

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

DEP Highlights

Mid-Atlantic Environmental Literacy Summit

DEP plans to attend the Chesapeake Bay Program's 2023 Mid-Atlantic Environmental Literacy Summit—to be held at Bowie State University, Bowie, MD on November 1, 2023. This bi-annual summit is meant to engage the leadership of the Chesapeake Bay Watershed Agreement jurisdictions. The Summit is designed to strengthen and build partnerships while exploring how school districts can help prepare their schools and students for a changing climate. The summit will focus on two themes: Building Green Career Pathways (showcasing innovative programs that are developing career pathways to support emerging workforce needs related to sustainability); and High Impact Actions for Sustainable Schools (exploring actions schools and school districts can take to help mitigate impacts and adapt to the changing climate).

Agriculture Energy Efficiency Rebates

EPO is running the third and final round of its agriculture energy efficiency rebate program. The program provides prescribed rebates, up to \$7,500, for energy efficiency measures including LED lighting, ventilation equipment, variable frequency drives, and refrigeration equipment including scroll compressors and refrigeration heat recovery for Pennsylvania's agricultural producers. Since the program re-opened on August 26th, ten new applications have been received and issued rebate vouchers. Applications are being accepted through December 31, 2023.

ZEV Roadmap 2.0

DEP will be working with ICF, Inc. to build upon the successes of the first Roadmap (2019/updated in 2021) and expand the scope to include not only light-duty electric vehicles but medium- and heavy-duty electric vehicles and hydrogen fuel cell vehicles. The project kickoff meeting is scheduled for October 11, 2023. The final ZEV Roadmap 2.0 will map out specific, implementable strategies aimed to maximize the economic and environmental benefits of transportation electrification in Pennsylvania.

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 (MEB) as well as funding through the National Fish and Wildlife Foundation's Small Watershed Grants (SWG) and Innovative Nutrient and Sediment Reductions (INSR) grants program. To date, the IJA funding that would be directed through the SWG/INSR has not been awarded; EPA published a Request for Application (RFA) on July 31, 2023 with the intent to award the IJA funds for SWG/INSR administration in January 2024.

On March 13, 2023, EPA provided the Pennsylvania agency-specific allocations, beginning October 1, 2023. Including all Chesapeake Bay federal grants, DEP received more than \$13 million, of which more than \$5 million will be IJA money. DEP worked 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. On August 30, 2023, DEP received our FY2023 IJA funding allocation.

Regulatory Update (Detailed summaries included in respective program sections)

- Please refer to the [DEP Rolling Regulatory Agenda](#) for the full Regulatory Update.
- 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 Environmental Quality Board (EQB) adopted the proposed regulation on July 11, 2023. The proposed regulation was published in the Pennsylvania Bulletin on October 7, 2023, for a 45-day public comment period that will close on November 21, 2023. A virtual public hearing is scheduled for November 14, 2023.
- 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 EQB adopted the proposed regulation on July 11, 2023. The proposed regulation is scheduled to be published in the Pennsylvania Bulletin on November 4, 2023, for a 45-day public comment period that will close on December 19, 2023. A virtual public hearing is scheduled for December 5, 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 – 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 EQB adopted the final regulation on July 11, 2023. The Independent Regulatory Review Commission (IRRC) approved the final regulation on September 21, 2023. The final regulation is scheduled to be published in the Pennsylvania Bulletin on November 11, 2023.

Public Comment Periods

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

Proposals Open for Public Comment

- Interim-Final Environmental Justice Policy and Pennsylvania Environmental Justice Mapping and Screening Tool (PennEnviroScreen) Methodology Document (October 2023) (opened 9/16/2023, closes 11/30/2023)
- *Proposed Rulemaking: Triennial Review of Water Quality Standards (#7-577)* (opened 10/7/2023, closes 11/21/2023)
- *Statement of Policy: Water Quality Toxics Management Strategy (#7-582)* (opened 10/7/2023, closes 11/21/2023)
- *Draft 2024 Integrated Water Quality Monitoring and Assessment Report* (opened 10/28/2023, closes 12/11/2023)

Recently Closed Comment Periods

- *Environmental Assessment Approvals for PENNVEST Funding Consideration (October 2023) (opened 9/16/2023, closed 10/16/2023)*
- *Draft Technical Guidance: Land Application of Manure – A Supplement to Manure Management for Environmental Protection – Manure Management Plan Guidance (opened 8/26/2023, closed 9/25/2023)*
- *Proposed State Implementation Plan Revision; Basic Inspection and Maintenance Program Certification for the Philadelphia, PA Nonattainment Area for the 2015 Ozone NAAQS (opened 8/19/2023, closed 9/20/2023)*
- *Proposed State Implementation Plan Revision; Attainment Demonstration and Base Year Inventory for the Philadelphia, PA Nonattainment Area for the 2015 Ozone NAAQS (opened 8/5/2023, closed 9/7/2023)*

Communications Monthly Press Releases

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

Press Releases Issued

September 21 – Shapiro Administration Awards \$38.76 Million in Grants for Environmental Restoration Projects

September 22 – DEP To Conduct Air Monitoring Near Mining Project in Western Schuylkill County

September 22 – Drought Watch Remains for 19 Counties, York County Moved to Drought Warning

September 29 – DEP Announces Public Comment Meetings Series for Interim Final PA Environmental Justice Policy

October 12 – DEP To Host Public Hearing on Proposed Core5 Warehouse Project in Lehigh County

October 12 – DEP To Host Public Hearing on Proposed Betz Court Warehouse Project in Lehigh County

October 13 – DEP Collects \$500,000 In Penalties From DC Ambler Properties For Violations Under The Hazardous Sites Cleanup Act

October 16 – MEDIA ADVISORY – Pittsburgh – Wednesday – DEP to Host Public Meeting Regarding Interim-Final Environmental Justice Policy

October 16 – MEDIA ADVISORY – Scranton – Monday – DEP to Host Public Meeting Regarding Interim-Final Environmental Justice Policy

October 16 – MEDIA ADVISORY – Erie – Wednesday – DEP to Host Public Meeting Regarding Interim-Final Environmental Justice Policy

October 17 – MEDIA ADVISORY – Harrisburg – Thursday – DEP to Host Public Meeting Regarding Interim-Final Environmental Justice Policy

October 17 – DEP Responds to Oil Spill on Cumberland County Waterway

October 19 – DEP Awards Over \$3.8 Million to Projects Restoring the Health of Local Watersheds

October 19 – MEDIA ADVISORY – Chester – Saturday – DEP to Host Public Meeting Regarding Interim-Final Environmental Justice Policy

October 20 – Six Counties Return to Normal and 15 Counties Remain in Drought Watch or Drought Warning

