

**July 2023 Report to the Citizens Advisory Council**  
*(New and updated information in italics)*

---

**DEP Highlights**

---

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

In an effort to expand public transparency of Pennsylvania’s progress toward meeting our Phase 3 WIP goals, DEP’s Chesapeake Bay Watershed Restoration Division in the Bureau of Watershed Restoration and Nonpoint Source Management (BWRNSM) – formerly known as the Chesapeake Bay Office – has instituted an electronic monthly newsletter, “Healthy Waters: Pennsylvania - Partnership - Progress”; the latest and prior newsletters along with the link to subscribe can be found [here](#).

The [Phase 3 WIP](#) describes how Pennsylvania intends to move forward and accelerate progress towards meeting the nutrient reduction targets established by the Chesapeake Bay Program 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. On December 31, 2021, DEP submitted an amended Phase 3 WIP to the U.S. Environmental Protection Agency (EPA) that outlines how Pennsylvania will fully meet its nutrient and sediment reduction goals in the Chesapeake Bay watershed by 2025, provides adequate funding support, and *acknowledges* that EPA modeling is updated to accurately reflect pollution reduction measures already on the ground.

On April 18, 2022, [EPA published their evaluation](#) of Pennsylvania’s draft amended Phase 3 WIP. EPA determined, using Chesapeake Bay Partnership approved tools, that Pennsylvania’s amended Phase 3 WIP was still short of meeting the nitrogen and phosphorus planning targets. EPA did not account for Pennsylvania’s expired best management practices (BMPs), BMPs considered “cutoff” in the model, or BMPs that are currently unreported. EPA provided a list of “enhancements” for DEP to consider and requested a revised WIP and response within 90 days. DEP met with EPA on April 27, May 18, and May 26 to further discuss their evaluation and asked clarifying questions, as well as to discuss the status of EPA’s Animal Agriculture Programs Assessment report and evaluation of Pennsylvania’s Milestone commitments and progress.

EPA published the final 2021 annual numeric progress for all jurisdictions in June 2022. DEP met with EPA multiple times earlier in 2022, with a final meeting on May 26, 2022, to review and discuss Pennsylvania’s submitted progress. Pennsylvania’s final credited reductions for 2021 annual progress were 2.48 million pounds of nitrogen, 40,000 pounds of phosphorus, and 61 million pounds of sediment.

The amended Phase 3 WIP highlights that the \$324.2 million annual funding need identified in Pennsylvania’s original Phase 3 WIP remains. The proposed U.S. Department of Agriculture [Chesapeake Resilient Farms Initiative](#) (CRFI), would provide a new investment of \$737 million across the Chesapeake Bay watershed for clean water and climate resiliency. State investments include the Clean Streams Fund, enacted by [Act 54 of 2022](#), which includes a \$154 million one-time investment of American Rescue Plan Act monies in a new Agriculture Conservation Assistance Program administered by the State Conservation Commission. On January 14, 2023, DEP submitted Pennsylvania’s 2022 Programmatic Progress report to EPA, per the Chesapeake Bay Program Partnership-approved Two-year Milestone schedule. EPA has estimated that they will be providing feedback to DEP by May 2023. The Programmatic Progress and Milestone Commitments are

combined into one document, as there are many ongoing efforts that have and will take place throughout the prior two-year period and through the next two-year cycle. These documents are published to the DEP [Tracking Pennsylvania's Progress](#) website.

DEP worked with 35+ different data reporters – comprised of local, state, and federal agencies and programs – to compile and report BMP annual progress toward the Chesapeake Bay TMDL goals and planning targets. The Nonpoint Source Quality Assurance Project Plan (QAPP) was submitted to EPA by the September 1, 2022 deadline. The annual progress data was submitted by the December 1, 2022 deadline, along with the revised version of the QAPP. DEP has been working with EPA since December 2022 on the review and evaluation of our QAPP and numeric progress reporting. EPA approved the DEP Nonpoint Source and Point Source QAPPs in April 2023.

The Phase 3 WIP includes [Countywide Action Plans](#) (CAPs) developed by the counties with support from DEP. All 34 Pennsylvania counties in the Chesapeake Bay watershed that were asked to complete CAPs have now done so, and county teams and partners have begun carrying out the best management practices (BMPs) specified in their plans. To support this crucial work, on December 16, 2021, former Governor Tom Wolf announced \$17.4 million in grant funding for projects in 33 counties across the Chesapeake Bay watershed, highlighting their path-breaking work to improve the health of local streams, rivers, and lakes by reducing nutrient and sediment pollution.

DEP's BWRNSM recently awarded \$12.2 million to counties with CAPs—of which approximately \$9.3 million was from the state Environmental Stewardship Funds and \$2.9 million from EPA. From the federal funds, \$1.6 million was from the Chesapeake Bay Infrastructure Investment and Jobs Act (CB IJIA), awarded to DEP beginning October 1, 2022. [This press release](#) contains the list of counties receiving funds and their allocation.

In collaboration with the DEP Communications Office, the BWRNSM's Chesapeake Bay Watershed Restoration Division also has developed a [Healthy Water, Healthy Communities storymap](#). In October 2022 BWRNSM also published the [2021 Healthy Waters, Healthy Communities Annual Report](#).

On April 20, 2023, EPA published [notice](#) of a [proposed settlement agreement](#) that would resolve the [Chesapeake Bay Foundation, Inc. et al. v. U.S. EPA et al](#) litigation—*whereby Chesapeake Bay Foundation, Inc. et al. asserted* that EPA's oversight of Pennsylvania's Phase 3 WIP was lacking. While DEP is still reviewing the settlement, Pennsylvania remains committed to working with our local, state, and federal partners. Since 2019, we have seen our Phase 3 WIP serve as a catalyst for action. Thousands of people actively collaborate and work with each other to reach the common goal of clean water and healthy communities. We will continue to work together to ensure farmers, municipalities, and community members are provided the resources they need to improve, protect, and restore local waters and the Chesapeake Bay.

Questions on the Phase 3 WIP and Pennsylvania's Chesapeake Bay Program can be submitted to [RA-EPChesBay@pa.gov](mailto:RA-EPChesBay@pa.gov).

### **Pennsylvania's Anti-Litter Campaign**

DEP, in conjunction with other Commonwealth agencies continues to promote Pennsylvania's anti-litter campaign, "PA Fights Dirty." As part of this effort the EE&IC staff are also promoting this initiative through various environmental education networks and in "Teaching Green".

Keep Pennsylvania Beautiful (KPB) also features the state's Young Ambassadors Program, a new partnership *between* PennDOT and KPB. This initiative was recommended in the Litter Action Plan and invited Pennsylvania rising 10th- through 12th-grade students to help keep the Commonwealth litter-free.

The students were chosen through a competitive process – participants committed to nine months of service and upholding the mission and values of KPB. Other responsibilities include attending a virtual orientation, four virtual education and training workshops, and up to two virtual networking events, organizing and participating in at least one community cleanup event through Pick Up Pennsylvania, conducting one community education event targeting youth in the student’s community and promoting participation on social media.

From September 2022 through May 2023, Young Ambassadors will build community stewardship by inspiring, engaging, and empowering Pennsylvanians to keep their communities clean and develop civic leadership to advocate for clean and beautiful communities across Pennsylvania.

More information and the application for the Young Ambassadors Program can be found on the [KPB website](#).

---

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

---

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

- *Draft Proposed Rulemaking – Triennial Review of Water Quality Standards (#7-577):* The draft proposed regulation was discussed with the Water Resources Advisory Committee on May 19 and November 17, 2022, and the Agricultural Advisory Board on December 8, 2022. The draft proposed regulation is scheduled for Environmental Quality Board (EQB) consideration on July 11, 2023.
- *Draft Proposed Rulemaking – Water Quality Standards – Site-Specific Water Quality Criteria (#7-571):* The draft proposed regulation was discussed with the Agricultural Advisory Board on March 15, 2023, and the Water Resources Advisory Committee on March 16, 2023. The draft proposed regulation is scheduled for Environmental Quality Board consideration on July 11, 2023.
- *Draft Final Rulemaking – Administration of the Land Recycling Program Vanadium MSC Rule (#7-572):* The draft final regulation was presented to the Cleanup Standards Scientific Advisory Board on March 15, 2023. The draft final regulation is scheduled for Environmental Quality Board consideration on July 11, 2023.
- *Draft Final Rulemaking – Exclusion for Identification and Listing Hazardous Waste at MAX Environmental Technologies, Inc. Bulger and Yukon Facilities (#7-566):* The draft final regulation was presented to the Solid Waste Advisory Committee on December 15, 2022.
- *Final Rulemaking – Radiological Health Fees (#7-574):* The EQB adopted the final rule on April 11, 2023. IRRC approved the final regulation on May 18, 2023. The final regulation was published in the *Pennsylvania Bulletin* on June 24, 2023.
- *Final Rulemaking – Water Quality Standards – Dunbar Creek et al. Stream Redesignations (#7-557):* The EQB adopted the final rule on April 11, 2023. IRRC approved the final regulation on May 18, 2023. The final regulation was published in the *Pennsylvania Bulletin* on June 24, 2023.
- *Final Rulemaking – Noncoal Mining Clarifications and Corrections (#7-554):* The EQB adopted the final rule on April 11, 2023. IRRC approved the final regulation on May 18, 2023. The final regulation is scheduled for publication in the *Pennsylvania Bulletin* on August 19, 2023.
- *Final Rulemaking – Radiation Safety Requirements for Non-Healing Arts Radiation Generating Devices (#7-555):* The EQB adopted the final rule on November 15, 2022. IRRC approved the final regulation on May 18, 2023. The final regulation is scheduled for publication in the *Pennsylvania Bulletin* on August 12, 2023.
- *Final Rulemaking – National Pollutant Discharge Elimination System (NPDES) Schedules of Compliance (#7-563):* The EQB adopted the final rule on November 15, 2022. The final regulation was deemed approved on May 18, 2023. The final regulation was published in the *Pennsylvania Bulletin* on June 24, 2023.

---

## **Public Comment Periods**

---

To see the latest DEP and EQB public comment periods, visit DEP's [eComment website](#).

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

- *Environmental Assessment Approvals for PENNVEST Funding Consideration (July 2023) (opened 6/10, closes 7/10)*
- *Proposed General Plan Approval and/or General Operating Permit for Coal-Mine Methane Enclosed Flares (BAQ GPA/GP 21) (Opened 7/1, Closes 8/15)*
- *Clean Water State Revolving Fund (CWSRF) and Drinking Water State Revolving Fund (DWSRF) Programs - Federal Fiscal Year 2023 Intended Use Plans (opened 6/3, closes 7/3)*

### **Recently Closed Comment Periods**

- *Draft National Pollutant Discharge Elimination System General Permit for Discharges from Petroleum Product Contaminated Groundwater Remediation Systems (PAG-05) (opened 5/20, closed 6/20)*
- *Draft National Pollutant Discharge Elimination System General Permit for Point Source Discharges from the Application of Pesticides (PAG-15) (opened 5/20, closed 6/20)*
- *Stream Redesignation Evaluation of Brodhead Creek; Water Quality Standards Review (opened 5/6, closed 6/5)*
- *Proposed State Implementation Plan Revision; Attainment Demonstration for the Indiana, PA Nonattainment Area for the 2010 Sulfur Dioxide National Ambient Air Quality Standard (opened 4/15, closed 5/25)*
- *Coastal Zone Management federal consistency: PhilaPort - Packer Marine Terminal Turning Basin Dredged Material Disposal at the Fort Mifflin Confined Disposal Facility (opened 4/22, closed 5/8)*
- *Coastal Zone Management federal consistency: City of Erie and Erie Sewer Authority - Mill Creek Channel Wall Rehabilitation (opened 4/15, closed 5/1)*

---

### **Communications Monthly Press Releases**

---

To see the latest DEP press releases, visit DEP's [news releases webpage](#).

