **Proposed Amendments to the Pennsylvania Clean Vehicles (PCV) Program**

The Bureau of Air Quality is developing amendments to the PCV Program (Chapter 126, Subchapter D) that would adopt the California Air Resource Board (CARB) Zero Emission Vehicle (ZEV) program beginning for model year 2025 and require automakers to demonstrate compliance with the already adopted CARB greenhouse gas (GHG) fleet average requirement based on Pennsylvania sales and not California sales. *DEP anticipates advancing the proposed rulemaking to the advisory committees during the fourth quarter of 2021.*

### **Regulatory State Implementation Plan (SIP) Revisions**

#### **Title V Fees and Operating Permit Fees**

*This rulemaking increases certain existing application and permit-related fees and establishes additional application and permit-related fees. The final-form rulemaking was published in the Pennsylvania Bulletin on January 16, 2021. DEP submitted the SIP revision to the EPA on July 23, 2021.*

### Reasonably Available Control Technology (RACT II)

In May 2019, EPA conditionally approved Pennsylvania's RACT II SIP revision based on DEP's commitment to submit all remaining case-by-case RACT revisions no later than May 9, 2020. DEP successfully submitted all case-by-case SIP revisions to the EPA before May 9, 2020.

In July 2019, the Sierra Club and Earthjustice filed a petition in the US Court of Appeals for the Third Circuit challenging EPA's Conditional Approval. In August 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. *The case-by-case evaluations have been reviewed, and amended Operating Permits are being published for public comment.*

### VOC RACT SIP Revisions for the 2008 Ozone NAAQS

In August 2018, DEP submitted two SIP revisions to EPA to address reasonably available control technology (RACT) requirements related to control technique guidelines (CTGs) for volatile organic compounds (VOCs) and the addition of regulations controlling VOC emissions from industrial cleaning solvents. EPA published approval of these SIP revisions on December 14, 2020. On February 12, 2021, the Center for Biological Diversity filed a petition for review in the US District 3<sup>rd</sup> Circuit Court challenging EPA's approval.

*On August 2, 2021, the U.S. Department of Justice (DOJ), on EPA's behalf, filed a motion in the U.S. Court of Appeals for the Third Circuit requesting the court to remand without vacatur EPA's December 14, 2020 approval of Pennsylvania's attainment demonstration. Pennsylvania, as an intervenor in the case, took no position on the DOJ's motion.*

### Non-Regulatory SIP Revisions

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

DEP submitted to EPA the required SIP revision for Indiana and Armstrong Counties in October 2017. EPA published its intent to approve the SIP in July 2018. EPA received seven comments. In response to these comments, DEP submitted supplemental SIP information to the EPA in January 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. On April 5, 2021, the U.S. Department of Justice *on EPA's behalf* filed a motion in the U.S. Court of Appeals for the Third Circuit requesting the court to remand without vacatur EPA's October 19, 2020 approval of Pennsylvania's attainment demonstration. Pennsylvania, as an intervenor in the case, took no position on the DOJ's motion.

*On August 17, 2021, the Third Circuit granted EPA's motion to remand without vacatur. The order states that the remand proceedings shall be concluded within 12 months of the date of the order and directs the parties to file a status report 11 months from the date of the order.*

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

On June 2, 2020, the OTC Commissioners voted 9-2-2 to send a 184(c) petition to EPA recommending daily control technology optimization requirements and daily nitrogen oxide (NO<sub>x</sub>) emission limits at coal-fired electricity generating units (EGUs) in Pennsylvania. EPA acknowledged receipt in the July 7, 2020 Federal

Register and held a virtual public hearing on February 2, 2021, at which the Department provided testimony. DEP submitted comments on April 7, 2021.

### **Driving PA Forward Grants and Rebates**

- **CY21 Onroad Rebate (ORR) Program:** *DEP is currently accepting applications, with approximately \$6.0 million available. CY21 ORR will remain open until 11/12/21, or when all available funds have been awarded (whichever occurs first).*
- **CY21 Truck & Bus Fleet Grant (T&BFG) Program:** *DEP is currently accepting applications, with \$3.0 million available. CY21 T&BFG will remain open until 10/9/21.*
- **PA State Clean Diesel Grant Program (DERA):** *FY19 projects are underway; project completion deadline is September 30, 2021. DEP anticipates the FY20 grant solicitation to open in October, with approximately \$2.7 million available.*
- **Electric Cargo Handling (ECH) Grant Program:** *Approximately \$2.5 million remained unawarded after closure of the CYs 19-20 ECH Grant Program, which will be rolled into CY21. The CY21 ECH Grant Program will re-open for applications in late Fall 2021, with \$5.5 million available. ECH Program outreach to PA-based airports, ports, distribution centers, and intermodal facilities is planned for September and October.*
- **Marine & Rail Freight Movers (M&R) Grant Program:** *A total of \$10,000,000 was awarded (or recommended for award) for the replacement of five switcher locomotives during both rounds of the CY20-21 M&R Grant Program. The CY22 program is expected to open December 2021/January 2022, with another \$10 million available.*
- **The Ocean-Going Vessel Shorepower Grant Program:** *\$3.0 million in funding was offered for CYs 19-20. The application period closed on 10/30/19, without any submissions and has not re-opened since. Program staff are currently evaluating the program requirements and expect to re-open in late fall 2021. Program outreach is planned for September and October in and around the Erie and Philadelphia ports.*
- **The Direct Current Fast Charging & Hydrogen Fueling Grant (DCFC) Program:** *Approximately \$1.7 million was awarded (or recommended for award) during both rounds of the CY20 DC Fast Charge and Hydrogen Fueling Grant Program. The CY21 program is anticipated to re-open in October, with approximately \$1.8 million available.*
- **Level 2 Electric Vehicle (EV) Charging Rebate Program:** *Version 3 (or Tier 3) of this program opened on May 28, 2021, with lower reimbursement levels than Versions 1 and 2. Version 3 will remain open until rebates have been awarded for the installation of 750 charging plugs. Approximately 1,120 Level 2 EV charging plugs have been installed across Pennsylvania, to-date.*

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

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## **Energy Programs Office**

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### **Climate Change Advisory Committee**

The most recent Climate Change Advisory Committee (CCAC) meeting was conducted on August 24, 2021 with both in-person and virtual attendance options. DEP shared a summary of letters submitted by CCAC members on the Final Pennsylvania Climate Action Plan 2021, as well as provided presentations on the Pennsylvania 2021 Greenhouse Gas Inventory Report and the Energy Programs Office's Clean Energy Program Plan. Dr. Satyapal from the US Department of Energy was invited to present on hydrogen fuel technology. The next CCAC meeting will be held on October 26<sup>th</sup>.