October 24 – MEDIA ADVISORY – Philadelphia – Thursday – DEP to Host Public Meeting Regarding Interim-Final Environmental Justice Policy

Active and Abandoned Mine Operations

Act 54 Effects of Underground Mining 6th 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

The August 30 Pennsylvania’s Federal Fiscal Year (FFY) 2023 BIL grant for \$244,786,476.00 is still currently under review by Federal Department of the Interior, Office of Surface Mining Reclamation and Enforcement’s (OSMRE). This application is the 2nd of 15 BIL grant applications Pennsylvania can make for abandoned mine land (AML) reclamation. The FFY 2023 BIL grant application also included a subaccount application to implement the new STREAM Act. The STREAM Act allows AML programs to set aside up to 30% of the total grant value of \$244.7 million into the new STREAM Act Set-Aside Program fund for long-term AMD treatment work and/or mine fires and mine subsidence. To date, both the FFY 2022 and FFY BIL grant applications are still awaiting approval of OSMRE to implement the STREAM Act. Additional information is available on the BAMR BIL webpage at: [BIL/IJA Program \(pa.gov\)](https://www.pa.gov/bil/ija-program).

The 2023 AML/AMD Grant Program at [AML/AMD Grant Program \(pa.gov\)](https://www.pa.gov/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. *For the first round of 2023, nine eligible applications were reviewed, which closed on April 28, 2023. On September 21, six of the nine applications were recommended for award at a combined total of \$38.76 Million and announced in a PA-DEP press release at [Article Viewer \(pa.gov\)](https://www.pa.gov/article-viewer). The second 2023 application round was open from July 3 until August 25, in which 28 applications were received and are currently being reviewed. The third 2023 application round is now currently opened from October 2 through December 2. The applicants of projects that are not recommended for an award in all rounds 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 and the final-omit rulemaking for the control of VOC emissions from conventional oil and natural gas sources were both 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 rescinded the offset sanctions which took effect on June 16, 2022 and halted the imposition of Federal highway funding sanctions that were set to take effect in Pennsylvania on December 16, 2022. EPA will evaluate the approvability of this SIP submission in accordance with the applicable technical and RACT requirements of the CAA.

RACT III Major Sources of NO_x and VOC for the 2015 Ozone NAAQS

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, for their review and action.

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_x 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 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_x) 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. Conemaugh, Keystone, and Homer City filed petitions to review in the 3rd Circuit Court. On March 13, 2023, the 3rd Circuit denied the facilities' motions to stay the March 29, 2023, FIP compliance date. On July 1, 2023, the Homer City EGU ceased operations and soon after dismissed its petition for review. Legal briefs were submitted, and the Court has scheduled a hearing on the merits for November 6, 2023.

Non-Regulatory SIP Revisions

2010 Sulfur Dioxide (SO₂) NAAQS Attainment Demonstration SIP Revisions

On August 18, 2022, EPA published a Final Partial Approval/Partial Disapproval of the Department's SIP revision for Indiana and Armstrong Counties. The partial disapproval focused on the calculation of the SO₂ permit limit averaging periods. 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. *DEP submitted its SIP revision on October 12, 2023.*

On February 22, 2023, 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 (SO₂) NAAQS. The area lies immediately outside of the current Indiana County SO₂ nonattainment area for which the BAQ is preparing a SIP revision. The Department

reviewed the technical support document accompanying the 120-Day Letter and responded with comments on June 22, 2023. If a new designation is finalized, DEP is required within 18 months to submit a SIP revision demonstrating how the 2010 SO₂ 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). Of the 28 nonattainment areas nationwide, 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 published the proposed SIP revision in the Pennsylvania Bulletin on August 5, 2023. A public hearing was held on September 6, and the comment period closed on September 7, 2023. *The Department submitted the SIP revision on Sept 28, 2023, and EPA issued a completeness letter on October 5, 2023.*

Air Quality Technical Advisory Committee

The next scheduled meeting is *January 11, 2024*.

Small Business Compliance Advisory Committee

The next scheduled meeting is *January 17, 2024*.

Energy Programs Office

Energy Security

EPO, via contracting with Smart Electric Power Alliance (SEPA), initiated a new statewide study to identify opportunities for deploying microgrids to increase the overall resilience for the state of Pennsylvania. Over the next year, this project will (1) engage stakeholders and collect data to determine prioritization and evaluation of microgrids; (2) develop criteria and categories to prioritize microgrid sites based on several factors; and (3) develop microgrid use-cases and applications for varying facility-types, including preliminary sizing, conceptual design, and preliminary economic analysis. Stakeholder participation is a key aspect of this project. Stakeholders will include state government agencies, large energy consumers, electric utilities, industry EPCs and technology providers, environmental advocates, consumer advocates, state regulators, policy makers, community-based organizations, and industry association. The study will be completed May 2024 and published soon after. Findings and strategies derived through this project will calibrate and focus a future microgrid development pipeline for the Commonwealth driving resilience and clean energy benefits for Pennsylvanians. *Through October, EPO and SEPA have held meetings with all targeted key utility, regulatory, and advocacy stakeholders for the study. These stakeholders include: Office of Consumer Advocate, Public Utility Commission, Pennsylvania Emergency Management Agency, American Red Cross, PECO, Duquesne Light Company, ProtoGen, PPL, FirstEnergy, People’s Gas, Penn State University, Pennsylvania Rural Electric Association, Pennsylvania Municipal Electric Association, Governor’s Office, Pennsylvania Energy Association, National Renewable Energy Laboratory, Pike County Electric, and Citizens Electric. Additionally, all publicly available data has been collected and categorized for the study. EPO and SEPA will work with key utility stakeholders to collect sensitive datasets throughout November.*

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 *November 8, 2023*. EPO

staff conducted a liquid fuel exercise with the Pennsylvania Petroleum Association and Pennsylvania Propane Association in Hershey on October 11th, 2023. The exercise scenario focused on a rolling blackout based on Winter Storm Elliott events that happened on December 24th, 2023. Presentations were given by EPO, DEP and PJM to provide background on how the state and electrical sector respond to blackout situations. Approximately 110 people participated in the one-day exercise.

EPO staff attended the Blue Flame exercise on October 20 in Philadelphia, PA. The Blue Flame Exercise was done in partnership with the Philadelphia Gas Works, and the PA Public Utility Commission's (PUC) Bureau of Technical Utility Services (TUS) and focused on a large-scale natural gas outage.

As a condition of the State Energy Program BiPartisan Infrastructure Bill, EPO submitted a revised State Energy Security in September 2022. DOE provided feedback and suggestions to improve the plan several months later. As a part of mandatory annual updates, EPO has again updated the energy security plan and submitted the plan to DOE prior to the due date of September 30, 2023.