### **Press Releases Issued**

May 4 – DEP To Receive Comments and Host In-Person Hearing on Air Quality Permit Application for Chester Facility, Delaware County

May 4 – DEP To Host Public Meeting Regarding Proposed Waste Transfer Station in Luzerne County

May 11 – DEP Declares Code Orange Air Quality Action Day for Ozone for Friday, May 12, 2023, in Multiple Areas of Pennsylvania

May 15 – DEP Declares Code Orange Air Quality Action Day for Ozone for Friday, May 12, 2023, in Multiple Areas of Pennsylvania

May 15 – *Shapiro Administration to Hold Small Business Resource Fair in Darlington Township on May 17*

May 17 – *ADVISORY: TOMORROW – LANDENBERG – Governor's Invasive Species Council to Celebrate Pennsylvania Native Species at North Creek Nurseries*

*May 18 – Governor’s Invasive Species Council Celebrates Pennsylvania Native Species at North Creek Nurseries*

*May 26 – The Shapiro Administration Awards \$7.8 million dollars in Grants for Environmental Restoration Projects*

*May 30 – DEP Declares Code Orange Air Quality Action Day for Fine Particulate Matter for Wednesday, May 31, 2023, in Multiple Areas of Pennsylvania*

*June 1 – Shapiro Administration Awards \$1 Million to Projects to Educate and Engage Youth and Adults in Improving the Environment in Their Communities*

*June 1 – DEP Announces Funding for Environmental Education Projects for Youth and Adults in Northeast Pennsylvania*

*June 1 – DEP Announces Funding for Environmental Education Projects for Youth and Adults in Northcentral Pennsylvania*

*June 1 – DEP Announces Funding for Environmental Education Projects for Youth and Adults in Northwest Pennsylvania*

*June 1 – DEP Announces Funding for Environmental Education Projects for Youth and Adults in Southeast Pennsylvania*

*June 1 – DEP Announces Funding for Environmental Education Projects for Youth and Adults in Southcentral Pennsylvania*

*June 1 – DEP Announces Funding for Environmental Education Projects for Youth and Adults in Southwest Pennsylvania*

*June 5 – DEP Declares Code Orange Air Quality Action Day for Fine Particulate Matter for Tuesday, June 6, 2023, in Multiple Areas of Pennsylvania*

*June 6 – ADVISORY – WEDNESDAY – Pennsylvania to Host Falcon Banding Livestream Event*

*June 6 – DEP Declares Code Orange Air Quality Action Day for Fine Particulate Matter for Wednesday, June 7, 2023, in Multiple Areas of Pennsylvania*

*June 7 – DEP To Host Public Hearing on Proposed Prompt Interim Response for Douglass Township, PA*

*June 7 – DEP To Host Public Hearing Regarding Proposed Waste Transfer Station in Luzerne County*

*June 7 – Pennsylvania under Code Red Air Quality Alert Due to Wildfire Smoke*

*June 8 – Hazardous Air Conditions Persist in South Central and Eastern Pennsylvania Due to Wildfire Smoke*

*June 9 – Pennsylvania Under Code Orange Air Quality Alert Due to Wildfire Smoke*

*June 10 – DEP Declares Code Orange Air Quality Action Day for Ozone for Sunday, June 11, 2023, in Multiple Areas of Pennsylvania*

*June 15 – DEP Declares Statewide Drought Watch, Recommends Voluntary Water Conservation*

*June 16 – DEP Declares Code Orange Air Quality Action Day for Fine Particulate Matter for Saturday, June 17, 2023, in Multiple Areas of Pennsylvania*

*June 18 – DEP Declares Code Orange Air Quality Action Day for Ozone for Monday, June 19, 2023, in Multiple Areas of Pennsylvania*

---

## **Active and Abandoned Mine Operations**

---

### **Act 54 Effects of Underground Mining 6<sup>th</sup> Report**

DEP has designated calendar years 2018-2022 to be the 5-year period for the 6th “Act 54” report. Through January 2023, DEP’s Bureau of Mining Programs (BMP) and California District Mining Office completed an update to the data records of claims, compliance actions, stream effects and wetland effects related to underground bituminous mining. BMP and California District Mining Office then arranged and packaged the data for submittal to the federal Office of Surface Mining Reclamation and Enforcement (OSMRE) for peer review. OSMRE has recently informed DEP that they will not make specific recommendations on the program but will provide input as appropriate related to its status as the federal oversight agency. The draft report remains on track for completion in November 2023 when it will be routed for approval to publish. It is estimated that the final report will be publicly available, and specifically provided to the CAC, in January 2024.

### **Abandoned Mine Land (AML) Bipartisan Infrastructure Law (BIL) Funding**

*On June 1 the Federal Department of the Interior, Office of Surface Mining Reclamation and Enforcement (OSMRE) announced the total Federal Fiscal Year (FFY) 2023 BIL grant to be \$724,894,667. The Pennsylvania Abandoned Mine Land (AML) program’s portion to apply for is \$244,786,476. Additionally, on June 1, OSMRE posted the FFY 2023 BIL Final Guidance on their website (<https://www.osmre.gov/bil> ). On June 2, OSMRE posted the FFY 2023 BIL Notice of Funding Opportunity (NOFO). National AML programs will have until December 29, 2023 to apply for the FFY 2023 BIL Grant. Each BIL grant has a 5-year duration.*

*On May 26 [the Department announced](#) funding for 16 environmental restoration projects on abandoned mine lands pursuant to the 2022 [AML/AMD Grant Program \(pa.gov\)](#). The 2023 AML/AMD Grant Program consists of three rounds and is meant to issue grants to eligible applicants for AML reclamation and AMD treatment or abatement. Non-governmental organizations and watershed groups are encouraged to submit AML, AMD, and Abandoned Mine Land Economic Revitalization (AMLER) projects in their applications for reclamation grants funded by the AMLER program and AML and AMD funds authorized under the BIL. Nine eligible applications are currently under review for the 1st round of the 2023 grant program, which closed on April 28, 2023. The second 2023 application round will open on July 3 through August 25. Applicants of projects that are not recommended for an award will be consulted with so they may resubmit their projects for future grant rounds.*

---

## **Air Quality**

---

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

The final-form rulemaking for the control of VOC emissions from unconventional oil and natural gas sources was published in the Pennsylvania Bulletin on December 10, 2022. The final-omit rulemaking for the control of VOC emissions from conventional oil and natural gas sources was published in the Pennsylvania Bulletin on December 10, 2022.

BAQ submitted the SIP revision to EPA on December 12, 2022. The EPA found the submittal administratively complete on December 14, 2022. This completeness determination rescinds the offset sanctions which took effect on June 16, 2022, as a result of the EPA's November 16, 2020 Finding of Failure to Submit (FFS), which found that Pennsylvania failed to submit a state implementation plan (SIP) revision addressing the 2016 Oil & Gas CTG for the 2008 ozone NAAQS. It halts the imposition of Federal highway funding sanctions that were set to take effect in Pennsylvania on December 16, 2022. The completeness finding also stops the sanctions clock triggered by the EPA's December 16, 2021 FFS that was issued based upon Pennsylvania's failure to submit a SIP revision addressing the 2016 Oil & Gas CTGs for the 2015 ozone NAAQS. EPA will evaluate the approvability of this SIP submission in accordance with the applicable technical and RACT requirements of the CAA. This rulemaking was approved by IRRC on April 20, 2023, by a 3-2 vote.

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

DEP presented the draft final-form rulemaking to AQTAC, CAC, and SBCAC in April 2022. At its May 18, 2022, meeting, the CAC voted to provide a letter on the rulemaking to the Bureau of Air Quality regarding their input on the final-form regulation. The EQB adopted the final rule on August 9, 2020, by a 17-2 vote. IRRC unanimously approved the rulemaking on September 15, 2022. The rulemaking was published in the Pennsylvania Bulletin on November 12, 2022. The Federally mandated deadline for compliance by regulated facilities was January 1, 2023. A SIP revision was submitted to EPA on January 13, 2023.

### Regulatory State Implementation Plan (SIP) Revisions

#### Reasonably Available Control Technology (RACT II)

On May 25, 2022, the EPA issued a proposed notice for a Federal Implementation Plan (FIP) addressing RACT requirements for certain sources in Pennsylvania. This FIP proposed to set emission limits for NO<sub>x</sub> emitted from coal-fired electric generating units (EGUs) equipped with SCR controls to meet the RACT requirements for the 1997 and 2008 ozone NAAQS. The FIP was proposed to ensure that the EPA can, if necessary, meet a court-ordered deadline requiring the EPA to approve an amended SIP or issue a FIP by August 27, 2022. The Department submitted comments in opposition to the FIP.

On May 26, 2022, DEP submitted a RACT II SIP revision for Homer City, Keystone, and Conemaugh EGUs. On June 6, 2022, DEP submitted a RACT II SIP revision for Montour EGU. All four facilities filed appeals to the Environmental Hearing Board regarding the terms and conditions of their RACT II permits.

On August 31, 2022, EPA published the final FIP setting emission limits for nitrogen oxides (NO<sub>x</sub>) at Conemaugh, Homer City, Keystone and Montour EGUs. In the final rule, EPA adjusted its rate calculation for facilities with more than one unit and made additional changes in response to technical information received. The final lb/MMBtu emission limit for Conemaugh EGU was lowered while the emission limits for Homer City and Montour EGUs were raised. Keystone's emission limit remained roughly the same. Conemaugh, Keystone and Homer City filed petitions to review in the 3<sup>rd</sup> Circuit Court. On March 13, 2023, the 3<sup>rd</sup> Circuit denied the facilities' motions to stay the March 29, 2023 FIP compliance date. A hearing on the merits has yet to be held.

### 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 EPA'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.

On March 17, 2022, EPA published a proposed partial approval/partial disapproval of Pennsylvania’s SIP revision for the Indiana 2010 SO<sub>2</sub> 1-Hour NAAQS Nonattainment Area. The partial disapproval focuses on the calculation of the SO<sub>2</sub> permit limit averaging periods. The public comment period closed on April 18, 2022. On August 18, EPA published a Final Partial Approval/Partial Disapproval of the Department’s SIP revision. DEP must submit and EPA must approve a SIP revision within 18 months (by March 2024) or sanctions will apply. DEP published its proposed SIP revision on April 15, 2023. *Three comments were received during the public comment period* which closed on May 25, 2023.