### **Industrial Energy Efficiency Technical Assistance**

For state fiscal year (SFY) 2021-22, DEP has been working 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. To date, *ETAC has completed two site assessments this fiscal year for companies throughout Pennsylvania representing the biopharmaceutical and precision tubing industries. EPO staff are currently working on the procurement documents for the PennTAP contract.*

### **Energy Assurance**

During the critical winter months, EPO and the DEP Director of Emergency Response have coordinated monthly Fuels Sector Calls with PEMA to provide situational awareness regarding supply concerns related to heating and transportation fuels. *As an outcome from this workgroup, EPO, DEP Emergency Response, PEMA, and the fuel sector partners are developing a tabletop exercise on liquid fuels. The exercise is scheduled for November 9<sup>th</sup> both in person and virtually. EPO staff and DEP's Director of Emergency Response are participating in a panel discussion at the annual Pennsylvania Petroleum Marketers Association Conference on October 14<sup>th</sup>. Panel discussion will include a demonstration of PA 511 by PennDOT and discussion on waiver procedures for the upcoming winter season. EPO is receiving contractor bids for the next Energy Assurance project which will focus on energy storage at critical facilities. This project is part of US DOE's Technology Action Group that will facilitate partnership with other states and National Labs.*

### **US Department of Energy (DOE) State Energy Program State Fiscal Year (SFY) 2021 Application**

EPO and Fiscal staff received a State Energy Program Formula Grant award notification from US DOE on June 17<sup>th</sup> for the total requested amount of \$2,081,280. Programs include local government climate action plan assistance, education and technical assistance programs for agriculture, wastewater treatment plant operators, and manufacturers; clean energy workforce development; energy assurance and resiliency planning and training activities; energy storage outreach; and building energy code trainings. An energy storage and resiliency project submitted in the plan will include technical assistance from US DOE staff through the duration of the project. Each program will include an emphasis on serving communities in environmental justice areas. *EPO staff executed contracts and grants for four of the projects out of the 12 submitted projects to begin work.*

### **Energy Workforce Development**

*DEP has posted 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). EPO has been in conversation with state agency and training partners about engaging in an apprenticeship program for clean energy work.*

### **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 Pennsylvania 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. EPO and BWM have received a final version of the assessment and it is currently under review. *It is anticipated the assessment will be released to the public later in fall 2021.*

### **Grid-Scale Solar Development Outreach to Local Government Officials**

As part of on-going efforts to educate local government officials about the potential impacts of grid-scale solar development across the Commonwealth, EPO contracted with Penn State Extension to conduct outreach sessions, supported by research, to address common questions raised by community members and other types of stakeholders. This outreach is conducted in two formats; general sessions open to local government officials

from across Pennsylvania that provide a broad overview of the development process and resources available, and targeted sessions for focused geographic areas where specific challenges are addressed. *This type of outreach will continue through June 2022, with one type of each session planned each month.* Extension's outreach is being funded through DEP's State Energy Program funds from the U.S. Department of Energy.

### **2021 Climate Action Plan**

*The 2021 Climate Action Plan (CAP) was released on September 22<sup>nd</sup>. Included with the CAP were letters from CCAC members indicating their areas of agreement and disagreement as required by statute. The CAP models 18 key strategies to help the Commonwealth achieve the greenhouse gas reduction targets set forth in Governor Wolf's Executive Order 2019-01 of a 26% reduction by 2025 and 80% by 2050 from 2005 levels. Secretary McDonnell was joined by the Secretaries of PennDOT and the Department of Conservation and Natural Resources in an address highlighting key aspects and findings of the CAP on September 22<sup>nd</sup>.*

### **PA Climate Leadership Academy**

*The first training opportunity of the PA Climate Leadership Academy was offered virtually on August 24<sup>th</sup>, 31<sup>st</sup>, and September 7<sup>th</sup> for 170 registered participants from state and local government, as well as representatives from nonprofits and electric utilities. The Climate Leadership Activator training was conducted by SEP-funded contractor, the Association of Climate Change Officers. This three-part training series was designed to build a foundational understanding of the risks and opportunities that climate change poses for Pennsylvania state/local government agencies, infrastructure organizations and businesses. The next training offering will be Certified Climate Change Professional (CC-P), beginning on October 15<sup>th</sup> and continuing through December. On September 8<sup>th</sup>, the Academy Advisory Board met to discuss feedback from the Activator training, as well as the proposed rollout for the Academy and development of a strategic plan. Twenty-four members participated including representatives from various state agencies, local governments, higher education institutions, and an electric utility. The next Board meeting is scheduled for October 20<sup>th</sup>.*

### **Local Climate Action Program**

*The third annual cohort of DEP's Local Climate Action Program (LCAP) began on August 24<sup>th</sup> and continued via additional webinars led by SEP-funded contractor, ICLEI, on August 31<sup>st</sup>, September 14<sup>th</sup>, 21<sup>st</sup>, and 28<sup>th</sup>. The program will continue through June 2022, during which time local government and student teams will be trained to develop greenhouse gas inventories and climate action plans. Twelve local governments are participating, including Lehigh Valley Planning Commission, Delaware County, as well as the Boroughs of Millersville, Milford, Lewisburg and Camp Hill. Twenty students from ten different higher education institutions in Pennsylvania are assisting the local governments in their efforts.*

### **Commonwealth – University Capstone Partnership**

*In late September, students from Penn State University and East Stroudsburg University began supporting the City of Lancaster and Middletown Township (Bucks County), respectively, both of which participated in year 2 of LCAP. The goal is for the students to assist each local government with implementing strategies from their Climate Action Plans. Kickoff calls were held with each community and their respective student(s) to discuss project scope and to schedule weekly calls throughout the fall semester. The tentative project idea for the City of Lancaster is to investigate cool roofs (i.e. blue, green, and white). The potential scope for Middletown is to conduct an outreach campaign on residential and business energy efficiency, as well as support for EV charging/solar and an alternative energy ordinance. This work is being conducted via the Commonwealth-University Capstone Partnership, which is offered through the Governor's Office of Performance through Excellence.*

### **Agriculture Energy Efficiency Rebate Program**

*DEP opened a new agriculture energy efficiency rebate program on September 20<sup>th</sup>. DEP is offering \$2,000 rebates for energy efficiency measures for agricultural producers including LED lighting, Variable Frequency Drives (VFDs) for milk vacuum pumps, and VFDs for ventilation. Applications are being accepted on a first-*

come, first-served basis. The rebate program is one of the recommendations presented in a 2020 report (*Energy Use, Energy Savings, and Energy Efficiency Policy Recommendations for Pennsylvania Agriculture*) that DEP is implementing in an effort to better assist the agriculture sector with lowering energy usage.

### **Pennsylvania Partnership for Energy Efficiency in Wastewater Treatment Plants (WWTP)**

DEP's Energy Programs Office joined the US DOE's Sustainable Wastewater Infrastructure of the Future (SWIFt) in December of 2020. In 2021 DEP started the PA Partnership for Energy Efficiency in WWTP (PEW2) with the main goal of helping municipal WWTP across the Commonwealth find the best ways to reduce their energy usage and costs. Participants will receive guidance in their energy efforts and provide EPO input in developing a longer-term plan for WWTP energy efficiency to be implemented over the next few years. Eight municipal authorities operating nine WWTP have signed on to receive SWIFt Toolkit Training from US DOE, an energy data analysis of their operations by EPO, an assessment of their facilities by a third-party EPO-funded contractor, an opportunity to participate in networking and peer exchanges, and the opportunity to inform the EPO long-term plan for WWTP energy outreach. Data analysis has begun for the facilities and an RFQ for the contractor should be open in October.