National Governors Association Center for Best Practices (NGA) with support from the U.S. Department of Energy, Office of Cybersecurity, Energy Security, and Emergency Response (CESER), awarded Pennsylvania's NGA GridEx VII Team an opportunity to participate in NGA-facilitated activities related to GridEx VII— a remote energy exercise hosted by the North American Electric Reliability Corporation that simulates a cyber and physical attack on the North American electric grid. Pennsylvania's NGA GridEx VII Team consists of representatives from the Governor's Office, DEP Energy Programs Office, DEP Emergency Response Program, Pennsylvania Emergency Management Agency, Public Utility Commission, and PSP Office of Homeland Security. EPO staff held a kick-off meeting with NGA representatives in October to discuss logistics surrounding GridEx VII. GridEx VII will be held on November 14, 2023 and the follow up technical assistance workshop will occur in March 2024.

Climate Change Advisory Committee

The latest CCAC meeting was held Tuesday, October 24, 2023 in Room 105 of the Rachel Carson State Office Building, and via Microsoft Teams. The meeting featured a progress update from EPO and their contractor, ICF, on the 2024 Climate Impacts Assessment and Climate Action Plan, an overview of the updated Environmental Justice policy, and a presentation from the Carlisle Borough on their local climate action planning efforts. Public meeting links and meeting materials are available on the [CCAC webpage](#).

Senate Majority Leader Joe Pittman re-appointed Zachary Smith to the CCAC to fill the vacancy left by Joe Bastardi's resignation.

2024 Pennsylvania Climate Impacts Assessment and Climate Action Plan

Act 70, the Climate Change Act of 2008, requires several items from the Department, including development of a Climate Impacts Assessment (CIA) and Climate Action Plan (CAP) and updates to both every three years. Both documents are due to be updated in 2024. The CIA takes a risk-based approach to analyzing the consequences of climate hazards across different sectors. The CAP offers actions for leaders and includes modeling of specific actions, highlighting those that are most cost-effective, and which reduce the most greenhouse gas emissions. The CAP also includes adaptation mechanisms to help Pennsylvanians adapt to climate impacts already being felt. Project meetings are held via Microsoft Teams on a bi-weekly basis with ICF, the contractor who is providing technical assistance to EPO as we develop these documents, as well as subcontractors from Penn State University, Inch and Meter, and InClime, who will assist with various portions of each document. DEP's areas of focus include equity, environmental justice, legislation recommendations, connection to the Infrastructure Investment and Jobs Act (IIJA) and Inflation Reduction Act (IRA) funding, and energy rate analysis, as well as taking a closer look at health and economics in the CAP. Economic opportunities, attribution science, and the cost of inaction will be included in the CIA. A final CIA will be

produced by March 2024 and a final CAP by June 2024. ICF will also provide updates at each of the upcoming Climate Change Advisory Committee meetings through June 2024 and incorporate the committee's feedback into the revisions of the documents.

ICF most recently presented at the October 24, 2023, Climate Change Advisory Committee meeting, where they introduced to the committee members the first draft of the CIA for their feedback and reviewed the draft strategies for the CAP. The initial draft of the 2024 CAP will be delivered to DEP by the beginning of November and will be shared with the committee during the December meeting.

Greenhouse Gas Inventory

Act 70, the Climate Change Act of 2008, requires the Department to develop an annual inventory of greenhouse gasses (GHGs) emitted in *Pennsylvania*. In August 2023, EPO, with support from its contractor ICF, launched a project to conduct a thorough review of EPO's current GHG inventory development process. *EPO and ICF have updated the 2020 draft inventory to include new data, including emission estimates for several sources that were not previously estimated (e.g. emissions from abandoned oil and gas wells, industrial processes, land use, and agriculture sectors). This updated inventory allows for a more robust and complete estimate of GHG emissions within the commonwealth. Additionally, ICF has delivered a draft of a fully revised report and has started to develop training sessions to build EPO's capacity for inventory development and knowledge of new EPA tools.*

Climate Network

The Climate Network follows on from the previous PA Climate Academy activities which concluded in 2022. A Climate Network was established to follow activity from 2022 through a multi-agency MOU. The network has been formed to both continue to deliver baseline climate training to professionals both within state government and outside state government and also to create a safe platform to address the information sharing and efforts necessary to seriously address the impacts of climate change on our business units and in our communities.

The final PA Climate Resilience and Mitigation Network training modules have been completed and they are currently available to view on the PA Department of General Services GreenGov website at: [Pennsylvania Climate Change Mitigation and Resilience Network \(pa.gov\)](https://www.pa.gov/governance/agencies-and-offices/department-of-general-services/greengov). Training modules on the Fundamentals of Climate Science, Climate Change Impacts on Pennsylvania, Climate Solutions and Strategies, and How Entities (organizations) can Support Climate Action. The contractor for the PA Climate Network and the executive committee are currently working with their advisory board to complete the transition plan for the network so that it can be housed and continued under another organization or for the network to develop into its own non-profit organization. There was an executive committee meeting with ICF held on October 11th to discuss the transition plan for the network and review the current draft of the plan. The next climate network executive committee meeting is currently scheduled for November 1 and the next Advisory Board meeting is tentatively scheduled for November 30.

Shared Energy Manager

The Shared Energy Manager (SEM) program was designed to assist local governments in the Commonwealth of Pennsylvania with on-the-ground, practical support from a professional energy manager contracted by the DEP Energy Programs Office to conduct energy assessments, renewable energy studies, and other services to implement elements of their climate action plans. During the first two years, DEP recruited a total of 10 local governments which had previously participated in the Energy Programs Office's Local Climate Assistance Program (LCAP), to participate in SEM as part of the PA State Energy Program (SEP).