On February 22, the EPA Region III Administrator sent Governor Shapiro a “120-Day Letter” proposing to reclassify several townships in Westmoreland County and Cambria County from “attainment” to “nonattainment” for the 2010 sulfur dioxide (SO<sub>2</sub>) NAAQS. The Department *has reviewed* the technical support document accompanying the 120-Day Letter and *on June 22, submitted a response comment letter concerning the boundaries for this newly proposed nonattainment area.* The area lies immediately outside of the current Indiana County SO<sub>2</sub> nonattainment area for which the Bureau is preparing a SIP revision. Once the new designation is finalized, DEP is required within 18 months to submit a SIP revision demonstrating how the 2010 SO<sub>2</sub> NAAQS will be attained in these partial counties.

#### 2015 Ozone National Ambient Air Quality Standards

On October 7, 2022, EPA published a final rule: Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Areas Classified as Marginal for the 2015 Ozone National Ambient Air Quality Standard (NAAQS). This rule became effective on November 7, 2022. Action was taken on 28 nonattainment areas classified as marginal for the 2015 Ozone NAAQS. Of these 28 nonattainment areas, five areas attained the standard, 22 failed to attain it, and one area received an extension. Areas were required to attain the standards by August 3, 2021. The Philadelphia-Wilmington-Atlantic City (PA-NJ-MD-DE) Area was reclassified to moderate nonattainment. The “bumped up” area includes Bucks, Chester, Delaware, Montgomery, and Philadelphia counties and is now required to attain the standards by August 3, 2024. The Department *worked* with EPA, NJ, MD and DE on the needed modeling and *has completed the modeling.* *The full SIP to address the nonattainment reclassification is under development and review for submission to EPA.*

#### Air Quality Technical Advisory Committee

The next scheduled meeting is August 17, 2023.

#### Small Business Compliance Advisory Committee

The next scheduled meeting is August 23, 2023.

---

### Energy Programs Office

#### **Energy Security**

EPO’s contractor, ProtoGen, will complete initial feasibility studies for onsite generation and energy storage for the City of Philadelphia, City of Meadville, Allegheny County and Eldred Township Volunteer Fire Company. Protogen has prepared initial feasibility *studies* for Eldred Township’s Volunteer Fire Company and City of



Philadelphia's Water Department. Additionally, ProtoGen has continued to conduct data collection and schedule site visit activities with the remaining selected entities to prepare initial feasibility studies.

EPO is also participating in the U.S. Department of Energy's (DOE) Technology Action Group, which facilitates partnerships with other states and the National Renewable Energy Lab (NREL) related to onsite generation and energy storage at critical facilities. EPO staff have been using the REopt tool to help critical facilities determine the suitability of investing in onsite generation and energy storage. Additionally, EPO actively engaged with NREL through multiple meetings to discuss REopt outreach strategies.

EPO and DEP's Director of Emergency Response have coordinated monthly Fuels Sector Calls with the Pennsylvania Emergency Management Agency (PEMA) to provide situational awareness regarding supply concerns related to heating and transportation fuels. The next meeting is scheduled for *August 11, 2023*. EPO is currently working on updating Emergency Support Function #12 in conjunction with PEMA and the PA PUC. The EPO and the liquid fuel industry are planning on hosting a liquid fuels exercise at the annual liquid fuel conferences *on October 11, 2023*.

DOE has accepted the revised State Energy Security Plan that was developed in September 2022. EPO has hired ICF Inc. to help us improve the energy security plan to include more information on specific hazards as well as appropriate responses to hazards and threats. The updated energy security plan will be submitted to DOE by September 30, 2023.

### **Climate Change Advisory Committee**

The latest Climate Change Advisory Committee (CCAC) meeting was conducted on April 25, 2023. The meeting featured a presentation by EPO's Dave Althoff on DEP's IJJA and IRA-funded programs, a presentation on Phoenixville's Hydrothermal Carbonized Wastewater Treatment System, and presentations by representatives from Maryland and New Jersey's Environmental Regulatory Agencies on their respective climate planning efforts. Additionally, Chris Nafe of EPO provided an update on the status of the Climate Action for Environmental Justice Communities project. *The meeting initially planned for June 27<sup>th</sup> has been cancelled. The next CCAC meeting will be held on August 22, 2023. Public meeting links and an agenda will be available August 8.*

### **Climate Network**

In an effort to continue the work completed by the Climate Leadership Academy, multiple state agencies and the GreenGov Council have developed a Climate Network program for the Commonwealth. The program is aimed at educating state employees and building an understanding of climate issues and ongoing impacts related to climate change. On April 18<sup>th</sup> the PA Climate Network hosted a workshop for the 40-person Climate Network Advisory Board in the Commonwealth Keystone Building in Harrisburg on April 18<sup>th</sup>. The advisory board provided input and feedback to determine the vision and ultimate goals of the PA Climate Network, defined the network in terms of its purpose and function, and reviewed and refined the proposed climate training curriculum being developed. *The Climate Network executive committee held meetings with the ICF, the selected contractor, on June 5<sup>th</sup>, June 14<sup>th</sup> and June 28<sup>th</sup>. The committee workshopped and finalized the vision and mission statements for the Network at the June 5<sup>th</sup> meeting. A list of stakeholders, advisors, and experts who will be acting as guest speakers for the training modules as part of the finalized curriculum for the Network were confirmed by the June 14<sup>th</sup> meeting, with materials being sent out by ICF for the recordings by the end of the month. Additionally, ICF has been working with the Department of General Services digital director and communications personnel. The next Climate Network Advisory Board meeting will take place on July 26<sup>th</sup>.*

### **Inflation Reduction Act (IRA)-Funded Climate Pollution Reduction Grants (CPRG)**

US EPA released program guidance for the CPRG program on March 1, 2023. DEP submitted a Notice of Intent to Participate to EPA on March 10<sup>th</sup>, identifying DEP as the designee responsible for management and

oversight of the grant on behalf of the Commonwealth. DEP submitted the application for the Planning Grants on April 24, 2023, and DEP expects to receive \$3M in non-competitive grant funds for climate pollution reduction planning. Management of this grant, and development of related deliverables and programs will be a joint effort of Energy Programs Office and the Bureau of Air Quality. Deliverables required by this grant include:

- A Priority Climate Action Plan (PCAP), due March 1, 2024
- A Comprehensive Climate Action Plan (CCAP), due 2 years from the date of award
- A status report, due at the close of the 4-year grant period

Recipients of Planning Grants will be eligible to apply for forthcoming competitive Implementation Grants.

Three Metropolitan Statistical Areas (MSAs) within Pennsylvania have received confirmation from EPA that they are eligible to apply for CPRG Planning Grants. These MSAs include Philadelphia, Pittsburgh, and Allentown. DEP has begun coordination with the regional planning organizations which will be the lead organizations managing CPRG grants for the MSAs. DEP held an initial coordination call with Southwestern Pennsylvania Commission (SPC) on April 6<sup>th</sup>, Delaware Valley Regional Planning Commission (DVRPC) and Delaware Natural Resources and Environmental Control (DNREC) on April 13<sup>th</sup>, and Lehigh Valley Planning Commission (LVPC) on April 17<sup>th</sup>. *DEP, with the assistance of ICF, held a Stakeholder Mapping Workshop on Thursday, June 22. This workshop brought together representatives from the three MSAs to plan a coordinated stakeholder outreach effort.*

### **Preventing Outages and Enhancing the Resilience of the Electric Grid (40101(d))**

The Infrastructure Investment and Jobs Act (IIJA) of 2021 established the 40101(d) formula grant program giving Pennsylvania the ability to access \$8.1 million per year—over a five-year period—to improve the resilience of the electric grid against disruptive events; a \$40.5 million investment total. EPO will use these funds to administer a competitive grant program to eligible entities in Pennsylvania. *U.S. Department of Energy on June 14, 2023, announced Pennsylvania was selected to receive the first round of funding (combined Year 1 and Year 2), totaling \$16.2 million, in Grid Resilience State and Tribal Formula Grants.*

Pennsylvania's future 40101(d) program will provide financial assistance in the form of competitive grant funds that will be used by eligible entities to improve the all-hazards resilience of the electric grid and prevent disruptive events. EPO has continued to engage and receive feedback from stakeholders through virtual meetings with PA PUC, regulatory agencies, NASEO, electric distribution companies, Pennsylvania Rural Electric Association, and Pennsylvania Municipal Electric Association. EPO is currently formalizing their 2023 grant guidelines and official solicitation process and expects to make grant applications available Fall 2023.

### **Toolkit for Solar on Schools in Pennsylvania**

The Energy Programs Office (EPO), with support from its contractor the Philadelphia Solar Energy Association, has initiated work on developing a Toolkit for Solar on Schools in Pennsylvania. The goals of this project are to accelerate adoption of solar energy on schools and nonprofits statewide by educating key decision makers and streamlining processes, maximize Pennsylvania's utilization of federal funding made available through the federal Inflation Reduction Act (IRA) and the federal Infrastructure and Jobs Act (IIJA), and reduce soft costs and shorten the learning curve for solar adoption at schools. The Toolkit will include information on the key elements of a solar PV system, how to determine if a property is a good location for solar, how to estimate savings and financial return, an overview of the solar installation process, a discussion of ownership models and contracts, and information on financing options and incentives, including new opportunities afforded by the Inflation Reduction Act. In addition to development of the toolkit, the project will provide technical assistance to school districts looking to implement solar energy projects, as well as conduct four webinars or conference presentations outlining how to use the toolkit and provide information about available financing and financial incentives. The first webinar, hosted in partnership with the Philadelphia Higher

Education Network for Neighborhood Development, took place on May 4, 2023. *A June 8 webinar focused on case studies of schools that have already deployed solar energy projects, and the topic of the June 29<sup>th</sup> webinar was financing projects.* The project has a planned completion date third quarter 2023 and is being funded through DEP's State Energy Program funds from DOE.

**Grid-Scale Solar Development Outreach and Technical Assistance for Local Government Officials:** The Energy Programs Office (EPO) has partnered with the Pennsylvania State Association of Township Supervisors (PSATS) to provide outreach and technical assistance support to local government officials around the area of grid-scale solar development across the Commonwealth. The first two of six planned sessions took place in Westmoreland County on May 10, 2023, and in McKean County on May 11, 2023. Each session provided an opportunity for local government practitioners to ask questions about how grid-scale solar projects are being developed and what steps they need to take to ensure development occurs in a responsible and sustainable fashion, balancing the concerns of landowners, neighboring property owners, and developers. Topics addressed included considerations for ordinances to govern land use and zoning, property tax implications, and decommissioning requirements. The **Municipal Officials' Guide to Grid-Scale Solar Development in Pennsylvania**, created through a previous EPO project with Penn State Extension, provided the foundational information for the meetings. Each session attracted over 20 local government officials representing roles such as township supervisors, land use planners, consulting engineers, and solicitors. *Additional sessions were held in Lackawanna/Luzerne, Clinton/Lycoming, Susquehanna, and Cambria Counties through the end of June.* PSATS's outreach is being funded through DEP's State Energy Program funds from DOE.