### **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 first application acceptance period for the 2021 AFIG program closed at 4PM on Friday, August 27. A total of 31 applications requesting \$4,829,100 in AFIG funding were received, including 8 Refueling Infrastructure, 5 Innovative Technology, and 18 Vehicle Purchase applications. The received applications are currently being reviewed and evaluated by EPO staff and recommendations for awards will be developed. The 2021 AFIG program closes on December 17, 2021.

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## **Environmental Cleanup and Brownfields**

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

#### **Final-Form Rulemaking, 25 Pa. Code, Chapter 250 (relating to Administration of Land Recycling Program)**

The Land Recycling Program developed a proposed rulemaking to update Statewide health standard medium-specific concentrations (MSCs) listed in Appendix A of Chapter 250 in 2019. 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.

The CSSAB expressed concerns regarding the status of the vanadium and lead soil numeric values and offered to form a workgroup to provide guidance and recommendations to DEP regarding these issues. In the fall of 2020, the CSSAB Lead and Vanadium Workgroup provided analyses and recommendations regarding the vanadium and lead soil values. DEP presented proposed changes for the final-form regulation to the CSSAB at its December 16, 2020 meeting. DEP explained the proposed changes to the lead soil direct contact numeric values and why they did not plan to change the vanadium direct contact soil numeric value for this rulemaking. CSSAB members disagreed with DEP's interpretation of the Commonwealth Document Law and strongly opposed its decision to retain the current direct contact MSC for vanadium. The CSSAB also expressed concern about DEP's decision to reduce the default Target Blood Lead Level from 10 micrograms per deciliter

to 5 micrograms per deciliter. *Considering the procedural limitations for vanadium and the need to gather additional data for lead, DEP decided to address these substances in separate, subsequent rulemakings. (Please see the following proposed rulemaking summary below for additional details.)*

*The final-form rulemaking was adopted by the Environmental Quality Board at their June 15, 2021, meeting, and was approved by the Independent Regulatory Review Commission at their September 23, 2021, meeting. The final-form rulemaking is anticipated to become effective upon publication in November 2021.*

*Proposed Rulemaking, 25 Pa. Code, Chapter 250 (relating to Administration of Land Recycling Program)*  
*The Land Recycling Program developed a proposed rulemaking to update Statewide health standard MSCs, including vanadium, listed in Appendix A of Chapter 250 in June 2021.*

*At the August 11, 2021 CSSAB meeting, DEP and the CSSAB agreed to collaboratively evaluate the remaining lead concerns and questions regarding Polycyclic Aromatic Hydrocarbons (PAH's) via workgroups. The workgroups consist of CSSAB members, members of their staffs, and DEP staff. Additionally, DEP will publish an Advance Notice of Proposed Rulemaking (ANPR) to collect data regarding the target blood lead level. The ANPR serves as notice to the public that DEP plans to update the lead models in an upcoming proposed rulemaking and provides the public with an opportunity to provide input prior to the development of the proposed rulemaking. The toxicity value for lead will be addressed in a subsequent proposed rulemaking.*

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

*CSSAB held a meeting on October 4, 2021 to discuss the Ch. 250 proposed rulemaking annex (vanadium) and the draft ANPR for lead. The agenda, proposed annex, draft ANPR and other meeting materials are available on the CSSAB's webpage. This information can be found through the Public Participation tab on the DEP web site at [www.dep.pa.gov](http://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) Addendum**

The final revised Land Recycling Program TGM was published on January 19, 2019. DEP plans to add information as an appendix to the TGM regarding the use of vertical soil mixing as a remediation technology to address historic pesticide contamination on agricultural lands. DEP is planning to evaluate aspects of this proposed TGM addendum using 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 meeting.

The next comprehensive revision to the TGM is planned to begin in 2022. Proposed revisions will be presented to the CSSAB for discussion in 2022 as well.

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

*The next STAC meeting is scheduled for Wednesday, December 7, 2021, at 10 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg PA 17105. A virtual participation option will also be available. Questions concerning the December meeting can be directed to Kris A. Shiffer at [kshiffer@pa.gov](mailto:kshiffer@pa.gov) or (717) 772-5809. The agenda and meeting materials will be available through the Public Participation tab on the Department of Environmental Protection's (Department) website at [www.dep.pa.gov](http://www.dep.pa.gov) (select "Public Participation," then "Advisory Committees," then "Cleanup and Brownfields Advisory Committees," and "Storage Tank Advisory Committee").*

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## **Environmental Education**

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

Annually, Pennsylvania invests in its schools, county conservation districts, and other non-profit organizations to improve environmental literacy among students and adults alike through the Environmental Education Grant Program. The Environmental Education Grant Program was established by the Environmental Education Act of 1993, which mandates that five percent of all pollution fines and penalties collected annually by the Department of Environmental Protection be set aside for environmental education. Since the inception of the environmental education grant program, DEP has awarded more than \$11 million in grants to support environmental education efforts throughout Pennsylvania.

*The 2022 DEP Environmental Education Grant program application period opened on September 25, 2021 and closes on December 10, 2021. The 2022 EE Grants Program Webinar occurred on October 5, 2021.*

Grant funds can be used to support projects ranging from creative, hands-on lessons for students, teacher training programs, and outdoor learning resources. Priority topics will be Water, Climate Change, and Environmental Justice Areas. Three levels of funding will be available including Mini-Grants (up to \$3,000), General Grants Level I (\$3,001-\$20,000) and General Grants II (\$20,001-\$85,000).

### **PA Falcon Reintroduction Program**

*Two young Peregrine falcons banded Green and Yellow dispersed from the Rachel Carson State Office Building (RCSOB) in August. Based on results of telemetry studies, young dispersing from nest sites meander through the Mid-Atlantic region. They may travel hundreds of miles before taking a winter territory, and occasionally return to visit the natal (birthplace) area.*

*Pennsylvania's population of nesting peregrine falcons has continued to increase since the Pennsylvania Game Commission (PGC) upgraded the species' status from endangered to threatened in 2019, and with that recovery, the objectives established in the agency's 2013-2022 Peregrine Falcon Management Plan have been achieved. As such, the PGC announced its proposal to remove the peregrine falcon (*Falco peregrinus*) from the Commonwealth's list of threatened birds, reclassifying its status as protected. The Game Commission Board of Commissioners gave preliminary approval to the listing change at its July meeting.*

*The PGC's 2013-2022 Peregrine Falcon Management Plan also outlines a post-delisting monitoring plan designed to survey the species for an additional 10 years to ensure the continued success of this recovery.*

### **Update from the PA Environmental Literacy 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.

New initiatives, including the inaugural hybrid/in-person MWEE Ambassador Workshop series, began in June 2021. Partners in delivering this workshop included the County of Erie, and the Erie County Conservation District and the PA Environmental Literacy Task Force, including representatives from the Department of Environmental Protection (DEP), the Department of Conservation and Natural Resources (DCNR), and the Stroud Water Research Center.