A request for proposal (RFP) for the next iteration of the Energy Programs Office's Shared Energy Manager program was released and put out for bids in August 2023. This version of the program is being funded with

\$3.5 Million from the State Energy Program Bipartisan Infrastructure Law (SEP-BIL) grant received from the US Department of Energy. The SEP-BIL funding will allow EPO to greatly expand the number of local governments that can participate in the program each year (4x) and run for four continuous years as opposed to each separate cohort concluding annually. The RFP for the 4-year period from 2023-2027 closed on September 8 at 5pm. *The Shared Energy Manager RFP responses are under review. There have been 23 local government applicants to the program for the 2023-2024 cohort. The participants have also been scored and the 20 available slots have been decided. The participant cohort will be announced once a bidder has been officially awarded the contract for the 2023-2024 Shared Energy Manager program. EPO staff presented information about the LCAP and Shared Energy Manager programs as well as general information about the Climate Team's work and products at the PA chapter of the American Planning Association's 2023 annual conference in Scranton, PA on October 17.*

Local Climate Action Program

State and local governments leading by example on climate action is a key component of mitigating climate change in Pennsylvania and one of the strategies recommended in the Pennsylvania Climate Action Plan (PCAP). The Local Climate Action Program (LCAP) provides free technical and personnel assistance to local governments that want to create their own greenhouse gas inventories and climate action plans with the goals of reducing emissions and combatting climate change. This includes engaging the community in the planning process, via in-person workshops, virtual meetings, and online surveys. The technical and personnel assistance is provided by EPO staff and university partners, including professors and students from Penn State University, Sustainability Institute; Wilkes University; and Drexel University, Environmental Collaboratory. The new 23-24 LCAP kicked off with the beginning of the fall 2023 semester. The 23-24 LCAP cohort includes ten participating local governments as well as the Pennsylvania Department of Conservation and Natural Resources:

1. Centre County
2. Churchill Borough
3. Homestead Borough
4. State College Borough
5. Palmer Township
6. Conshohocken Borough
7. Solebury Township
8. City of Harrisburg
9. Lower Macungie Township
10. Mechanicsburg Borough

Drexel University's environmental collaboratory professors are working with Doylestown Borough and Doylestown Township to setup a CAPstone project for the 2023 Fall semester. Additionally, the Borough of Milford, PA started work on a CAPstone with students and a professor at Wilkes University in the summer semester of 2023. *The 23-24 LCAP cohort is actively working with Penn State to compare their fall semester greenhouse gas inventories. Most of the data required for this project has been requested and received from the local utility companies, and the students have started processing and calculating the local government emissions inventories. The GHG inventories are expected to be completed by early December 2023.*

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 10th, 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 *received* \$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

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 is coordinating with the regional planning organizations which are the lead organizations managing CPRG grants for the MSAs- Southwestern Pennsylvania Commission (SPC), Delaware Valley Regional Planning Commission (DVRPC), and Lehigh Valley Planning Commission (LVPC). DEP has also held two inter-agency meetings to coordinate across state government on the CPRG Plans. These meetings were held on September 5th and October 31st, and engaged participants from 33 state agencies, offices, and bureaus. DEP is planning additional stakeholder outreach within communities with Environmental Justice concerns, with industrial-sector stakeholders, and with local government stakeholders in the coming months.*

DEP opened a solicitation for a contractor to assist with facilitation of stakeholder outreach and the development of the PCAP and CCAP on September 15, 2023, which closed on October 13, 2023. A contractor will be selected upon review of eligible bids.

EPA announced the Phase II competitive Implementation Grants on September 21, 2023. Applications will be due April 1, 2024. Entities eligible to apply for Implementation Grants include states who received CPRG Planning Grants, air pollution control agencies, municipalities, territories, tribes or groups of those entities which are covered by a PCAP. Only climate pollution reduction strategies included in the PCAP will be eligible for Implementation Grant funding; therefore, entities intending to apply for Implementation Grants are encouraged to proactively participate in the planning process. DEP will be conducting extensive stakeholder outreach during the Commonwealth's PCAP development, and potential stakeholders are encouraged to contact us via our resource account: RA-EP-CPRG@pa.gov.

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.

On October 11, 2023, EPO announced the opening of the Pennsylvania Grid Resilience Grants (PA GRG) Program to eligible applicants for the 2023 program year. Pennsylvania has approximately \$16 million in competitive funding for resilience measures intended to mitigate the impact of electric grid disruptive events. EPO staff held an invitational webinar on October 17, 2023, with PA GRG interested applicants. 22 stakeholders attended, representing electric distribution companies such as Pennsylvania Municipal Electric Association and Pennsylvania Rural Electric Association members, Wellsboro Electric, Pike County Electric, PPL, PECO, FirstEnergy, and Duquesne Light Company. PA GRG has two application periods. Applicants are required to submit a Concept Paper in order to be eligible to submit a Full Application. The program will collect and review all Concept Papers submitted by 11:59PM on November 14, 2023. The program will collect and review all Full Applications submitted by 11:59PM on January 26, 2024.

Toolkit for Solar on Schools in Pennsylvania

The Energy Programs Office (EPO), with support from its contractor the Philadelphia Solar Energy Association, has *developed* 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 *includes* 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. *The draft toolkit has been completed, and preparations for a wide release supported by a press event are underway.* The project has a planned completion date *fourth quarter 2023* and is being funded through DEP's State Energy Program funds from DOE.

Grid-Scale Solar Development on Previously Impacted Mine Lands in Pennsylvania Assessment:

The Energy Programs Office has been exploring in-depth the different challenges associated with siting grid-scale solar development on previously mined lands to gain a better understanding of the roles and responsibilities of the different stakeholders involved in the development process. EPO has been attempting to identify factors which lead to successful deployments to develop actionable recommendations to improve processes and other factors involved in siting. *The Energy Programs Office (EPO), in partnership with the project team from the Eastern Pennsylvania Coalition for Abandoned Mine Reclamation (ECAMR) and LaBella Associates, have completed a draft version of the assessment, which is currently under review.* The project has a planned completion date *fourth 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 regarding grid-scale solar development across the Commonwealth. Following the completion of Phase I of the project in June 2023, the project was extended to deliver an additional six technical assistance sessions through December 2023. The first three of these six planned sessions took place in Somerset County on October 9, 2023, in Berks County on October 10, 2023, and in Lancaster County on October 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 between 15 to 25 local government officials representing roles such as township supervisors, land use planners, consulting engineers, and solicitors. 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. EPO's Contractor, Performance Systems Development, completed 25 trainings on IECC residential and commercial energy building codes and remote virtual inspections for a total of 601 code officials, designers, developers and builders. The contract *originally called* for a total of 23 virtual or in-person trainings *two additional trainings* were able to be scheduled for a total of 25 through September 30, 2023. Additionally, the contract called for development of an online, asynchronous training and subsequent deployment of the training that provides the same credits as the live courses and *was offered free for up to 100 attendees in the first 6 months; 31 students have completed or are anticipated to complete the training.* The project has now ended, and the 2023-24 program was opened for bid through October 19, with an anticipated contract award for the competitively selected bidder in November.

Building Codes for Efficiency and Resilience

This summer, US DOE notified EPO that the application for “Maximizing Workforce for Energy Efficient Buildings and Building Construction in Pennsylvania” was selected for \$3 million in funding, and EPO is completing the contract negotiations with DOE during the fall. The project is designed to provide professional development, lesson plans and curriculum and energy code compliance tools such as blower door tests to instructors at career and technical high schools across the state, sponsor certification tests for students in appropriate programs over the next three years. In addition, the project will fund program mapping for career and technical high schools and colleges to assist students in identifying clean energy career pathways that may lead to building code careers and the project will conduct a business case analysis for a building code official associate degree program. DOE also notified Northeast Energy Efficiency Partnership (NEEP) that the joint project in Pennsylvania and Delaware to conduct a energy code compliance study will be funded \$2 million to conduct the study and provide any needed professional development as determined by the study. NEEP is working with DOE to finalize the scope. Both projects should begin work in January 2024.