### **Building Energy Code Trainings**

Using funding through the U.S. Department of Energy's (DOE) State Energy Program, DEP has sponsored energy code trainings for building code officials, contractors, design professionals and builders for over 10 years. On February 14, 2022, the 2018 International Energy Conservation Code (IECC) went into effect for all new construction and major renovations for residential and commercial buildings. *To date*, EPO's Contractor, Performance Systems Development completed 13 trainings on IECC residential and commercial energy building codes and remote virtual inspections for a total of 334 code officials, designers, developers and builders. The contract calls for a total of 23 virtual or in-person trainings and additionally the development of an online, asynchronous training and subsequent deployment of the training that provides the same credits as the live courses. The remaining courses are being scheduled through September 30, 2023. *The asynchronous course has gone live with marketing underway.*

### **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 \$3 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.

*On June 8, 2023, the program awarded 28 grants for Round 2 of the 2022 program totaling \$2,958,850 in funding. The awarded projects include 23 vehicle purchase projects and five refueling infrastructure projects. The program will begin accepting applications for 2023 starting June 30.*

*On June 1, 2023, the Energy Programs Office held the kickoff meeting with the awarded contractor, Wilson Engineering Services, for the Municipal EV Education program. Wilson will be developing six EV education sessions that will be open to all municipalities in PA. They will provide direct technical assistance to four municipalities that participate in the education sessions and will develop a Municipal EV guidebook for Pennsylvania.*

### **Infrastructure Investment and Jobs Act Energy Update (IIJA)**

DEP's Energy Programs Office expects to receive approximately \$60.8 million in formula funding:

- Preventing Outages and Enhancing the Resilience of the Electric Grid (\$40.5 million) - Pennsylvania's year one allocation is \$16.2 million. *DOE's Grid Deployment Office announced the award to Pennsylvania DEP on June 14, 2023.*
- State Energy Program (\$14 million) – Application was submitted December 1, 2022. EPO received notice of the award on May 22<sup>nd</sup>, 2023.
- Energy Efficiency and Conservation Block Grant Program (\$3.0 million) – DOE released funding guidance and application documents on January 18, 2023. The application is due July 31, 2023.
- Energy Efficiency Revolving Loan Fund (\$3.3 million) – DOE released funding guidance and application documents on November 15, 2022. EPO submitted its application May 18<sup>th</sup>.
- Resilient and Efficient Codes Implementation Funding (competitive, \$45 million annually for 5 years) EPO applied on March 27, 2023 for \$3.25 million to conduct a workforce and compliance project and also in partnership with the Northeast Energy Efficiency Partnerships and the state of Delaware for funding for a code compliance study for \$2 million. Awards announcements are anticipated in the summer of 2023.

---

## **Environmental Cleanup and Brownfields**

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

#### **Draft Final Rulemaking: Administration of Land Recycling Program - Vanadium MSC Rule**

The Land Recycling Program developed a proposed rulemaking to update the Statewide health standard medium-specific concentrations (MSCs) for vanadium listed in Appendix A of Chapter 250 in June 2021. The proposed rulemaking addresses the vanadium toxicity value and the corresponding changes to the soil and groundwater numeric values. The EQB adopted this proposed rule on May 18, 2022. The proposed rulemaking was published in the Pennsylvania Bulletin on July 30, with a 30-day public comment period which ended on August 29, 2022. One comment was received during the public comment period. The Independent Regulatory Review Commission's (IRRC) comment period ended on September 28, 2022. IRRC had no comments on the proposed rulemaking. DEP evaluated and responded to one public comment received which will be provided in the Comment & Response Document as part of the final-form rulemaking process. The draft final-form rulemaking was presented to the Cleanup Standards Scientific Advisory Board on March 15. *The draft final regulation is scheduled for EQB consideration on July 11, 2023.*

#### **Draft Proposed Rulemaking: Administration of Land Recycling Program - Chapter 250 Update**

DEP is preparing a proposed rulemaking to address Statewide health standard MSCs including the soil lead values and Polycyclic Aromatic Hydrocarbons (PAHs). At the June 30, 2022, and August 11, 2022, CSSAB meetings, the lead and PAH workgroups presented their conclusions and recommendations to DEP on the issues of lead and PAH toxicity. The PAH workgroup recommended that DEP use the 1993 relative potency factors from EPA that were referenced in the development of the benzo[a]pyrene IRIS toxicological values. The lead workgroup recommended that DEP adopt 5 µg/dL as the target blood lead level for the calculation of the soil direct contact values and also recommended that DEP allow for the use of averaging attainment data for the demonstration of attainment of the lead direct contact statewide health standard. DEP presented the draft proposed regulation to the Cleanup Standards Scientific Advisory Board on October 20, 2022, January 23, 2023, and May 31, 2023.

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

The CSSAB held a meeting on May 31, 2023, where DEP presented *an overview of updates to the Technical Guidance Manual as well as some changes to the annex of the proposed rulemaking.* Information about the meetings 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”). The next CSSAB meeting is scheduled for *November 9, 2023*.

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

The Storage Tank Advisory Committee (STAC) met on March 21, 2023. Kris Shiffer, Chief, Division of Storage Tanks, reviewed the STAC membership list and indicated that 15 of the 16 positions are filled. The one vacancy that currently exists represents local government, and a letter of interest has been submitted for consideration. Richard Burgan, Director, Bureau of Special Funds, Department of Insurance, provided an update regarding the Underground Storage Tank Indemnification Fund. James Ellor, P.E., from Elzly Technology Corporation, provided an overview of vapor corrosion inhibitors and how corrosion protection on aboveground storage tanks can be achieved with this technology. DEP staff provided updates, including an overview of the Brownfield Program and associated funding opportunities, an update on the program’s ePermitting efforts including recent developments with a Quick Pay Online Fee Payment system, and an update on revisions to the “Closure Requirements for Underground Storage Tank Systems” technical guidance document.

*The Department of Environmental Protection (Department) has cancelled the June 7, 2023 meeting of the Storage Tank Advisory Committee (STAC). The next meeting is scheduled for Wednesday, September 6, 2023.*

---

## **Environmental Education**

---

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

The DEP Environmental Education and Information Center (EE&IC) awarded more than \$1 million in 2022 Environmental Education Grant funding to 73 projects statewide. The grant program prioritized projects that engage youth or adults who live, work, or attend school in Environmental Justice areas and projects that educate participants to develop practical solutions to help their communities become more sustainable in the face of climate change and/or reduce water pollution to improve local water quality. Funding was awarded to schools and colleges, environmental and community organizations, and county conservation districts for hands-on programs for students, community projects for adults, teacher training workshops, and more.

The [Environmental Education Grants Program](#) was established by the Environmental Education Act of 1993, which mandates setting aside 5 percent of the pollution fines and penalties DEP collects annually for environmental education in Pennsylvania. To date DEP has awarded \$12.3 million in Environmental Education Grant funding to support 2,135 projects.

The Environmental Education Grant program will begin accepting applications in August of 2023. The Environmental Education Grant guidelines and application instructions are available on the Department’s web site at [Environmental Education Grants Program](#). Questions concerning the 2023 Environmental education grants Program should be directed to the DEP EE&IC at [RA-epEEgrants@pa.gov](mailto:RA-epEEgrants@pa.gov).

### **DEP Environmental Education Grant Recipient Recognized**

The Pennsylvania Environmental Council, in partnership with the Pennsylvania Department of Conservation and Natural Resources (DCNR), presented Shamokin Creek Restoration Alliance (SCRA) the Governor’s Award for Environmental Excellence for its improvements at the Veterans Memorial Field located in Kulpmont, PA. SCRA has been a recipient of six DEP Environmental Education Grants since the project began. In 1980, a Rural Abandoned Mine Program (RAMP) project eliminated a high wall stripping pit at the site of the former Scott Colliery, located on the south side of the borough. Prior to 2016, the recreation complex was underutilized, the walking track needed repair, the stream channel had no vegetation and the site lacked amenities.

Since 2016, hundreds of students from Mount Carmel Area and Our Lady of Lourdes Regional have participated in events highlighting the history of coal mining in the region and the effects of coal mining both on the surface landscape and in the form of acid mine discharges impacting local streams. Students also have learned what a healthy stream looks like and how planting riparian buffers can restore impaired streams. Over the years, they have helped to plant dozens of saplings and bushes at the field.

SCRA also applied for and won a \$548,000 Growing Greener Plus grant to restore the stream channel through the recreation complex and seal the stream bottom, preventing water from entering the mine pool and becoming polluted. The grant was funded by an environmental penalty. With the blessing of borough council, volunteers also have built a footbridge over the stream channel to connect the recreation area to the borough. The bridge became the catalyst for even more improvements.

Penn State Master Gardeners worked with volunteers to install a pollinator garden, which includes various perennials, fruit trees, pedestals holding the seals of each branch of the armed services, a custom-made archway honoring veterans and memorial pavers. DCNR also has funded a restroom project highlighting aspects of green construction, including rainwater capture flushing toilets, solar power, recycled materials and a rain garden.

According to SCRA, had Veterans Memorial Field been left unimproved, it would not be attracting the hundreds of people who now utilize the facility, which includes the pollinator garden, a walking path with educational signage, and baseball diamond, where Mount Carmel Area High School plays its home games.

#### **Update from the PA Environmental Literacy (ELIT) Steering Committee**

As previously reported, to further serve the Commonwealth's Environmental Education community the PA ELIT Steering Committee has developed the [Pennsylvania Gateway to Green](#) website, which is a new online hub for Pennsylvania educators (formal and nonformal) to access environmental education resources from government agencies, non-profits, and other partners to improve environmental literacy among Pennsylvania residents.

Instead of searching for individual agency or organization websites, educators can use Gateway to Green to find:

- Links to state and federal agencies and nonformal and other environmental education organizations that provide environmental education resources, information on what environmental literacy means in Pennsylvania, and resources for creating environmental literacy plans.
- Ways to identify and reach environmental justice communities.
- Highlights of issues and education resources about Pennsylvania watersheds.
- Programs and resources related to careers in environmental-based science, technology, engineering, and mathematics.

Gateway to Green is supported by the Pennsylvania Department of Education, the U.S. Environmental Protection Agency, and other organizations.

#### **Environment and Ecology Standards Update**

A three-year implementation window is meant to support schools' implementation of new integrated standards for science, technology & engineering, and environmental literacy & sustainability. On June 30, 2025, the academic standards for [Environment and Ecology \(2002\)](#) will sunset. The new sets of standards, Science, Technology & Engineering, Environmental Literacy & Sustainability (STEELS) will be fully integrated into classroom instruction by the 2025-26 school year. PDE has created a [STEELS](#) to assist educators in understanding the standards design and the supporting foundation boxes and to provide a wealth of materials

and resources to support implementation. [Science and Technology \(2002\)](#) and [Environment and Ecology \(2002\)](#) will sunset. The new sets of standards, Science, Technology & Engineering, Environmental Literacy & Sustainability (STEELS) will be fully integrated into classroom instruction by the 2025-26 school year. PDE has created a [STEELS](#) resource to assist educators in understanding the standards and to provide materials and resources in support of implementation.