The second round of MWEE Ambassador Workshops was held on August 17-19, 2021 and was a collaboration between Waste Management, Monroe County Municipal Waste Management Authority, the Monroe County Conservation District and the PA Environmental Literacy Task Force, including representatives from the Department of Environmental Protection (DEP), the Department of Conservation and Natural Resources (DCNR), and the Stroud Water Research Center.

The virtual aspect of this MWEE training is available to all educators (formal and non-formal) throughout the Commonwealth. For more information about MWEEs, please visit the Chesapeake Bay Foundation's [MWEE webpage](#).

*A key member of this task force, Penn State Extension, held the annual Dive Deeper Summit on September 23, 2021. This hybrid Summit was a multi-state environmental education summit spotlighting innovative methods of teaching about water.*

### **Environmental Justice**

An important component of the 2021 Chesapeake Bay Environmental Literacy Summit was centered around improving access to all students to quality environmental education. Continuing to reflect this priority the 2022 DEP Environmental Education Grant program will again prioritize Environmental Justice areas. Last year, 88% of the projects awarded for 2021 were for these designated 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 proposed revised standards can be viewed on the Pennsylvania Department of Education's (PDE) [website](#). *The revised standards were published for public comment this summer, and the public comment period closed on July 6, 2021. During the public comment period, over 1,400 comments were received addressing the proposed revision of the PA Science, Technology, Environment and Ecology Standards. The majority of comments were directed towards the Standards for the Environment and Ecology.*

*The Academic Standards/Chapter 4 Committee met in September to review comments and discuss the revision process next steps involving PDE and the Science Standards Content and Steering Committees.*

*PDE will re-engage the Science Standards Content and Steering Committees, as designated by the Board in May 2020, to develop recommendations for the Committee's consideration that address concerns raised by stakeholders during the public comment period specific to the new revised standards.*

### **Teaching Green Newsletter**

*The latest edition of the "Teaching Green" newsletter was released in early October. This issue provides information on the opening of the DEP Environmental Education Grant Program, highlights projects previously funded by the Environmental Education Grant program, information on the 2021 Climate Action Plan, the 2021 Radon poster contest, Pick Up PA, the RCSOB falcons, Spotted Lanternflies, and professional development opportunities for educators.*

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.

### **Radon Student Poster Contest**

*The DEP Radon Program is excited to announce the 2022 Radon Poster Contest for students. Students ages 9-14 years old are encouraged to combine science and art by creating an educational poster that shows the physical aspects of radon, the harmful effects of indoor radon gas, or the importance of testing for radon in the home. The deadline for poster submissions is November 1.*

### **“Pick Up Pennsylvania” Fall Litter Cleanup Campaign**

*Organizing a local community litter pickup events is a great way to teach youth or adult groups about the impacts of litter not only on the land but also in our streams, rivers, and lakes in Pennsylvania and beyond. Join in “Pick Up Pennsylvania” in support of the Ocean Conservancy’s International Cleanup, from September 1 - November 30. Register an event and find more information at [Keep Pennsylvania Beautiful](#).*

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## **Environmental Justice**

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

*The EJAB’s most recent meeting was held in-person and virtually on August 19, 2021, and included a presentation from EJ partners from Harrisburg. The meeting also included a review of the revised EJ Policy and prompted two additional planning meetings with EJAB members about the EJ Policy. The next EJAB meeting will be held in-person and virtually on Tuesday, November 16. A portion of the meeting will be held jointly with the Citizens Advisory Council (CAC).*

EJAB formed a Subcommittee on Public Participation and Outreach. The committee is exploring meaningful public participation and outreach practices particularly in light of 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 is examining existing EJ mapping tools and provided guidance to the Department of Health on their EJ and Environmental Health Map that is being developed.

EJAB members and OEJ together with other partners planned and hosted an Environmental Justice symposium, titled “[EJ in PA](#)” on April 6, 2021. The partners are now establishing a framework for future collaboration and action around environmental justice.

### **Community and Stakeholder Engagement**

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

OEJ is scheduled to engage in several virtual meetings and events throughout October. This includes meetings with community organizations and various workgroups and committees including: the American Planning Association Pennsylvania Chapter, US Climate Alliance Just Transition Work 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 Diversity, Equity, Inclusion and Justice (DEIJ) Action Team, CASA, Chesapeake Bay Program Diversity Workgroup, Capital Region Water Community Ambassadors, Remediation of the Philadelphia Energy Solutions Refinery, Internal Lead Workgroup, Superfund Community Advisory Groups (CAG), Chesapeake Bay County Wide Action Plan Team, and others. *OEJ staff also worked to spread the word about a public hearing around the Covanta Delaware Valley facility Title V permit through creating and posting flyers and a plain language summary.*

#### **Roundtables**

The most recent roundtable meeting was held on Tuesday, October 6, 2020, with stakeholders in Scranton. 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**

OEJ is in the process of collecting feedback internally and externally on revisions to the EJ Policy. *OEJ presented an initial draft of the EJ Policy to the EJAB during the August 19, 2021 meeting and will continue to make revisions based on feedback from EJAB and other stakeholders and continuous internal review.*

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. In December 2020, OEJ led six (6) internal trainings on environmental justice with over 1,500 DEP employees participating in the trainings. OEJ is reviewing feedback from the trainings and identifying next steps and how feedback can be utilized to revise the EJ Policy.

OEJ continues to convene the Environmental Justice Internal Work Group (EJ IWG) and Environmental Justice Interagency Group to solicit feedback on critical environmental justice initiatives within DEP and align environmental justice issues, such as grantmaking, across Commonwealth agencies.

## **OEJ Initiatives**

### **Language Access 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 language access services and assisted the Policy Office with their translation of RGGI materials and Spanish language interpretation for RGGI hearings. OEJ worked with the 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 available language access services have been shared internally with DEP staff. Language Access Coordinators were identified from the Communications and Policy Offices. The Language Access Coordinators are being included in commonwealth wide language access coordinator calls arranged by the Office of Administration *and are starting the process of creating a Language Access Plan for DEP.*

### **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 facilitated making this connection again for 2021 and is looking to 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 has awarded DEP a Small Communities Assistance pilot grant for the past three years to assist a small, disadvantaged community on providing training, research and technical assistance for addressing brownfields redevelopment. DEP 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 is now conducting the same work in Darby Borough, Delaware County. The Final Report for Darby Borough was presented to the Advisory Committee and other parties involved by the consultant, AECOM, on July 29, 2021. A public meeting is being scheduled for September 2021 to share the Final Report and establish next steps.*

DEP was awarded the Small Communities Assistance grant again for the 2022 fiscal year to work with Oil City in Northwest Pennsylvania. *A kickoff meeting with Oil City will be held in fall 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. OEJ is also participating in an interagency group assessing overarching principles for advancing equity in Commonwealth grantmaking.