Building Resilient Infrastructure and Communities

The Energy Codes and Resilient Communities project is funded by US Federal Emergency Management Agency, and EPO is working closely with PA Emergency Management staff to conduct a study of municipal awareness and understanding of building codes, energy codes and disaster preparedness and response and to update and create additional educational materials including videos, webinars, flyers and more for municipal officials around these topics. PEMA will be culminating the work by underwriting the cost of “When Disaster Strikes” training, training designed specifically for municipalities about building codes and their relation to the immediate response post-disaster.

Cooking in Healthy Electrified Commercial Kitchens (CHECK)

The CHECK program is a combined education and rebate program aimed at electrifying commercial kitchens by incentivizing combustion-free ENERGY STAR certified equipment, induction cooking equipment, and demand-controlled ventilation. The CHECK program was launched in October of 2022 with contractor Forward Dining Solutions. To date, EPO and Forward Dining Solutions have completed six in-person workshops demonstrating induction cooking equipment and explaining the rebate program, *the most recent of which was held at Drexel University Food Lab on October 5*, as well as four live educational webinars on energy-efficient, all-electric commercial kitchens. All webinar recordings are available on the CHECK webpage. Rebate applications are open through December 31st of 2023.

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.

The program began accepting applications for 2023 starting June 30. The first application acceptance period ended on August 25. Applications will be evaluated and scored and recommendations for funding developed. The second application acceptance period ends December 15, 2023.

The program held its final virtual session for PA Municipal EV Education program on October 12. The session was led by the awarded contractor, Wilson Engineering Services. The program is currently reviewing participant applications for the technical assistance portion of the program. Four of the participating municipalities will be selected for the program to provide direct technical assistance to four municipalities. This technical assistance will be used to help develop a Municipal EV guidebook for Pennsylvania.

Climate Action for Environmental Justice Communities

EPO has been assessing priorities in developing a strategy for the deployment of federal funding from Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA) to the greatest effect for Environmental Justice Communities. *In September 2023, EPO released a report developed by a contractor, Preservation Design Partnership (PDP), that summarized the feedback and results of a community engagement process regarding this topic which was undertaken in the Spring of 2023. The report provides an accounting of the top funding priorities raised by Environmental Justice communities throughout this process. This feedback from Environmental Justice Communities will inform the 2024 Climate Impacts Assessment and Climate Action Plan, and is being used to assist in the development of EPO's Climate Pollution Reduction Grant Program. Building on this effort, DEP is currently working with a second contractor, Fourth Economy, to create a program development toolkit that will guide EPO in more effectively incorporating equity considerations into the federal funding programs it administers, and to identify new and better resources for communities to participate in the clean energy economy through federal funding and other programs. EPO anticipates finalizing these documents in the first quarter of 2024.*

Inflation Reduction Act (IRA)-Home Energy Rebates

EPO is developing two programs within the Inflation Reduction Act Home Energy Rebates, *Home Efficiency Rebate Program (HOMES)* and *Home Electrification Rebates Program (HEAR)* The HEAR Program will provide point-of-sale consumer discounts to enable low- and moderate-income households across America to electrify their homes. These point-of-sale rebates are an immediate, off-the-top discount when making qualifying electrification purchases. The HOMES Rebate program is meant to encourage performance-based residential energy efficiency retrofits. This will ensure that Pennsylvanians with the highest energy burdens can better-afford upgrades. EPO contracted with Deloitte for technical assistance related to the development of the HOMES and HEAR programs. The technical assistance included market research, program design, and data architecture. *The contract started on 7/21/2023 and ended on 9/15/2023.*

EPO has received the early administration funds awards for both the HOMES and HEAR programs on 9/28/23 and a kickoff with the United States Department of Energy was held on 10/16/23. Each early administration award is for 2.5 million dollars. These funds will be used to hire a 3rd party contractor to design and then implement each program. The contractor will assist EPO in developing the program applications and blueprints required for the full award of each program.

Agriculture Energy Efficiency Rebates

EPO is running the third and final round of its agriculture energy efficiency rebate program. The program provides prescribed rebates up to \$7,500 for energy efficiency measures including LED lighting, ventilation equipment, variable frequency drives, and refrigeration equipment including scroll compressors and refrigeration heat recovery for Pennsylvania's agricultural producers. Since the program re-opened on August 26th, ten new applications have been received and issued rebate vouchers. Applications are being accepted through December 31, 2023.

Electric School Bus Technical Assistance

DEP issued a purchase order to contractor Eastern Research Group (ERG) on September 13, 2023 and followed up with a project kick-off meeting on September 26th. ERG will be assisting DEP in providing school districts and transportation companies with valuable information to guide them on assessing the need for and deployment of electric school buses in Pennsylvania and the necessary infrastructure planning and utility engagement to enable operations.

ZEV Roadmap

DEP issued a purchase order to contractor, ICF, Inc., on September 22, 2023. DEP will be working with ICF, Inc. to build upon the successes in the first Roadmap (2019/updated in 2021) and expand the scope to include not only light-duty electric vehicles but medium- and heavy-duty electric vehicles and hydrogen fuel cell

vehicles. The project kickoff meeting is scheduled for October 11, 2023. The final ZEV Roadmap 2.0 will map out specific, implementable strategies aimed to maximize the economic and environmental benefits of transportation electrification in Pennsylvania.

Energy Storage Consortium

DEP and contractor, Strategen, held a steering committee meeting on September 6, 2023 to plan the next Energy Storage Consortium meeting. Agenda, topics and speakers were discussed, and the virtual consortium meeting was set for November 1, 2023. Pennsylvania's Public Utility Commission came out with a draft Energy Storage Policy statement on August 24, 2023 and this will be one of the topics presented at the upcoming meeting in addition to the role of storage in energy resilience.