- [Pennsylvania Integrated Standards for Science, Environment, Ecology, Technology and Engineering \(Grades K–5\)](#)
- [Pennsylvania Integrated Standards for Science, Environment and Ecology \(Grades 6–12\)](#)

As part of this implementation the process for revamping the Pennsylvania System of School Assessment (PSSA) is underway. An Environmental Education and Information Center (EEIC) staffer will be participating in this process.

### **Keep PA Beautiful**

Keep Pennsylvania Beautiful (KPB) is proud to offer programs, tools and resources that encourage students to take an active role in protecting and improving our environment through litter awareness and community stewardship.

Every Litter Bit Matters when it comes to keeping Pennsylvania clean. By working together to [Fight Dirty](#), everyone in Pennsylvania can live, work, and play in a clean and green community.

To actively participate in the Fight Dirty campaign is to register an event for Pick Up Pennsylvania:

- **June 1<sup>st</sup> through August 31<sup>st</sup>.** Events can be registered in the summer but are not eligible for free supplies at this time. Please also be aware of the additional safety concerns for summer events in PA like ticks, snakes, vegetation, and poison ivy.
- **September 1<sup>st</sup> through November 30<sup>th</sup>.** Our fall event in support of The International Coastal Cleanup is eligible for FREE work gloves, safety vests, and trash bags as supplies last. There is no donated landfill space for the fall event.
- **December 1<sup>st</sup> through February 28<sup>th</sup>.** Events can be registered in the winter but are not eligible for free supplies at this time. Please also be aware of the additional safety concerns for winter events in PA.

All program registrations will receive an e-mail with detailed instructions for supplies and resources, safety information, and a link to report on each event.

### **Litter Hawk Youth Award Program**

Keep Pennsylvania Beautiful thanks the over 900 Pennsylvania youth who participated in the 2023 Litter Hawk Youth Award Program. The program provides a way for students in Kindergarten through Grade 6 to express their concerns about litter through art, words, or video. Each participant completed a project specific to their grade level. In response to Pennsylvania's new anti-littering education campaign, PA Fights Dirty: Every Litter Bit Matters, the theme was: Show Us How Every Litter Bit Matters to You. Litter Hawk artwork is on display at the Capitol Building until May 25<sup>th</sup>.

### **Litter Free School Zone**

Schools in Pennsylvania can keep their school grounds litter free with Keep Pennsylvania Beautiful's [Litter Free School Zone Program](#). The program encourages hands-on activities to teach environmental stewardship and responsibility and can be combined with a lesson on how litter affects animals, people, water quality and economics.

The responsibilities of being a Litter Free School Zone include planning two improvement projects per school year and can include litter cleanups and beautification events, like creating and caring for pollinator and rain gardens. Results are reported to Keep Pennsylvania Beautiful and are added to statewide community improvement totals, making it an opportunity to be a part of something bigger. Keep Pennsylvania Beautiful provides a Litter Free School Zone sign for each participating school.

All schools are welcome to participate – elementary school, middle school, high school, public or private. Litter Free School Zone Program events are eligible for free cleanup supplies. Schools interested in becoming a Litter Free School Zone should visit [keppabeautiful.org/programs/educational-resources/](https://www.keppabeautiful.org/programs/educational-resources/) or contact Stephanie Larson at [slarson@keppabeautiful.org](mailto:slarson@keppabeautiful.org) or 877-772-3673.

### Young Ambassador Program

The Young Ambassadors of Pennsylvania (YAP) Program seeks to build community stewards and civic leaders by inspiring, engaging, and empowering young Pennsylvanians to not only [Fight Dirty in their communities](#), but also to become ambassadors of our shared vision of a clean and beautiful Pennsylvania. Over nine months, the program engaged students in the 10<sup>th</sup> through 12<sup>th</sup> grades from diverse socio-economic, racial, and ethnic backgrounds. Every ambassador received Keep Pennsylvania Beautiful merchandise and cleanup supplies as part of the program. The Young Ambassador program's graduation was held on May 10<sup>th</sup>.

**The 2023-2024 application will open August 1st, 2023 for the 2023-2024 school year.** The 2023-2024 program information can be found [here](#).

### Tools for Schools

Find tools and resources for educators and students to help learn and teach about the effects litter has on people, animals, and the environment and what you can do to keep your community clean and beautiful. Keep Pennsylvania Beautiful Tools for Schools includes litter and education resources, opportunities to get involved and other resources. See: <https://www.keppabeautiful.org/programs/pick-up-pa/>

### 2023 PA Envirothon

The 40<sup>th</sup> PA Envirothon Competition was held May 24<sup>th</sup> at Camp Mount Luther, Mifflinburg, PA. DEP in collaboration with the Office of Administration (OA), provided informational programming promoting career opportunities with the Commonwealth. In addition, DEP personnel provided numerous judges and support for this year's event. At the Envirothon, teams of five high school students competed in field testing using their knowledge in five topic areas – [Soils and Land Use](#), [Aquatic Ecology](#), [Forestry](#), [Wildlife](#), and [Environmental Issues](#). A current environmental issue is chosen each year as the “hot topic” for the focus of this station as well as the oral presentation component. This year's current issue is “Adapting to a Changing Climate”. The oral presentations were delivered and scored during the week of May 15<sup>th</sup>.

Get the Pennsylvania State Envirothon Updates, Annual Reports and Results on their [Media Page](#).

### Falcons

Three of the four eggs of 2023 hatched on May 9<sup>th</sup>, all within a seven-hour period. The banding of the hatchlings has been scheduled, in collaboration with the PA Game Commission, and is set for the first week of June. This will be followed by the 2023 Falcon Watch and Rescue (W&R) which will likely begin June 15<sup>th</sup> and continue at least to June 30<sup>th</sup>. W&R is a volunteer program which involves continued observation of the 15<sup>th</sup> floor ledge of the Rachel Carson State Office Building (RCSOB) during the fledging period. During fledging, when the young falcons are making their initial flights, the birds are monitored as this is period of vulnerability in an urban landscape. If necessary, the fledglings are rescued if they are in a dangerous area and either returned to the RCSOB or taken to a licensed wildlife rehabilitator. This is an outstanding opportunity for bird and wildlife watchers. Volunteers are welcome, if interested contact [ra-eplearningcenter@pa.gov](mailto:ra-eplearningcenter@pa.gov)



DEP, Department of Conservation and Natural Resources (DCNR), and Department of General Services (DGS) are discussing how to address falcon strikes on RCSOB. They are investigating potential window treatments that will reduce or eliminate falcon strikes. At this time a Request for Information has been filed to begin the solicitation of potential vendors to address this situation.

### **Wings Over Water and International Migratory Bird Day**

The Whitaker Center for Science and Art, Department of Environmental Protection (DEP), Department of Conservation and Natural Resources (DCNR), Department of Education (PDE), the PA Game Commission, Dauphin County Parks, and the Ned Smith Center for Nature and Art, collaborated to celebrate International Migratory Bird Day on May 13, 2023 from 10 am – 2pm. This event, which was hosted by the Whitaker Center for Science and Art, featured bird migration activities and opportunities for the public to see a remarkable documentary entitled “Wings Over Water”. DEP provided a walk and talk showing participants the peregrine falcon nest site located on the 15<sup>th</sup> floor ledge of the RCSOB.

### **Pennsylvania Native Species Day 2023**

The Pennsylvania Governor’s Invasive Species Council Pennsylvania Native Species Day was held on Thursday, May 18, 2023. Schools, organizations, local governments, and businesses were all welcomed to join in with activities celebrating Pennsylvania’s native plants, animals, and insects and highlighting the need to protect our biodiversity from the proliferation of invasive species. For more information, visit the [Pennsylvania Native Species Day](#) webpage.

### **Environmental Justice**

The recipients of 2022 DEP Environmental Education Grant program grants were recently announced with over 72% of these projects occurring in Environmental Justice Areas, a key priority for the program.

Did you know that if an environmental improvement project needs funding, DEP can help? DEP offers 40 grant and rebate programs to support a range of projects to improve or protect the water, land, and air in Pennsylvania. Whether the scope is to serve a local community or more statewide efforts, one of the funding programs may be able to help. In addition, some programs give special consideration to applicants in environmental justice areas. Check out the DEP [Grants, Loans and Rebates webpage](#) for more details.

The EE&IC continues to support the efforts of the DEP Office of Environmental Justice by promoting the DEP newsletter “EJ Update: Your Environment, Your Voice”. To sign up for the OEJ newsletter go to: [EJ News: Your Environment, Your Voice](#).

### **Teaching Green Newsletter**

The most recent edition of the “Teaching Green” DEP’s environmental education newsletter has been released. This issue provides updates on DEP “in the news,” the DEP Environmental Education Grant Program including updates on projects previously funded, continue to provide information on the PA Litter Action Plan, the RCSOB falcons, and professional development opportunities for formal and non-formal 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. Teaching Green can be accessed [here](#).

---

### **Environmental Justice**

#### **Environmental Justice Executive Order**

*Former* Governor Wolf signed an Environmental Justice Executive Order 2021-07 in October 2021 making permanent the Office of Environmental Justice (OEJ) and Environmental Justice Advisory Board (EJAB) and

creating the Environmental Justice Interagency Council (EJIC). DEP currently holds EJIC meetings on the last Thursday, of every other month. Under the terms of the Executive Order, DEP will develop an agency EJ Strategic Plan and may also revise the EJ Policy and create EJ mapping tools.

### Environmental Justice Planning

The draft EJ Policy was released for public comment on March 12, 2022, for a 60-day public comment period that ended on May 11. OEJ scheduled several virtual and in person meetings and events throughout April and May to inform the public about the opportunity to comment on the updated Environmental Justice Policy. OEJ hosted four virtual public hearings on April 5, April 12, April 28, and May 4. The OEJ presented to the Citizen's Advisory Council (CAC) about the policy at the April 19 CAC meeting. OEJ has been incorporating the comments into the updated policy. That policy is going through the internal review and publication process. OEJ is working to update the Environmental Justice Areas through a new more comprehensive mapping and data effort. Work has been occurring with the help of interns from Temple University who are working on data analysis and the creation of code to allow for regular updates. The team has consulted with other states as well as other Commonwealth departments on available data sources. Two sessions were held with key community group stakeholders to get initial feedback on factors to consider. At the November 2022 CAC meeting staff presented [Environmental Justice Overview and Environmental Justice Area Mapping](#).

OEJ continues to convene the Environmental Justice Internal Work Group to inform and educate DEP staff and solicit feedback on critical environmental justice initiatives within DEP, such as the EJ Policy. OEJ has also been tracking and publishing permits subject to the current Environmental Justice Public Participation Policy on the DEP website.

### Environmental Justice Advisory Board

EJAB convened on *Tuesday, May 16*. The meeting included DEP updates on the Office of Environmental Justice, *Federal Funding updates, as well as updates on Climate Action for Environmental Justice Communities Program and the Statewide Water Plan. The meeting also included a presentation on The Department's Role in Pipeline Permitting Process and an update on the ruling of Marple Township v PUC.* The next EJAB meeting *will be the traveling meeting, located in Scranton and is scheduled for Tuesday, August 15.*

### OEJ Initiatives

Language Access Services OEJ worked with the Office of Administration (OA), Communications, and other programs to finalize and internally 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 OA 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. A Language Access Coordinator was identified from the Communications Office. The Language Access Coordinator is being included in commonwealth-wide language access coordinator calls arranged by the OA and are starting the process of creating a Language Access Plan for DEP.