### Outreach on Key DEP Initiatives

OEJ is working with the Policy 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 has worked with RGGI staff and EJ community stakeholders to develop draft equity principles supporting the initiative and discuss investments in EJ communities.

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 worked with EPO regarding inclusion and evaluation of equity and EJ considerations in the development of the 2021 Climate Action Plan. OEJ will now work with EPO and community partners on outreach and engagement for the 2021 Climate Action Plan.*

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## **Oil and Gas**

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### **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 had not resulted in viable legislation, DEP proceeded with the development of a *draft* proposed conventional oil and gas rulemaking and advanced the regulatory concepts via two rulemaking packages during 2020. The first rulemaking relates primarily to the proper management of waste generated at conventional oil and gas well sites; the second rulemaking addresses other critical environmental protection performance standards at such sites.

On August 6, 2020, the Office of Oil and Gas Management presented these two *draft* proposed rulemakings to CDAC. On September 17, 2020, DEP also informed the Oil and Gas Technical Advisory Board (TAB) of the discussion of the *draft* proposed rulemakings that occurred with CDAC and shared copies of both *draft* proposed rulemakings with TAB. At its December 3, 2020, meeting, CDAC and OOGM staff continued discussion and initial review of the *draft* proposed rulemakings. A motion was proposed to schedule a meeting for CDAC to continue its review of the *draft proposed* rulemakings in February 2021, but the motion failed by a vote of 7 to 8. On December 16, 2020, DEP updated TAB regarding the discussion and actions taken at the CDAC meeting that occurred on December 3, 2020. The *draft* proposed rulemakings were again discussed with CDAC at its meeting on April 22, 2021; however, due to time constraints, DEP was only able to fully discuss the *draft* proposed rulemaking that pertains to environmental protection performance standards. On May 5, 2021, the Department fully discussed the *draft* proposed rulemaking pertaining to environmental protection performance standards with TAB. *DEP fully discussed the draft proposed rulemaking that pertains to waste management issues with CDAC on August 19, 2021, and then with TAB on September 9, 2021.*

### **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. *This TGD was published as draft for public comment in the Pennsylvania Bulletin on August 28, 2021, kicking off a 30-day public comment period that closed on September 27, 2021. The Department is now reviewing the comments received from 9 public commenters.*

### **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 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. The Department has completed its review of the comments received and made updates to the TGD as needed. The updated guidance was discussed with TAB at the May 5, 2021 meeting. The guidance document is expected to be published as final in the *Pennsylvania Bulletin* in the fourth quarter of 2021.

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

*The Department developed this guidance to inform those engaged in longwall coal mining and unconventional natural gas production how to comply with existing statutory and regulatory requirements. These guidelines were published as an interim final TGD in the Pennsylvania Bulletin on December 16, 2017 (47 Pa.B. 7645), with a 30-day public comment period. During the comment period, DEP received approximately 27 comments from 2 commenters. DEP also collaborated with the Oil and Gas Technical Advisory Board and its Industry-Agency Coal-Gas Workgroup in developing this final guidance. OOGM presented the draft final 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. *This document was published in the Pennsylvania Bulletin as final on August 28, 2021.*

### **Area of Review (AOR) TGD**

*DEP published the Final Technical Guidance Manual addressing hydraulic fracturing communication risk mitigation regulatory requirements in the Pennsylvania Bulletin on September 4, 2021. The document provides guidance for surveying a designated area (AOR) around a proposed unconventional well prior to drilling, monitoring or notifying adjacent operators of select offset wells that pose the greatest risk of communication, and resolving hydraulic fracturing communication incidents.*

### **Federal Bills to Cleanup Orphan and Abandoned Oil and Gas Wells**

On April 8, 2021, Congresswoman Teresa Leger Fernández introduced the Orphaned Wells Cleanup and Jobs Act of 2021 to clean up over 56,000 known abandoned oil and gas wells throughout the United States. This bill would invest \$8 billion to help stimulate rural economies and create jobs to clean up these sites on federal, state, private, and Tribal lands. Specifically, the bill authorizes \$7.25 billion in grant funding for abandoned wells on state and private lands, \$400 million for cleanup on public lands and \$300 million for clean up on Tribal lands. The bill also increases minimum bonding amounts to \$150,000 and \$500,000 for all of an operator's wells on an individual lease or in an entire state, respectively. Finally, this bill allocates \$50 million for related research and development to identify, characterize, and mitigate undocumented orphaned wells.

On April 13, 2021, U.S. Senators Ben Ray Lujan and Kevin Cramer introduced the Revive Economic Growth and Reclaim Orphaned Wells (REGROW) Act of 2021 to clean up orphaned oil and gas wells. The REGROW Act would provide \$4.275 billion for orphaned well cleanup on state and private lands; \$400 million for orphaned well cleanup on public and Tribal lands; and \$32 million for related research, development, and implementation.

DEP's Office of Oil and Gas Management has started the coordination of field activities in preparation for the potential receipt of federal stimulus funding as a result of the passage of either of these bills. Preparation includes the development of maps and spreadsheets of proposed projects and the development of an application for conducting inspections of orphan and abandoned oil and gas well sites. This novel technology project will help facilitate construction of a contract-development/well risk database.

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

Please see Attachment 2.

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## **Radiation Protection**

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### **Radiation Protection Rulemakings**

#### **Chapter 227**

The Radiation Protection Act directs DEP to develop and conduct comprehensive programs for the registration, licensing, control, management, regulation and inspection of radiation-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 with the Radiation Protection Advisory Committee (RPAC) and a subcommittee in 2019 and 2020. At the July 9, 2020 meeting, RPAC discussed the revisions and concurred with the Department's recommendation to proceed with the proposed rulemaking. The proposed rulemaking was adopted by the Environmental Quality Board (EQB) at the*

May 19, 2021 meeting and was published for public comment on August 14, 2021, with a 30-day public comment period that closed on September 13, 2021.