Infrastructure Investment and Jobs Act Energy Update (IIJA) and Inflation Reduction Act (IRA)

DEP's Energy Programs Office (EPO) has been applying for and deploying several programs:

- 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. *On October 11, 2022, EPO announced the Pennsylvania Grid Resilience Grants (PA GRG) Program is available to eligible applicants for the 2023 program year (see above)*
- State Energy Program (\$14 million) – Application was submitted December 1, 2022. EPO received notice of the award on May 22nd, 2023 *and has been developing and deploying Industrial Electrification, Energy Security, and Shared Energy Manager Programs (see above).*
- Energy Efficiency and Conservation Block Grant Program (\$3.0 million) – DOE released funding guidance and application documents on January 18, 2023. The application was submitted July 20, 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 18th.
- 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 in partnership with the Northeast Energy Efficiency Partnerships and the state of Delaware for funding for a code compliance study for \$2 million. EPO was awarded \$3 million and the partnership project was awarded \$2 million. Final statements of project objectives and budgets are in negotiations with US DOE for both projects, with an anticipated start date in early 2024.
- Home Efficiency Rebate Program (HOMES) (\$12.9 M per year for PA for 10 years) & Home Electrification and Appliance Rebate Program (HEAR) (\$12.9 M per year for PA for 10 years). - EPO submitted two applications for the administrative funding on June 20, 2023 *and were awarded on September 27, 2023.* The formal HOMES and HEAR formula grant application opportunities were released July 27th. It will remain open and reviewed on a rolling basis through January 31, 2025. *(see above)*
- *Training for Residential Energy Contractors (TREC) (~\$200 M nationally through September 30, 2031).* - Formula grant (\$150 M) available for state energy offices with grants to develop and implement a state workforce energy program that focuses on energy efficiency, electrification, and clean energy improvements, including those covered under the Home Energy Performance-Based, Whole House Rebate Program (HOMES) and the Home Electrification and Appliance Rebate Program (HEAR). PA's allocation is \$4,960,910. ALRD released July 17, 2023; due *January 31, 2024.*

- Climate Pollution Reduction Grants Program (CPRG) - The CPRG is a two-stage program, formula planning grants followed by competitive implementation grants. DEP received notice of our \$3 million award for planning on June 28, 2023. Three Metropolitan Statistical Areas (MSAs) within Pennsylvania (Philadelphia, Pittsburgh, and Allentown) have each received \$1 Million CPRG Planning Grants. DEP has begun coordination with the regional planning organizations which will be the lead organizations managing CPRG grants for the MSAs. Implementation Grant Notices of Funding Opportunity *released September 20, 2023. Notices of Intent are due February 1, 2024, and applications are due April 1, 2024. (see above)*
- Solar for All competition providing up to 60 grants to States, Tribal governments, municipalities, and nonprofits to expand the number of low-income and disadvantaged communities that are primed for residential and community solar investment. (\$7 billion nationally) - EPA announced the release of the Greenhouse Gas Reduction Fund's Solar for All Notice of Funding Opportunity on June 28. DEP/PEDA submitted a Notice of Intent on July 26, 2023. *EPO (PEDA) submitted their application on October 6, 2023.*

Environmental Cleanup and Brownfields

Environmental Cleanup and Brownfields Rulemakings

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 was approved by EQB on July 11, 2023, and deemed approved by IRRC at their meeting on September 21, 2023. *Publication of the final regulation in the Pennsylvania Bulletin is scheduled for November 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. DEP anticipates presentation of the proposed rulemaking to EQB for consideration in the *first* quarter of 2024.

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 (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 September 6, 2023. Randy Martin, 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. This vacancy is currently working through the approval process. Richard Burgan, Director, Bureau of Special Funds, Department of Insurance, provided an update regarding the Underground Storage Tank Indemnification Fund. Walter Remmert, Director, Bureau of Ride and Measurement Standards, Pa. Dept. of Agriculture, provided an overview of fuel quality and octane testing performed by that program. DEP staff provided updates, including program statistics, an explanation of industry standards acceptable for emergency generator piping, and an update on the program’s Quick Pay Online Fee Payment system.

The next Storage Tank Advisory Committee (STAC) meeting is scheduled for December 13, 2023.

Environmental Education

DEP Environmental Education Grants Program

The DEP 2023 Environmental Education Grants program began July 1, 2023 and will conclude June 30, 2024. This grant program awarded more than \$1 million to fund 70 environmental education projects throughout the state. 54 of the 70 projects will engage people living, working and/or attending school within environmental justice areas.

DEP began accepting applications for the 2024 Environmental Education Grants program on August 1, 2023, with an application deadline of November 15, 2023. Priority funding will be awarded to projects that engage audiences within Environmental Justice (EJ) areas on topics addressing Climate Change and/or Water.

Up to \$5,000 may be awarded for local Mini-grant projects. General Grant Level I funding (\$5,001-\$30,000) may be awarded for implementation of large-scale (such as multiple communities or school district, county or state-wide) projects. Up to \$65,000 may be awarded for General Grant Level II projects that provide opportunities for engagement of teachers and students (at least 30% EJ) from at least 60 counties at three levels: local, state and national.

An EE Grants Program webinar is slated for September 26 from Noon-1:30 p.m.

Information about the DEP Environmental Education Grants Program, including the current EE Grants Program manual, is available at: [Environmental Education Grants Program](#).

Questions concerning the Environmental Education Grants Program should be directed to the DEP EE&IC at RA-epEEgrants@pa.gov.

Academic Standards Update

Science, Technology & Engineering, Environmental Literacy and Sustainability (STEELS) Standards

The newly adopted STEELS Standards are designed for implementation July 1, 2025. Educators are encouraged to access the [STEELS hub](#) to receive ongoing New and Noteworthy updates.

Mid-Atlantic Environmental Literacy Summit

DEP will attend at the Chesapeake Bay Program's 2023 Mid-Atlantic Environmental Literacy Summit to be held at Bowie State University, Bowie MD on November 1, 2023. This is a bi-annual summit designed to engage leadership of the Chesapeake Bay Watershed Agreement jurisdictions. The Summit is designed to strengthen and build partnerships while exploring how school districts can help prepare their schools and students for a changing climate. The summit will focus on two themes: Building Green Career Pathways (showcasing innovative programs that are developing career pathways to support emerging workforce needs related to sustainability); and High Impact Actions for Sustainable Schools (exploring actions schools and school districts can take to help mitigate impacts and adapt to the changing climate).

2024 Pennsylvania Farm Show

The DEP will host its Pennsylvania's Changing Climate exhibit during the 2024 Farm Show (January 6-13) in Harrisburg. DEP staff will interact with visitors, answering questions and inviting them to participate in interactive activities.

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

DEP has adopted the Interim- Final Policy, built from years of public engagement on this topic. DEP's OEJ has taken comments and concerns about the current Environmental Justice Public Participation Policy DEP has had in place since 2004. Comments of a previous revision effort from 2017, and an extensive outreach on the draft policy received in 2022, to include in this policy. Public Comment Meetings have been scheduled with dates being released on DEP's website and in the Pennsylvania Bulletin.