### 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 was awarded the Small Communities Assistance grant again for the 2022 fiscal year and is working with Oil City in Northwest Pennsylvania. The Oil City report was finalized, and the project concluded in June 2022. OEJ assisted in getting application support materials for the 2023 fiscal year applicant, Mahanoy City Borough in Schuylkill County. This program is set to receive an infusion of funding that may allow it to work with more and different types of communities but will keep a focus on communities facing EJ issues. OEJ has joined DEP's Brownfields staff to help introduce this project to municipalities facing EJ issues.

### Alternative Fuel Vehicle Rebate Information Sheet

OEJ worked with the Energy Programs Office (EPO) and Office of Communications to develop a sheet that highlights the available resources that can make an electric or plug-in hybrid vehicle purchase more affordable. In particular, the sheet was developed to address the lack of awareness around the rebate's applicability to the purchase of a one-time pre-owned vehicles, and the availability of additional funds for low-income households. In addition, the sheet describes available federal and electric distribution company incentives. The Alternative Fuel Vehicle Rebate guidelines have been recently revamped to add income caps to aid low to moderate income families in purchasing alternative fuel vehicles. OEJ is working with EPO on a revamp of the sheet, it will soon be found on the EPO webpage.

### 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 supporting the Grants Office and other offices in developing outreach materials about the DEP grantmaking process. 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 Office regarding inclusion and evaluation of equity and EJ considerations in the development of the 2021 Pennsylvania Climate Action Plan. OEJ is working with EPO and community partners on outreach and engagement for the Pennsylvania Climate Action Plan 2024, through the Climate Action for Environmental Justice Communities Program and events.

---

## **Oil and Gas**

---

### **Oil and Gas Rulemakings**

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

In 2016, the General Assembly passed Act 52, which abrogated the ongoing rulemaking process regarding conventional oil and gas wells and established the Pennsylvania Grade Crude Oil Development Advisory Council (CDAC). Act 52 directed DEP 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 did not result 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 OOGM first presented these two draft proposed rulemakings to CDAC. On September 17, 2020, DEP also informed the Oil and Gas Technical Advisory Board (TAB) of discussions with CDAC regarding the draft proposed rulemakings and shared copies of both draft proposed rulemakings. During a series of meetings from December 3, 2020, through September 9, 2021, OOGM staff, CDAC, and TAB continued to discuss and review the draft proposed rulemakings. At its regularly scheduled meeting on December 16, 2021, OOGM staff shared the final version of the Environmental Protection Performance

Standards for Conventional Oil and Gas Operators draft proposed Annex with CDAC members. This provided CDAC with an opportunity to adopt written comments to the Environmental Quality Board (EQB) in accordance with section 5 of Act 52 of 2016 (58 P.S. § 1205). The CDAC Regulatory Subcommittee prepared formal comments in February 2022 and March 2022, and presented them to the full council on April 21, 2022. CDAC voted to accept the comments and will submit them to DEP to accompany the rulemaking when it is submitted to the EQB.

The Department discussed the Chapter 78 proposed Waste Management rulemaking with CDAC at the first meeting of 2023 on February 16 that was conducted at Pennsylvania Western University, Clarion. The Chapter 78 proposed Waste Management rulemaking was also discussed at the CDAC meeting on Thursday, May 25.

#### Infrastructure Investment and Jobs Act (IIJA) Initial Grant

The U.S. Department of the Interior (DOI) approved the application as submitted for the full \$25 million Initial Grant on August 25, 2022, with an effective “date of receipt” of October 1, 2022. The award allows for up to \$2.5 million to be allocated to DEP to cover administrative costs associated with administering the Initial Grant. Based on DEP’s application, all Initial Grant funding will be used for well plugging contracts or administrative costs.

DEP expects to plug a total of 226 orphan and abandoned wells using \$22.5 million of the Initial Grant funding and possibly \$2.3 million in future IIJA grant allocations (i.e., Formula Grant Funding). DEP has allocated up to 10 percent (\$2.5 million) of the Initial Grant funding toward administrative costs to implement the program.

In the first round, DEP published five separate invitations to bid in the Commonwealth’s electronic bid solicitation tool called “Bid Express” ([www.bidexpress.com](http://www.bidexpress.com)). This round will result in the plugging of 80 abandoned wells. DEP opened all bids on November 3, 2022. The anticipated amount of funding to be awarded to all projects in the first round of contracts is approximately \$7.5 million.

The bid estimates for the second round include eight invitations that are projected to cost about \$17.3 million to plug 146 additional abandoned wells. All Bid Openings occurred by the end of February 2023 and “Notices to Proceed” have been issued for seven successful bidders *and the Department will soon award the final bid. As of June 21, 2023, 46 wells have been plugged via the Initial Grant Program.*

*For federal grants, the Department must limit its work to within the period of performance as listed in an approved federal grant agreement. The original period of performance for the IIJA Initial Grant was scheduled to end on September 30, 2023. Without approval from the U.S. Department of Interior (DOI) to extend this period of performance, the Department cannot enter into contracts with well plugging companies where plugging work extends beyond this period of performance.*

*On Friday, May 12, the Department submitted a request for a no-cost extension of performance period from September 30, 2023 to December 31, 2024. The justification for this request was based on the length of time for a contractor to complete all plugging work that exceeds the current period of performance. On Wednesday, June 14, 2023, the Department received notice from DOI that the no-cost extension of performance was approved and the period of performance has been extended to December 31, 2024.*

#### Draft Formula Grant Guidance Published by U.S. Department of the Interior

On January 25, 2023, the U.S. Department of Interior (DOI) distributed the draft Formula Grant Guidance for “Round 1” to the Interstate Oil and Gas Compact Commission (IOGCC) to share with the nation’s oil and gas producing states. The IOGCC represents most oil and gas generating states and Pennsylvania is a member. DOI released the draft formula grant guidance by [posting a press release and the draft guidance](#) on the department’s website.

The IOGCC hosted a meeting with the DOI on Wednesday, February 15 to discuss the draft guidance. On March 16, the DOI convened a meeting of the Orphan Well Data Management Workgroup with the IOGCC, Groundwater Protection Council and states. On March 17, the DOI hosted a meeting with IOGCC and states to further discuss the draft Formula Grant Guidance.

The DOI initially requested comments from states on the draft guidance document by February 14, 2023; however, DOI extended the submittal date to Friday, March 24, 2023. On Thursday, March 23, the Department of Environmental Protection submitted comments to the DOI regarding the draft Formula Grant Guidance. As of June 21, 2023, the Department is awaiting further direction from the DOI as to when it will release the final grant guidance.

#### 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, DEP intends to replace the Erosion and Sediment Control General Permit (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 proposed BMPs and environmentally superior construction practices. High-scoring projects will be given priority and will be reviewed before projects that are not submitted as Prioritized Review.

DEP presented revised documents to TAB at its December 16, 2020, meeting. This technical guidance document (TGD) was published as draft for public comment in the Pennsylvania Bulletin on August 28, 2021, initiating a 30-day public comment period that closed on September 27, 2021. DEP received 194 comments and is continuing to review the comments and prepare responses.

***Oil and Gas Technical Advisory Board Meeting:** On June 6, DEP hosted a hybrid meeting of the Oil and Gas Technical Advisory Board (TAB) in Room 105 of the RCSOB and was open to the public. The meeting was also presented via Teams. The meeting agenda included: an update on gas storage well integrity initiatives, an update on the Department's intent to seek primacy of the Underground Injection Control Program, a discussion of acceptable and alternate practices related to operators reaching "attainable bottom" when plugging wells, an update on draft TGDs that are under development, a discussion of a draft FAQ document related to the division of duties of DEP staff, the use of Type 1L cement in well plugging activities, an update on the implementation of the Infrastructure Investment and Jobs Act, and a discussion of how DEP and TAB members can collaborate to enhance board engagement. Two individuals provided comment. The first individual, Dr. Barbara Wendeborn Brandom, a retired physician, spoke about several health effects studies related to oil and gas operations and its potential impacts as a result of the potential expansion of natural gas development to support the production of Blue Hydrogen (i.e., hydrogen made from methane). The second individual, Marie DeMarco, a Health Educator and Medical Advocacy Coordinator at Physicians for Social Responsibility, spoke of health risks associated with hydraulic fracturing and urged DEP to "seal all orphan and abandoned wells for the protection of public health." The next TAB meeting is scheduled on Tuesday, September 5, 2023.*

---

## **Radiation Protection**

---

### **Radiation Protection Rulemakings**

#### Chapter 227

The Radiation Protection Act directs DEP to develop and conduct comprehensive programs for the registration, licensing, control, management, regulation and inspection of radiation-producing devices and users of such devices. The areas in need of review and update relate to non-medical X-ray equipment. There have been important advances in technology and use of X-rays and other ionizing radiation particles for industrial

radiography, non-contact level monitoring, foreign body detection, chemical purification, melting, welding, polymerization, sterilization, and security screening. The proposed package was discussed 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. One commentator and IRRC submitted comments. The Bureau of Radiation Protection presented the draft final-form Annex to the Radiation Protection Advisory Committee (RPAC) on March 3, 2022, and RPAC expressed support for the Department moving forward with the final-form rulemaking. The EQB unanimously adopted the final rulemaking on November 15, 2022. The final-form rulemaking was approved unanimously by IRRC on May 18, 2023. *The final regulation is scheduled for publication in the Pennsylvania Bulletin on August 12, 2023.*

### Three-Year Fee Report and Radiological Fees Rulemaking

The Radiation Protection Act directs the Department to set annual fees in an amount at least sufficient to cover the Department's costs of administering its programs. Accordingly, the Bureau of Radiation Protection reviews its fees every three years and prepares a fee report with an evaluation of fees collected. The Department presented the report to the EQB on February 15, 2022. The Department has concluded a proposed rulemaking for a fee increase is necessary and has developed a proposed Annex, which was presented to RPAC on March 3, 2022. RPAC expressed support for the proposed rulemaking. The EQB adopted the proposed rule on June 14, 2022. The proposed rulemaking was published in the Pennsylvania Bulletin for public comment on August 27, 2022. The comment period closed on September 26, 2022. Two commentators and IRRC submitted comments. The Bureau of Radiation Protection presented the draft final-form Annex to the Radiation Protection Advisory Committee (RPAC) on December 9, 2022, and RPAC expressed continued support for the Department moving forward. The EQB unanimously adopted the final rulemaking on April 11, 2023, and was unanimously approved by IRRC on May 18, 2023, *and published as final on June 24, 2023, in the Pennsylvania Bulletin.*

---

## **Waste Management**

---

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

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 that the delisting petitions be accepted for rulemaking; the EQB adopted a motion to accept the delisting petitions and advance them for rulemaking at its June 16, 2020, meeting.