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## **Waste Management**

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### **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 fourth 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. The proposed rulemaking *was presented to the EQB for consideration at its September 21, 2021 meeting; the EQB adopted the proposed rulemaking. The proposed rulemaking will be published for public comment during quarter four of 2021.*

#### **Proposed Revisions to, and Renewal of, Regulated Fill General Permit No. WMGR096**

General Permit No. WMGR096 authorizes the beneficial use of regulated fill as a construction material when

moved to a site for use in a construction project. The BWM previously proposed revisions to WMGR096 in October 2018, and extensive comments were received during the associated 60-day public comment period. At the same time, DEP was also proposing revisions to the Management of Fill Policy (MoFP), which serves as a companion to WMGR096. As a result, WMGR096 was renewed “as-is” until June 23, 2021, to allow the DEP to fully consider the public comments received and to finalize the revisions to the MoFP. The BWM has proposed additional revisions to WMGR096 (based upon the comments received during the 2018 comment period) and will provide another 60-day public comment period. In addition, DEP will renew the current version of WMGR096 for up to one additional year, until June 23, 2022, at the latest. DEP published notice of the proposed revisions and renewal on June 5, 2021. *The 60-day public comment period closed on August 3, 2021; DEP received no comments during the public comment period.*

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

On June 6, 2020, 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 nearing completion and the draft final version of the policy was presented to *the Radiation Protection Advisory Committee on June 10, 2021; the Solid Waste Advisory Committee on June 16, 2021; and the Oil and Gas Technical Advisory Board on September 9, 2021. Publication of the final guidance is planned for the fourth quarter of 2021.*

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

*The SWAC portion of the September 16 joint meeting with the Recycling Fund Advisory Committee (RFAC) was cancelled due to a lack of agenda items. The next regular SWAC meeting is scheduled for Thursday, December 16, in Room 105 of the Rachel Carson State Office Building. A virtual participation option will also be available. Additional information is available on the [SWAC website](#).*

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

*The annual RFAC meeting was held Thursday, September 16, in Room 105 of the Rachel Carson State Office Building; virtual participation was also available via WebEx. Next year’s meeting has not yet been scheduled. Additional information is available on the [SWAC website](#).*

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## **Water Programs**

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### **Water Programs 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.

The Department received comments from nearly 1,700 unique public commenters and received comments from the Independent Regulatory Review Commission (IRRC) on March 5, 2021. On February 24, 2021, the House Environmental Resources and Energy Committee voted to send a letter to IRRC expressing the committee's disapproval of the proposed rulemaking.

### 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 May 5, 2021. *The Department is currently reviewing the comments received and plans to advance the draft final-form rulemaking to the Environmental Quality Board in the first quarter of 2022.*

### 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 and

approved by the Independent Regulatory Review Commission on April 15, 2021. *Final publication of the rule occurred on July 10, 2021. The final rulemaking was submitted to EPA on August 11<sup>th</sup> for their review and approval. EPA has 60 days to approve.*

#### Dunbar et al Stream Redesignations

Section 303(c)(1) of the Federal Clean Water Act (33 U.S.C.A. § 1313(c)) requires states to periodically review and revise, as necessary, water quality standards. The water quality standards evaluated in this rulemaking are the designated uses of surface waters. The regulatory changes in this proposed rulemaking are the result of stream evaluations conducted by the Department. The proposed rulemaking includes redesignation recommendations for seven streams in response to stream evaluations conducted by the Department. Stream evaluations were conducted in response to three rulemaking petitions that were previously accepted by the EQB, requests by the DEP Regional Programs and the Pennsylvania Fish and Boat Commission, ongoing statewide monitoring activities, and an error identified in Chapter 93. Redesignation recommendations include more restrictive use and less restrictive use recommendations. The proposed rulemaking was adopted by the EQB on April 20, 2021. *The proposed rule was published in the Pennsylvania Bulletin on July 31, 2021, with a 45-day public comment period that closed on September 14, 2021. A public hearing was held on August 30, 2021, where three witnesses provided testimony. The Department is now reviewing the comments received and preparing the draft final-form rulemaking documents.*

#### 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 at the November 19, 2020, WRAC meeting. The final rule was adopted by the Environmental Quality Board on March 16, 2021. On May 4, 2021, the House Environmental Resources and Energy Committee voted to send a letter to IRRC expressing the committee's disapproval of the final-form rulemaking. The final-form rulemaking was presented to and approved by IRRC at the May 20, 2021 public meeting. *The final rule was published in the Pennsylvania Bulletin on August 28, 2021.*

#### **Chapter 105 Alternatives Analysis Draft Technical Guidance Document (DEP ID: 310-2100-002)**

*This TGD provides guidance on the preparation of a Chapter 105 alternatives analysis. This TGD consolidates existing guidance and expands upon that guidance as follows: Clarifies the appropriate level of analysis required for evaluating alternatives for projects requiring an Individual Water Obstruction and Encroachment Permit under 25 Pa. Code Chapter 105 (relating to dam safety and waterway management); Provides guidelines for determining if an alternative should be considered practicable; and Establishes a common, complete and consistent level of understanding of the information needed by the Department to adequately review alternatives analyses for Water Obstruction and Encroachment Permit applications proposing impacts to aquatic resources. Notice of availability of this draft technical guidance document was published in the Pennsylvania Bulletin on September 4, 2021 [51 Pa.B. 5757]. Public comments will be accepted until October 4, 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. Publication of the Final PAG-01 permit is expected in the *fourth quarter* of 2021. Outreach and training on PAG-01 will be made available following finalization of the permit.

### **Act 34 of 2020**

The planning provisions of the Pennsylvania Sewage Facilities Act (SFA), Act 537 of 1965, aim to ensure that adequate sewage disposal methods are available for a lot(s) prior to the development of those lands and that long-term sewage disposal is provided by the proposed sewage facilities. Specifically, Section 5 of the SFA requires each municipality to submit to DEP an officially adopted plan for sewage services for areas within its jurisdiction, and it establishes the framework for review and approval of these official plans by both the municipality and DEP. These official plans are essentially revised and updated as each sewage planning proposal for subdivision is approved. Sewage planning approval is required for subdivisions with few exceptions.

Act 34 of 2020 amended sections of the SFA that were previously amended by Act 26 of 2017, specifically sections 5(c.1) and 5(c.2). Amendments to Section 5(c.1) seek to provide for the use of alternate (or conventional) systems in planning for new land development. The amendment changed the types of system that could be considered for new land development planning proposals. An integral part of the sewage planning process, when on-lot sewage disposal is being considered, is to demonstrate that the land proposed for development meets general site suitability criteria.

Although Act 34 of 2020 provides the mechanism for the use of alternates in new land development, the existing regulations provide general site suitability criteria requirements for conventional systems which includes absorption areas and spray fields; these systems have standards in regulations. The Department understands that the intent of Act 34 of 2020 is to expand the use of alternate systems to allow for development of lots that are currently unavailable for new land development. More specifically, there is a desire to be able to develop lots with soil depths less than 20 inches to a limiting zone where a spray field may be the only option or on a lot with shallow soils that is too small for a spray field to be sited. The current regulations prohibit the issuance of permits for sites that do not meet the general site suitability requirements.