DEP is also updating where the policy applies. The PennEnviroScreen tool is a publicly available, state of the art mapping tool, built on proven national models, that will allow DEP to more accurately identify communities facing environmental justice issues. DEP is engaged in a department-wide effort to improve the efficiency and quality of our permitting process. This new approach, in the environmental justice context, will not add a single day to DEP's permitting process.

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.

Environmental Justice Advisory Board

EJAB convened on Tuesday, August 15. 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 featured roundtable discussions on Abandoned Mine Reclamation and the Lackawanna River. The next EJAB meeting will be a joint meeting with the CAC and is scheduled for Tuesday, November 14.

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). 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 IJA 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.

On August 15, the US Department of Interior acknowledged receipt of the “Certification of Funding Obligation Compliance Form that outlines the obligation of 100% of the IJA Initial Grant Funding by September 30, 2023, which concludes the first federal year of the Initial Grant.

As of September 18, 2023, a total of 82 wells have been plugged and steady progress continues on the plugging of the remaining orphan and abandoned wells that are included in this Initial Grant.

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.

On Friday, June 23, the Department received a copy of the edits to the draft final Formula Grant guidance along with a draft FAQ document from the Interstate Oil and Gas Compact Commission (IOGCC). On July 10, the U.S. Department of Interior issued a press release that announced the availability of nearly \$660 million to 26 states for the plugging of orphan and abandoned wells. <https://www.doi.gov/pressreleases/biden-harris-administration-invests-660-million-states-plug-orphaned-oil-and-gas-wells> Pennsylvania will be awarded \$76,406,474 in this first phase and will receive a total of \$305,625,896 over the remaining phases of the Formula Grant. Eligible states may submit their applications by December 31, 2023. The program is working with Fiscal Management to prepare and assemble the necessary documents to submit the Formula Grant application. Since the Department of Energy recently announced the availability of applications the Methane Emission Reduction Program with an aggressive application deadline; therefore, the oil and gas Program has turned its immediate attention to completing this application.

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.

Inflation Reduction Act (IRA) - Methane Emissions Reduction Program (MERP)

On Wednesday, August 30, the U.S. Department of Energy (DOE) announced the availability of up to \$350 million nationwide in formula grant funding to help monitor and reduce methane emissions from the oil and gas sector and for environmental restoration of well sites. The goal of MERP is to help oil and gas well owners, and operators of applicable facilities, voluntarily and permanently reduce methane emissions from leaks and daily operations of low-producing conventional wells on non-federal lands. Based on the federal MERP grant formula, Pennsylvania's allocation is \$33,675,097 which is the third highest behind Texas and Kansas. The original deadline for states to apply for this funding was to be September 30, 2023; however, the Department of Energy announced that the deadline has been extended to October 10, 2023. The Office of Oil and Gas Management is working diligently to prepare applications materials in order to meet this deadline.

Radiation Protection

Radiation Protection Advisory Committee Meeting

The next Radiation Protection Advisory Committee (RPAC) meeting *was on* October 19, 2023. Participants *were* able to join in-person or remotely. The meeting *was* held at the Rachel Carson State Office Building, 14th Floor Conference Room, at 9 a.m. The Committee met to discuss Bureau updates and review reportable radiation events. The Committee also heard nominations of new members from their nominating bodies.

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 *first* quarter of 2024.

Solid Waste Advisory Committee (SWAC)

The *final* regular SWAC meeting of 2023 was held on October 19, 2023. The meeting was held jointly with the annual RFAC meeting. The Committee heard presentations on three BWM Technical Guidance Documents and the Interim Final Environmental Justice Policy. Additional information is available on the [SWAC website](#). The Committee's 2024 meeting dates are being determined.

Recycling Fund Advisory Committee (RFAC)

The 2023 annual RFAC meeting was held on October 19, 2023. The meeting was held jointly with SWAC. The Committee heard presentations on the Food Recovery Infrastructure Grant (FRIG) Program and FY 22-23 Recycling Fund expenditures. The Committee also approved the proposed FY 24-25 spending plan for the Recycling Fund. Additional information is available on the [SWAC website](#). The Committee's 2024 meeting date is being determined.

Water Programs

Water Programs Rulemakings

Dunbar Creek et al. Stream Redesignations

Section 303(c)(1) of the Federal Clean Water Act (33 U.S.C. § 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. The complete administrative record was submitted to EPA on September 7, 2023 for consideration and approval in accordance with 40 CFR §§ 131.6 and 131.20. EPA has 60 days to approve or 90 days to disapprove the regulation. The final regulations are codified in Chapter 93 of the Pennsylvania Code. The updated chapter is available at [25 Pa. Code Chapter 93](#).

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, YCSWRA'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 was presented to and approved by Environmental Quality Board on July 11, 2023. On August 21, 2023, a tolling memo was received from the Office of Attorney General. On September 13, 2023, DEP staff and counsel submitted a response to the Office of Attorney General's tolling memo. The proposed rulemaking will be published in the *Pennsylvania Bulletin* on November 4, 2023, which will initiate a 45-day public comment period *closing on December 19, 2023. A public hearing is scheduled for December 5, 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 was presented to and approved by Environmental Quality Board on July 11, 2023. The proposed rulemaking *was published in the Pennsylvania Bulletin on October 7, 2023, opening the 45-day public comment period, which will end on November 21, 2023. A public hearing is scheduled for November 14, 2023.*

NPDES Schedules of Compliance

This rulemaking amended § 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. *The administrative record was 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.*

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

DEP's Bureau of Waterways Engineering and Wetlands (BWEW) has published this final [Technical Guidance Document \(TGD\)](#) on its website. Notice of Availability of the TGD was published in the Pennsylvania Bulletin on August 5, 2023 at [53 Pa.B. 4501](#). 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.

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.

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 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 applied 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 submitted the application on behalf of PENNVEST by July 1, 2023. Public notice of the intent to apply included a public comment period. DEP was awarded the DWSRF grants for an approximate total of \$275 million which includes the state match funds. *Similarly, DEP was awarded the CWSRF grants for an approximate total of \$134 million which includes the state match funds.*

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 IJJA/BIL

On May 2, 2022, EPA announced the allocation of \$40 million in first-year funds from the IJJA at an event in Baltimore. The funding includes the \$15 million allocation to jurisdictions for the Most Effective Basins (MEB) as well as funding through the National Fish and Wildlife Foundation’s Small Watershed Grants (SWG) and Innovative Nutrient and Sediment Reductions (INSR) grants program. *To date, the IJJA funding that would be directed through the SWG/INSR has not been awarded; EPA published a Request for Application (RFA) on July 31, 2023 with the intent to award the IJJA funds for SWG/INSR administration in January 2024.*

On March 13, 2023, EPA provided the Pennsylvania agency-specific allocations, beginning October 1, 2023. Including all Chesapeake Bay federal grants, DEP *received* more than \$13 million, of which more than \$5 million will be IJJA money. DEP *worked* with EPA to review the draft grant guidelines and identify procurement requirements associated with IJJA 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. On August 30, 2023, DEP received our FY2023 IJJA funding allocation.