The EQB adopted the proposed rulemaking on September 21, 2021. A copy of the proposed rulemaking as adopted is available on the Board's webpage. The proposed rulemaking was published in the Pennsylvania Bulletin on January 8, 2022, opening a 45-day public comment period that concluded on February 22, 2022. The Board also held three public hearings on the proposed rulemaking on January 19, 20, and 26, 2022. DEP presented the draft final rule to SWAC at its December 15, 2022, meeting, where the Committee voted unanimously to support moving the rule to EQB for consideration.

DEP anticipates presentation of the final-form rulemaking to EQB for consideration in the third quarter of 2023.

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

*The June 22, 2023, regular SWAC meeting was cancelled due to lack of sufficient agenda items. The next regular SWAC meeting will be held on Thursday, October 19, 2023. The meeting will be held jointly with the annual RFAC meeting. Additional information is available on the [SWAC website](#).*

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

The 2023 annual RFAC meeting will be held on Thursday, October 19, 2023. The meeting will be held jointly with SWAC. Additional information is available on the [SWAC website](#).

---

## **Water Programs**

### **Water Programs Rulemakings**

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

DEP's Bureau of Waterways Engineering and Wetlands (BWEW) drafted a proposed 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 proposed 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 draft proposed 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 that 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.

On February 3, 2023, the rulemaking was withdrawn by operation of law under the Regulatory Review Act. BWEW plans to restart the regulatory revision process mid-2023 and will consider the comments received on the prior rulemaking. Since the rulemaking process needs to start over, it will be some time before a draft is ready for advisory body review or comment.

#### **Dunbar Creek 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 EQB adopted the final-form rulemaking on April 11, 2023. IRRC voted to approve the final-form rulemaking on May 18, 2023. *The Dunbar Creek Stream Redesignation final-form rulemaking was published in Pennsylvania Bulletin on June 24, 2023. Following the publication of the final rulemaking in the Pennsylvania Bulletin, the administrative record will be submitted to EPA for their review and approval under 303(c) of the Clean Water Act. EPA will have 60 days to approve or 90 days to disapprove the regulation.*

#### Methylmercury Site-Specific Water Quality Criteria Rulemaking

This proposed rulemaking will recommend updates and revisions to § 93.8d which outlines the site-specific water quality criteria process. The proposed amendments include the addition of language that clarifies when site-specific water quality criteria may be requested and specifies the conditions under which site-specific water quality criteria may not be requested. The proposed amendments will update language throughout §93.8d to identify the data and information that must be submitted with each request for a site-specific water quality criterion and the actions to be taken by the Department as part of the site-specific water quality criterion development and regulatory processes. These proposed amendments are consistent with federal regulations and requirements.

In addition, this proposed rulemaking proposes to delete the statewide total mercury water quality criterion of 0.05 µg/L for Ebaughs Creek located in York County; and to add a site-specific methylmercury water quality criterion of 0.00004 µg/L for Ebaughs Creek in § 93.9o (relating to Drainage List O). The York County Solid Waste Regional Authority (YCSWRA) owns and operates the York County Sanitary Landfill, which is a 306-acre site located in Hopewell Township, York County, PA. Between 1974 and 1997, the landfill received municipal and industrial waste, which was placed into lined and unlined cells. The site contains approximately 135 acres of unlined landfill. Detection of volatile organic compounds (VOCs) in several groundwater wells was discovered in 1983 and was associated with the unlined cells. A treatment system was installed to remove the VOCs and began operation in 1985. The system consisted of 17 extraction wells and air stripping towers. The air stripping towers discharge the treated groundwater under NPDES permit number PA0081744. Mercury was later identified through the Department's permit application review process as a potential pollutant of concern. YCSWRA has requested the Department delete the statewide total mercury water quality criterion of 0.05 µg/L for Ebaughs Creek and develop a site-specific methylmercury water quality criterion for Ebaughs Creek to inform their NPDES permit effluent limitations for Outfall 002. Since the Department does not currently have statewide numeric water quality criteria for methylmercury, YCWRA's request satisfies § 93.8d(a)(3).

DEP presented the proposed rulemaking to the Agricultural Advisory Board and the Water Resources Advisory Committee on March 15, 2023 and March 16, 2023, respectively. *The proposed rulemaking is scheduled for Environmental Quality Board consideration on July 11, 2023.*

#### Triennial Review of Water Quality Standards

Water quality standards are in-stream water quality goals that are implemented by imposing specific regulatory requirements and permit conditions (such as treatment requirements, effluent limits, and best management practices) on individual sources of pollution. This proposed rulemaking fulfills the Commonwealth's obligation to periodically review and revise its water quality standards and updates Pennsylvania's water quality standards such that the surface waters of this Commonwealth are afforded the appropriate level of protection.

This rulemaking proposes to:

- Add or revise aquatic life and human health water quality criteria for 17 substances,
- Clarify duration periods for aquatic life criteria, and



- Reaffirm the removal of Water Contact Sports use from the Outer Erie Harbor/Presque Isle Bay and portions of the Delaware Estuary and removal of portions of the Warm Water Fishes (WWF) and Migratory Fishes (MF) aquatic life uses for portions of the Delaware Estuary.

DEP presented the proposed rulemaking to the Water Resources Advisory Committee and Agricultural Advisory Board on November 17, 2022 and December 8, 2022, respectively. *The proposed rulemaking is scheduled for Environmental Quality Board consideration on July 11, 2023.*

#### NPDES Schedules of Compliance

This rulemaking will amend § 92a.51(a) for NPDES permit schedules of compliance to allow the Department to approve permits for combined sewer overflow (CSO) dischargers with compliance schedules beyond the 5-year period currently established in the regulations, but not longer than the implementation period in the discharger's approved long-term control plan (LTCP). The draft proposed annex was presented to the Water Resources Advisory Committee (WRAC) on July 28, 2021, which concurred with DEP's recommendation to present the proposed rulemaking to the Environmental Quality Board (EQB). The proposed regulation was adopted by the EQB on October 19, 2021. The proposed rulemaking was published in the Pennsylvania Bulletin on January 15, 2022, for a 45-day public comment period that ended on March 1, 2022. One virtual public hearing was held on February 16, 2022 although nobody provided testimony. Three public comments were received on the proposed rulemaking and comments were also submitted by EPA. IRRC had no comments or questions on the proposed rulemaking. The draft final-form rulemaking was presented to WRAC at its July 21, 2022 meeting and WRAC voted unanimously to support the rulemaking. The EQB adopted the final-form rulemaking on November 15, 2022. Section 5(g) of the Regulatory Review Act provides that the Independent Regulatory Review Commission (IRRC) is deemed to have approval a final-form regulation when the Commission did not file comments on the proposed regulation. Since IRRC did not comment on the proposed rulemaking, DEP made no changes and the legislative standing committees conveyed no recommendation, comments, or objections, the final-form regulation was deemed approved on May 17, 2023. *The final-form rulemaking was published in Pennsylvania Bulletin on June 24, 2023. Following the publication of the final rulemaking in the Pennsylvania Bulletin, the administrative record will be submitted to EPA for their review and approval under 303(c) of the Clean Water Act. EPA will have 60 days to approve or 90 days to disapprove the regulation.*

#### Draft Chapter 105 Alternatives Analysis Technical Guidance Document (310-2100-002)

DEP's Bureau of Waterways Engineering and Wetlands (BWEW) has worked with other DEP staff to draft this TGD to provide guidance on the preparation of a Chapter 105 alternatives analysis. This TGD consolidates existing guidance and expands upon that guidance. Notice of availability of this draft technical guidance document was published in the Pennsylvania Bulletin on September 4, 2021 at [51 Pa.B. 5757](#). The public comment period ended on October 4, 2021, and DEP received 4 comment letters. DEP has considered the comments received and has prepared a comment and response document.

*DEP plans to present on the development of this final technical guidance to advisory bodies in July. The guidance provides Chapter 105 permit applicants with a comprehensive understanding of what DEP is looking for in a Chapter 105 alternatives analysis and highlights some of the major elements of the analysis at various scales for a proposed project. This guidance will improve permitting efficiency by minimizing, if not eliminating, the lack of guidelines and understanding of the various regulatory concepts which apply to the alternatives analysis requirements in Chapter 105. By following this guidance document, permit applicants should be able to avoid common deficiencies. The final step is to publish as a final guidance document after executive level review.*

#### Draft Trenchless Technologies Guidance (310-2100-003)

DEP's Bureau of Waterways Engineering and Wetlands (BWEW) has worked with other DEP staff to draft this TGD to outline the steps and options to consider, and implement as appropriate, when proposing to use a trenchless technology installation method on any portion of a project – including those projects that traverse aquatic resources. This draft TGD has been prepared to provide information to project proponents that may help to prevent environmental issues, improve project planning, permitting and compliance with applicable regulatory requirements. It is important to note, this is recommended guidance that does not require a new permit. Notice of availability of this draft technical guidance document was published in the Pennsylvania Bulletin on March 19, 2022 at [52 Pa.B. 1693](#). The 60-day public comment period ended on May 18, 2022. DEP received 150 letters; 144 form letters in support and 6 letters with constructive comments and edits. Next steps include reviewing the comments received, preparing a comment and response document, making any necessary changes, and then publishing as a final guidance document. BWEW anticipates this final guidance to be completed by the end of 2023 or early 2024.

### **Act 34 of 2020**

Act 34 of 2020 amended sections of the Sewage Facilities Act 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 will be working in consultation with the Sewage Advisory Committee and other stakeholders as the rulemaking process continues to develop. 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](#).

### **General Permits for Beneficial Use of Sewage Sludge (a.k.a. Biosolids)**

The Department issues general permits for the beneficial use of biosolids (a.k.a. sewage sludge) and residential septage. PAG-07 allows for the Beneficial Use of Exceptional Quality (EQ) Biosolids; PAG-08 allows for the Beneficial Use of Non-Exceptional Quality (Non-EQ) Biosolids; and PAG-09 allows for the Beneficial Use of Residential Septage. 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.

The Department has administratively extended these general permits for several years. The Department has presented pre-draft permits to the Water Resources Advisory Committee (WRAC) and the Agricultural Advisory Board (AAB) in March 2021.

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 applicers, farmers, consultants, and interested third parties (including the Chesapeake Bay Foundation and the Delaware Riverkeeper Network). The workgroup discussion focused on the biosolids land application program, the proposed changes to the permit, PFAS in biosolids, nutrient management of biosolids, impacts of hauled-in residual waste into the biosolids treatment process, and field storage of biosolids on land application sites. The workgroup members decided to provide formal written comments to the Department. DEP will use the information gathered during the outreach process to draft any revisions to the permit documents prior to issuing draft permits for public comment.

The Department also communicated with and provided information to the Legislative Budget and Finance Committee (LBFC) as the LBFC evaluated the costs and practicality of the proposed changes to the general permits, as directed by [House Resolution 149 from the 2021-2022 General Assembly session](#). *LBFC's final report on the proposed revisions to the general permits was published in June. DEP's response to LBFC's draft report is included in LBFC's final report as Appendix E.*

### **Federal Infrastructure Funding - Bipartisan Infrastructure Investment and Jobs Act (IIJA)**

The Bipartisan Infrastructure Law (BIL) provides funding to the Clean Water State Revolving Fund (CWSRF) and the Drinking Water State Revolving Fund (DWSRF). These programs *have seen* increases to base program funding as well as new supplemental funding programs.