In order to provide additional opportunities for new development of land in a manner that provides safe, effective long-term sewage disposal and that implements the goals of Act 34 of 2020, a rulemaking is needed to add site suitability provisions for the use of alternate systems on sites that do not meet the current general site suitability requirements. The Department discussed these issues and implementation strategy with the Sewage Advisory Committee on February 23, 2021. On April 27, 2021, the Department testified on implementation of the SFA as amended by Act 34 of 2020 during a joint public hearing convened by the House and Senate Environmental Resources and Energy committees. The Department will be continuing to work in consultation with the Sewage Advisory Committee and other stakeholders towards implementation of the SFA as amended by Act 34 of 2020 in coming months. The Department has developed an Act 34 Implementation Frequently Asked Questions (FAQ) document to provide information to those with questions on how Act 34 impacts sewage facilities planning and permitting. A link to the Act 34 FAQ can be found at the Bureau of Clean Water's Act 537 Sewage Enforcement Officer's website at:

<https://www.dep.pa.gov/Business/Water/CleanWater/WastewaterMgmt/Act537/Pages/SewageEnforcementOfficers.aspx>

## **General Permits for Beneficial Use of Sewage Sludge (AKA Biosolids)**

The Department issues general permits for the beneficial use of biosolids (a.k.a. sewage sludge) and residential septage. In the context of these permits, beneficial use is the use or reuse of biosolids or residential septage for any purpose, where the use does not harm or threaten public health, safety, welfare, or the environment. These permits apply to a person who prepares biosolids that will be sold or given away in a bag or other container or biosolids that will be land applied, and to a person who applies biosolids or residential septage to the land. The Department issues these permits under the authority of Pennsylvania's Solid Waste Management Act and Clean Streams Law.

There are three general permits for the beneficial use of biosolids and residential septage in Pennsylvania:

- PAG-07 allows for the Beneficial Use of Exceptional Quality (EQ) Biosolids. EQ biosolids must meet specific, very strict treatment standards and are therefore not subject to certain management practices, such as land application isolation distances. These EQ biosolids may be licensed by the Pennsylvania Department of Agriculture as a fertilizer or soil amendment. Application and storage of EQ biosolids are required to meet the conditions of the PAG-07 General Permit or an individual permit. User instructions, which include nutrient content and land application rates, are issued by the person who prepares the biosolids and must be followed by the person who land applies the biosolids.
- PAG-08 allows for the Beneficial Use of Non-Exceptional Quality (Non-EQ) Biosolids. Non-EQ biosolids have to meet less strict treatment standards. Beneficial use of non-EQ biosolids must be covered by a PAG-08 General Permit or individual permit. Notice must be submitted to the Department at least 30 days before the first land application of non-EQ biosolids at a new site. Farms receiving biosolids should have either a 30-day notice on file with the Department that includes farm maps and application areas, or have an individual site permit.
- PAG-09 allows for the Beneficial Use of Residential Septage. Septage is defined as, "Liquid or solid material removed from a septic tank, cesspool or similar treatment works that receives only waste or wastewater from human or household operations." The PAG-09 permit requirements for beneficial use of residential septage are similar to the PAG-08 permit requirements for non-EQ biosolids.

The Department has administratively extended these general permits several years. The Department had preliminary discussions on reissuance of these general permits with the Water Resources Advisory Committee (WRAC) and the Agricultural Advisory Board (AAB) in March 2021. *Both committees decided to form workgroups to better understand the proposed changes and provide input on the impact of those proposed changes to their respective stakeholders. To date, the AAB workgroup has had one meeting and has several others being scheduled. The WRAC workgroup has not yet had a meeting. The Bureau of Clean Water has also organized a workgroup to gather input on the proposed changes to the general permits. The group includes biosolids generators, land applicators, farmers, consultants, and interested third parties (including the Chesapeake Bay Foundation and the Delaware River Keeper Network). The first meeting of the DEP Outreach workgroup is scheduled for September 28, 2021 from 1 - 4 pm in Room 105 of the RCSOB.*

## **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 for PAG-02 General Permit NOIs and on April 21, 2021 for Individual NPDES Permits for stormwater discharges associated with construction activities. ESCGP-3 and Erosion and Sedimentation Control individual permit applications are currently under development. The current schedule allows for rollout through the coming calendar year.

### **Public Water Systems Technical Assistance Center Board Meeting**

*The DEP Public Water Systems Technical Assistance Center (TAC) Board met in person and virtually on July 29, 2021, to review and discuss the Pre-draft Proposed PFAS MCL rulemaking for drinking water. The proposed amendments will improve public health protection by setting maximum contaminant level goals (MCLG) and maximum contaminant levels (MCL) for two per- and polyfluoroalkyl substances (PFAS) — perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS). Based on occurrence data, health effects information provided by Drexel University, an assessment of technical limitations, and a cost and benefits analysis, DEP is proposing to set the following drinking water standards:*

<b>PFAS</b>	<b>MCLG (ng/L or ppt)</b>	<b>MCL (ng/L or ppt)</b>
<i>PFOA</i>	<i>8</i>	<i>14</i>
<i>PFOS</i>	<i>14</i>	<i>18</i>

*TAC recommended that the PFAS MCL rulemaking move forward for consideration by the EQB.*

*The next TAC Board meeting scheduled for October 28, 2021, was canceled due to a lack of agenda items.*

### **Nonpoint Source (NPS) Management Section 319**

*The Section 319 NPS Management grant funds are provided by the U.S. Environmental Protection Agency (EPA) and authorized through Section 319(h) of the federal Clean Water Act. The program’s primary purpose is to implement Section 319 Program Watershed Implementation Plans (WIP) to improve and protect Pennsylvania’s waters from nonpoint source pollution. For Federal Fiscal Year 2022, DEP opened the EPA Section 319 NPS Management Grant round on April 22, 2021. The deadline to apply was June 25, 2021. For Federal Fiscal Year 2022, DEP received 14 applications, totaling more than \$4.9 million.*

*For Federal Fiscal Year 2021, the Section 319 NPS Management Program received 36 grant applications totaling approximately \$9.2 million. 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. EPA submitted their comments on the workplans to DEP on January 29, 2021. EPA officially notified DEP of PA’s federal FY2021 allocation on March 5, 2021, which equals \$4,978,200. DEP provided the revised workplans per EPA’s comments by the deadline of March 15, 2021. EPA submitted a second round of comments to DEP on April 7, 2021, with a deadline of May 15, 2021. DEP responded with revisions on May 12, 2021, and EPA approved the workplans on May 14, 2021. EPA has awarded DEP the FY2021 grant. DEP plans to announce the FY2021 subawards in October.*

### **Growing Greener Plus Program**

*DEP opened the Growing Greener Plus grant round on April 22, 2021. The deadline to apply was June 25, 2021. Grant application review and online scoring are complete, and DEP’s Watershed Support Section staff worked with DEP’s Grants Center, regional offices, District Mining Offices and Bureau of Abandoned Mine Reclamation staff to develop a grant recommendation package.*

### **State Water Plan**

*The State Water Plan’s seventh Statewide Committee meeting was held on September 15, 2021 using the hybrid meeting format to accommodate both virtual and in-person meeting attendees. The primary focus of this meeting was emerging contaminants including per- and polyfluoroalkyl substances. The committee discussed potential “Recommendations for Action” for incorporation into the State Water Plan Update. This update will focus on items such as water resources strategies outlined in the Governor’s Climate Action Plan and updated regional watershed priorities.*

*The State Water Plan's Regional Water Resources Committees will have their seventh round of meetings held in a hybrid format between October 12 and 28, 2021. The primary focus of this meeting is to have the committees review the draft storymap being produced by Department of Environmental Protection staff. Five of the committees have some vacancies and one of the committees are full. This update will focus on items such as water resources strategies outlined in the Governor's Climate Action Plan and updated regional watershed priorities.*

Find more information at the [State Water Plan Website](#).