The 2024 Community Clean Water Coordinator (CCWC) and CAP Implementation Block Grant round opened for counties to submit their project proposals on September 29, 2023 and closed on October 31, 2023. Funding for this block grant program comes from the Environmental Stewardship Fund / Growing Greener and the EPA Chesapeake Bay MEB IJJA, Local Government Implementation, and Chesapeake Bay Implementation Grant (CBIG) MEB grant funds. Changes to this year’s round included a requirement to submit the estimated nutrient

and sediment reductions (in prior years this was voluntary) and a minimum threshold for funding of \$200,000. The reason for the mandatory submission of estimated nutrient and sediment reductions is due to requests from EPA to include these metrics in Pennsylvania's 2024-2025 Chesapeake Bay Milestone Commitments. These adjustments also allow for counties to proactively plan ahead to meet their CAP nutrient and sediment reduction goals with the knowledge of the minimum amount of funding that would be allocated to their county, if requested. Staff are reviewing the project proposals and allocation formulas with the intent to announce the awards in December 2023.

PAG-12 General Permit

On Saturday, September 16, 2023, DEP published notice in the Pennsylvania Bulletin of the final reissued PAG-12 National Pollutant Discharge Elimination System (NPDES) General Permit for Operation of Concentrated Animal Feeding Operations (CAFOs). DEP worked closely with the Department's Agricultural Advisory Board and EPA toward the reissuance of the PAG-12. On September 15, 2023, a letter was sent to CAFOs operating under the currently administratively extended General Permit, notifying them of the renewal and the deadline of December 31, 2023 to submit their Notice of Intent (NOI) and annual report. The permit documents are available on DEP's eLibrary, [here](#).

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 8 meetings was held between November 2022 and March 2023 and DEP received a significant amount of feedback on the next version of PAG-13. DEP also received recommendations from EPA Region 3 via a letter dated February 28, 2023. DEP has prepared preliminary draft PAG-13 documents which are under internal review.

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) 2023 EPA Section 319 NPS Management Grant awards were [announced](#) on October 19, 2023.

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](#). *The draft FFY 2024 workplans and budgets will be submitted by DEP to EPA by the November 30, 2023 deadline for EPA review.*

In order to meet the requirements of the federal Section 319 grant program, EPA requires that the states develop and implement their five-year Nonpoint Source Management Program Plan (NPS Management Plan) and submit annual reports regarding the status of implementation of those statewide plans. Pennsylvania's current NPS Management Plan includes six goals with multiple objectives and strategies tied to each goal, which is reported on every year and published to the DEP Nonpoint Source [webpage](#). DEP has worked with other state and federal agencies and programs to draft an update to the current [2019 NPS Management Plan](#). The draft 2024-2029 NPS Management Plan will be submitted to EPA for their review in November 2023, in accordance with the EPA Action Plan required deadlines. For the 2024-2029 draft NPS Management Plan,

DEP has included an addition of a seventh goal focused on climate change and Environmental Justice (EJ). Also included in the draft 2024-2029 NPS Management Plan is the incorporation of recommendations from EPA's 2020 Midpoint Assessment of DEP's Nonpoint Source Management Program. EPA will conduct their review and provide feedback and comments to DEP to consider and address prior to submission of the final 2024-2029 NPS Management Plan.

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](#). *The 2023 Growing Greener Plus Grants awards package is undergoing internal review with the goal to announce awards in December 2023.*

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 *second* round of meetings for 2023 was successfully completed this *October* 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 September 13, 2023 members of the Water Use and Planning Section delivered a presentation to the Western PA Source Water Protection Conference. An additional presentation to the Pennsylvania Environmental Council's Watershed Conference was delivered on October 30, 2023. Both these opportunities could potentially yield new members for State Water Plan committees.* 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). Up to date information on current committee membership and vacancies can be found [here](#).

The next round of meetings will take place in *April of 2024*. In accordance with Act 220 of 2002's requirements, a new update will be needed in 2027.

Public Water System Technical Assistance Center (PWS-TAC) Board Meeting

The meeting of the Public Water System Technical Assistance Center (PWS TAC) Board *was held on* Thursday, October 26, 2023. The meeting *was held* in Room 105 of the Rachel Carson State Office Building. The agenda and meeting materials *were* posted to the [PWS-TAC Board](#) website two weeks prior to the meeting date.

The PWS TAC Board provides direction and advice to DEP on water system technical and management assistance programs; and to comment on policies, guidance and regulations as they may affect all public water systems, with an emphasis on the unique effects on small public water systems.

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.

November	
1	State Board for Certification of Sewage Enforcement Officers Meeting, 10:00 a.m.
1	Aggregate Advisory Board (AggAB) Meeting, 10:00 a.m.
9	Cleanup Standards Scientific Advisory Board (CSSAB) Meeting. 9:30 a.m.
9	Mining and Reclamation Advisory Board (MRAB), 10:00 a.m.
13	Pennsylvania Energy Development Authority (PEDA), 10:30 a.m.
14	Environmental Justice Advisory Board (EJAB) Meeting, 9:00 a.m.
14	Citizens Advisory Council (CAC) Meeting, 12:30 p.m.
16	Water Resources Advisory Committee (WRAC) Meeting, 9:30 a.m.
16	Environmental Justice Public Comment Meeting on the EJ Policy Update, 12:00 p.m., Virtual
28	Environmental Justice Public Comment Meeting on the EJ Policy Update, 6:00 p.m., Washington, PA (Southwest)
30	Environmental Justice Public Comment Meeting on the EJ Policy Update, 6:00 p.m., Allentown, PA (Northeast)
December	
6	State Board for Certification of Water and Wastewater System Operators Meeting, 10:00 a.m.
6	Driving Electric PA (DEPA) Coalition Meeting, 10:30 a.m.
7	Board of Coal Mine Safety (BCMS) Meeting, 10:00 a.m.
12	Environmental Quality Board (EQB) Meeting, 9:00 a.m.
13	Storage Tank Advisory Committee Meeting (STAC) Meeting
13	Agricultural Advisory Board (AgAB) Meeting, 9:00 a.m.
19	Climate Change Advisory Committee (CCAC) Meeting, 9:00 a.m.

This report was prepared by Max Schultz, DEP Policy Office, Deputy Policy Director for Energy Resources. For questions or requests, please email maxschultz@pa.gov.