The BIL reauthorizes the base DWSRF program funding and establishes new supplemental DWSRF pots for general infrastructure projects, emerging contaminants projects, and lead service line replacement projects. Base and general supplemental DWSRF money will be used for projects that will improve water system infrastructure (e.g. replacing aging water lines, upgrading treatment plant components, finished water storage tanks.) DWSRF BIL funding will provide funding to eligible water systems via PENNVEST for these infrastructure projects. Additionally, the BIL will provide money for technical assistance to water systems, as well as money to cover the cost of administration of the DWSRF program for both the Bureau of Safe Drinking Water (BSDW) and the Bureau of Clean Water (BCW).

BIL reauthorizes the base CWSRF program funding and also establishes new CWSRF supplemental pots for general infrastructure projects and emerging contaminants projects. In addition, it establishes a new set-aside that will enable DEP to provide technical assistance to small, rural Publicly Owned Treatment Works (POTW). Similar to the DWSRF program, the CWSRF base program provides funding to infrastructure projects to improve non-point source pollution, stormwater infrastructure, and wastewater infrastructure. CWSRF funding will provide funding to eligible project applicants via PENNVEST for infrastructure projects. The BIL CWSRF funding will also support technical assistance to systems and includes a means to cover the cost of administration of the CWSRF program.

DEP staff manage EPA applications for both the DWSRF and CWSRF capitalization grants awarded to PENNVEST. DEP staff also oversee DEP's role in the managing potential and funded projects from pre-application through project closeout. DEP staff coordinate to prepare the SRF Intended Use Plans including budgets on an annual basis and review, ranking and management of PENNVEST project applications.

DEP and PENNVEST are developing the grant application packages to apply for the coming federal fiscal year state allotments. These are noncompetitive grants, so EPA provides the state allotment in advance of the application process to facilitate grant application development. DEP will submit the application on behalf of PENNVEST by July 1, 2023. Public notice of the intent to apply will include a public comment period.

The BIL also provides additional funding programs that appear to fall outside of the SRF umbrella. To date, EPA has provided very little if any information to states on this additional funding outside of the SRF umbrella. DEP BSDW staff will continue to push EPA for this guidance and provide additional details in future weekly articles as more information becomes available. While specific state funding allotments are not yet available, these programs include funding for the following:

- Assistance for Small and Disadvantaged Communities (Sec. 50104) – Preliminary EPA documents indicate that PA’s share may be ~\$28 million annually. Funding may be provided through Small, Underserved, and Disadvantaged Communities Grants (not SRF); can be used to remediate PFAS in drinking water.
- Several Lead Programs – Reducing Lead in Drinking Water (Sec. 50105) and Lead Contamination in School Drinking Water (Sec. 50110). Note: These lead programs may be under the Water Infrastructure Improvements for the Nation (WIIN) Grant umbrella.
- Operational Sustainability Grants to Small PWSs (Sec. 50106) and Midsize and Large Drinking Water System Infrastructure Resilience and Sustainability Program (Sec. 50107).

### **Chesapeake Bay Restoration IJA/BIL**

On May 2, 2022 EPA announced the allocation of \$40 million in first-year funds from the IJA at an event in Baltimore. The funding includes the \$15 million allocation to jurisdictions for the Most Effective Basins as well as funding through the National Fish and Wildlife Foundation’s Small Watershed Grants and Innovative Nutrient and Sediment Reductions grants program. This will use nearly 85% of the designated infrastructure funding for FY2022 and make important strides toward attaining targets set before us in the 2014 Chesapeake Watershed Agreement. Pennsylvania has been allocated \$5,598,333 for the initial year. DEP was notified on May 19, 2022 that our allocation will be \$1.8 million to implement projects in the Pilot and Tiers 2-4 counties within Pennsylvania’s Chesapeake Bay watershed. The rest of the funding coming to Pennsylvania will be directed to DCNR and SCC for the initial year. DEP received the federal award in September 2022 and awarded the funds through the Countywide Action Plan (CAP) Implementation Grant in December 2022.

DEP, State Conservation Commission, and Pennsylvania Fish and Boat Commission staff met with EPA on January 9, 2023 to discuss the FY2023 Chesapeake Bay IJA allocation. Discussions are ongoing and recommendations for the allocation have been provided by DEP to EPA for their consideration.

On March 13, 2023, EPA provided the Pennsylvania agency-specific allocations, beginning October 1, 2023. Including all Chesapeake Bay federal grants, DEP will be receiving more than \$13 million, of which more than \$5 million will be IJA money. DEP is working with EPA to review the draft grant guidelines and identify procurement requirements associated with IJA funding. DEP reviewed the additional federal funding allocation with conservation districts during the annual Conservation District and Commonwealth Agency Agricultural meeting on April 6, 2023. DEP and SCC held two follow-up sessions on May 18, 2023 with county partners (Tier 1-2 and Tier 3-4, respectively) to review and discuss options for delivering the additional federal funding, complementing state funding sources, to the counties. *The workplan, budget, and associated forms were submitted to EPA by the July 16, 2023 deadline.*

### **PAG-13 General Permit**

On Saturday, September 24, 2022, DEP published notice in the Pennsylvania Bulletin ([52 Pa.B. 6107](#)) of a 2-year extension to the PAG-13 National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges to Small Municipal Separate Storm Sewer Systems (MS4s). By this action the availability of the general permit has been extended to March 15, 2025. The notice also solicited interested participants for a workgroup that DEP to discuss the requirements for the next PAG-13 term. DEP received nearly 60 requests to participate and has selected approximately 20 members. A series of meetings has been

scheduled starting in November 2022. The first seven workgroup meetings have been held. A total of eight workgroup meetings are anticipated. The latest workgroup meeting was held on March 3, 2023. There may be one or more additional meetings with the workgroup in the near future. DEP received recommendations from EPA Region 3 via a letter dated February 28, 2023. DEP is beginning development a preliminary draft of the PAG-13 General Permit package.

### **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.

Federal Fiscal Year (FFY) 2022 EPA Section 319 NPS Management Grant awards were [announced](#) on October 7, 2022.

DEP opened the Federal Fiscal Year (FFY) 2023 EPA Section 319 NPS Management Grant round on April 22, 2022. The deadline to apply was June 24, 2022. New this year is a focus on Watershed Implementation Plan (WIP) development in Environmental Justice (EJ) areas. Staff submitted the draft workplans to EPA for their review by the EPA / DEP Action Plan deadline of November 30, 2022.

The FFY 2024 EPA Section 319 NPS Management Grants round opened April 21, 2023, with applications due by June 23, 2023 at 11:59 p.m., as noticed in the Pennsylvania Bulletin on April 1, 2023 at [53 Pa.B. 1869](#).

### **Growing Greener Plus Program**

DEP opened the 2022 Growing Greener Plus grant round on April 22, 2022. The deadline to apply was June 24, 2022. The 2022 Growing Greener Plus grant round includes some new features, including: (1) a reinvigorated Growing Greener Watershed Renaissance Initiative (GGWRI) focused on the complete implementation of existing watershed restoration or implementation plans on small catchment areas in Centre, Huntingdon, Lancaster, Snyder, and Union counties; and (2) a priority to implement projects in support of the Pennsylvania 2021 Climate Action Plan. The 2022 Growing Greener Plus awards were announced on January 12, 2023. The full list of 2022 Growing Greener projects can be found [here](#).

The 2023 Growing Greener Plus Grants round opened April 21, 2023, with applications due by June 23, 2023 at 11:59 p.m., as noticed in the Pennsylvania Bulletin on April 1, 2023 at [53 Pa.B. 1868](#).

### **State Water Plan**

The [2022 State Water Plan Update Report](#) ("Update Report") is now complete and available to all Pennsylvanians! This report is focused on items such as water resources strategies outlined in the Pennsylvania Climate Action Plan and updated regional watershed priorities. In addition to this important document a [Digital Water Atlas Story Map](#) was created as planning tool for professionals and research tool for academics.

The first round of meetings for 2023 was successfully completed this April with all seven committees having met. Several committees struggled to achieve quorum during their meetings leading to an emphasis on recruiting in the coming months to ensure that business can be conducted in future meetings. On May 16, 2023, members of Compacts and Commissions Support's Water Use and Planning Section delivered a presentation to the DEP Environmental Justice Advisory Board. In addition, several other presentations are being planned for future conferences and technical events where key stakeholders will be present. Over the past few weeks some potential candidates for open slots on the committees that have come forward but more are still needed. The Citizen's Advisory Council can assist with this effort by referring anyone who could fill a committee vacancy to

James Horton ([jahorton@pa.gov](mailto:jahorton@pa.gov)). Up to date information on current committee membership and vacancies can be found [here](#).

The next round of meetings will take place in October of this year. In accordance with Act 220 of 2002's requirements, a new update will be needed in 2027.

### **Coastal Zone Advisory Committee**

*The Committee met on Wednesday, June 14. The meeting included an update on coastal zone grants and coastal zone funding available from IJJA/BIL; an update from the National Oceanic and Atmospheric Administration (NOAA) on the nomination of the Lake Erie quadrangle as a national marine sanctuary; updates from local partners in the Lake Erie and Delaware Estuary coastal zones; and updates from coastal zone partner agencies. NOAA will hold public meetings (in-person and virtual) to engage the public on the nomination of the Lake Erie quadrangle as a National Marine Sanctuary beginning on Wednesday, June 21.*

*The Committee will meet next in January 2024.*

**Attachment 1**  
**2023 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” then “Calendar of Events.” Unless otherwise indicated below or on the DEP Calendar of Events, there will be virtual and in-person attendance options for each event.

<b>July</b>	
6	Pennsylvania Energy Development Authority (PEDA) Meeting, 10:00 a.m.
11	Environmental Quality Board (EQB) Meeting, 9:00 a.m.
11	Citizens Advisory Council (CAC) Meeting, 12:30 p.m.
12	Technical Advisory Committee on Diesel-Powered Equipment (TAC) Meeting, 10:00 a.m.
13	Public Water System Technical Assistance Center (TAC) Board Meeting, 9:00 a.m.
20	Water Resources Advisory Committee (WRAC) Meeting, 9:30 a.m.
20	Mining and Reclamation Advisory Board (MRAB) Meeting, 10:00 a.m.
<b>August</b>	
2	Aggregate Advisory Board (AAB) Meeting, 9:30 a.m.
8	Environmental Quality Board (EQB) Meeting, 9:00 a.m.
9	State Board for Certification of Water and Wastewater System Operators Meeting, 10:00 a.m.
15	Environmental Justice Advisory Board (EJAB) Meeting, 1:00 p.m.
17	DEP Air Quality Technical Advisory Committee (AQTAC) Meeting, 9:15 a.m.
22	Climate Change Advisory Committee (CCAC) Meeting, 9:00 a.m.
23	Agricultural Advisory Board Meeting, 9:00 a.m.
23	Small Business Compliance Advisory Committee Meeting, 10:00 a.m.

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