### **Coastal Zone Grants**

*The Coastal Resources Management Program has been awarded federal funding from the National Oceanic and Atmospheric Administration for Federal Fiscal Year (FFY) 2021. This annual award marks the 41st year Pennsylvania has been given funding to protect and enhance the coastal resources of the Commonwealth. This year's funding will provide over \$700,000 in grants to projects located in Pennsylvania's coastal zones. Grant awards are expected to be announced this fall and include projects for education and stewardship, public access creation, coastal cleanups, stream restoration planning, historical structure preservation, and research on harmful algal blooms in Lake Erie. The next Coastal Zone Grant round for FFY 2022 opened on August 30, 2021. The deadline to apply is October 18, 2021.*

## Attachment 1

### 2021 Events Calendar

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

<b>October</b>	
1	Low-Level Radioactive Waste Advisory Committee Meeting, 10 a.m., Virtual and in-person attendance options
4	Cleanup Standards Scientific Advisory Board Meeting, 9:30 a.m., Virtual and in-person attendance options
6	State Board for Certification of Water and Wastewater Systems Operators Meeting, 10 a.m., Virtual and in-person attendance options
12	Delaware Water Resources Regional Committee Meeting, 9 a.m., Virtual and in-person attendance options
13	Lower Susquehanna Water Resources Regional Committee Meeting, 9 a.m., Virtual and in-person attendance options
13	Technical Advisory Committee on Diesel-Powered Equipment, 10 a.m., Virtual and in-person attendance options
13	State Board for Certification of Sewage Enforcement Officers Meeting, 10 a.m., Virtual and in-person attendance options
14	Air Quality Technical Advisory Committee Meeting, 9:15 a.m., Virtual and in-person attendance options
14	Potomac Water Resources Regional Committee Meeting, 1 p.m., Virtual and in-person attendance options
19	Environmental Quality Board Meeting, 9 a.m., Virtual and in-person attendance options
19	Citizens Advisory Council Meeting, 12:30 p.m., Virtual and in-person attendance options
21	Mining and Reclamation Advisory Board Meeting, 10 a.m., Virtual and in-person attendance options
21	Drive Electric PA Coalition Meeting, 10 a.m., Virtual meeting only
26	Climate Change Advisory Committee Meeting, 9 a.m., Virtual and in-person attendance options
26	Ohio Water Resources Regional Committee Meeting, 1 p.m., Virtual and in-person attendance options
27	Great Lakes Water Resources Regional Committee Meeting, 9 a.m., Virtual and in-person attendance options
27	Small Business Compliance Advisory Committee Meeting, 10 a.m., Virtual and in-person attendance options
28	Upper/Middle Susquehanna Water Resources Regional Committee Meeting, 9:30 a.m., Virtual and in-person attendance options
<b>November</b>	
3	Aggregate Advisory Board Meeting, 10 a.m., Virtual and in-person attendance options

16	Environmental Justice Advisory Board Meeting, 9 a.m., Virtual and in-person attendance options
16	Environmental Quality Board Meeting, 9 a.m., Virtual and in-person attendance options
16	Citizens Advisory Council Meeting, 12:30 p.m., Virtual and in-person attendance options
17	Statewide Water Resources Committee Meeting, 9 a.m., Virtual and in-person attendance options
17	Water Resources Advisory Committee Meeting, 9:30 a.m., Virtual and in-person attendance options
18	State Board for Certification of Sewage Enforcement Officers Meeting, 10 a.m., Virtual and in-person attendance options

## Attachment 2

### Oil and Gas Workload Report (As of September 24, 2021)

YTD WELL PERMIT APPLICATIONS - 1/1/2021 to 9/24/2021						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	183	13	189	188	188	1
UNCONVENTIONAL	512	41	597	581	571	16
<b>Sub Total</b>	<b>695</b>	<b>54</b>	<b>786</b>	<b>769</b>	<b>759</b>	<b>17</b>
AUTHORIZATIONS	421	52	440	396	N/A	44
<b>Total</b>	<b>1,116</b>	<b>106</b>	<b>1,226</b>	<b>1,165</b>	<b>1,122</b>	<b>61</b>

WEEKLY WELL PERMIT APPLICATIONS - 9/18/2021 to 9/24/2021						
	RECEIVED	UNDER REVIEW	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS
CONVENTIONAL	4	4	8	8	8	0
UNCONVENTIONAL	14	14	23	19	19	4
<b>Sub Total</b>	<b>18</b>	<b>18</b>	<b>31</b>	<b>27</b>	<b>27</b>	<b>4</b>
AUTHORIZATIONS	27	10	27	27	N/A	0
<b>Total</b>	<b>45</b>	<b>28</b>	<b>58</b>	<b>54</b>	<b>54</b>	<b>4</b>

HISTORICAL WELL PERMIT APPLICATIONS AS OF 9/24/2021						
	RECEIVED	PROCESSED	PERMITS ISSUED	WELLS PERMITTED	OTHER DISPOSITIONS	ACTIVE PERMITS
CONVENTIONAL	198,348	198,334	197,079	190,790	1,255	100,515
UNCONVENTIONAL	29,532	29,489	28,877	22,371	612	12,608
<b>Sub Total</b>	<b>227,880</b>	<b>227,823</b>	<b>225,956</b>	<b>213,161</b>	<b>1,867</b>	<b>113,123</b>
AUTHORIZATIONS	46,416	46,364	45,223	43,544	1,141	19,431
<b>Total</b>	<b>274,296</b>	<b>274,187</b>	<b>271,179</b>	<b>256,705</b>	<b>3,008</b>	<b>132,554</b>

YTD INSPECTIONS - 1/1/2021 to 9/24/2021				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	7,834	5,899	3,470	210
UNCONVENTIONAL	13,225	6,587	805	79
SITE	3,024	1,733	2,321	108
CLIENT	26	23	37	19
<b>Total</b>	<b>24,109</b>	<b>14,242</b>	<b>6,633</b>	<b>416</b>

WEEKLY INSPECTIONS - 9/18/2021 to 9/24/2021				
	INSPECTIONS	FACILITIES INSPECTED	VIOLATIONS	ENFORCEMENTS
CONVENTIONAL	249	233	18	1
UNCONVENTIONAL	262	260	0	0
SITE	54	51	8	2
CLIENT	0	0	0	0
<b>Total</b>	<b>565</b>	<b>544</b>	<b>26</b>	<b>3</b>

WELLS DRILLED					
	Two Years Prior 1/1/2019 to 9/24/2019	One Year Prior 1/1/2020 to 9/24/2020	Year To Date 1/1/2021 to 9/24/2021	Week of 9/18/2021 to 9/24/2021	As of 9/24/2021
CONVENTIONAL	131	28	91	3	201,378
UNCONVENTIONAL	492	362	360	18	13,157
<b>Total</b>	<b>623</b>	<b>390</b>	<b>451</b>	<b>21</b>	<b>214,535</b>

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