



November 2024 Report to the Citizens Advisory Council
(New and updated information in italics)

Regulatory Update (Detailed summaries included in respective program sections)

- Please refer to the [DEP Rolling Regulatory Agenda](#) for the full Regulatory Update.
- Proposed Rulemaking – Water Quality Standards; Class A Stream Redesignations (#7-583): The Environmental Quality Board (EQB) adopted the proposed regulation on September 10, 2024.
- Proposed Rulemaking – Administration of the Land Recycling Program (#7-575): The draft proposed regulation was discussed with the Cleanup Standards Scientific Advisory Board on October 10, 2022, January 23, 2023, and May 31, 2023. The Environmental Quality Board (EQB) adopted the proposed regulation on March 12, 2024. The proposed regulation was published in the Pennsylvania Bulletin on July 13, 2024, for a 60-day public comment period that closed on September 11, 2024. Public hearings were held on August 19, August 27, and September 4, 2024. *IRRC's comments were received on October 11, 2024.*
- Draft Final Rulemaking – Triennial Review of Water Quality Standards (#7-577): The draft proposed regulation was discussed with the Water Resources Advisory Committee (WRAC) on May 19 and November 17, 2022, and the Agricultural Advisory Board (AAB) on December 8, 2022. The 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 closed on November 21, 2023. A virtual public hearing was held on November 14, 2023. The draft final annex was presented to AAB on April 17, 2024, and WRAC on May 16, 2024.
- Draft Final Rulemaking – Water Quality Standards – Site-Specific Water Quality Criteria (#7-571): The draft proposed regulation was discussed with the AAB on March 15, 2023, and WRAC on March 16, 2023. The EQB adopted the proposed regulation on July 11, 2023. The proposed regulation was published in the Pennsylvania Bulletin on November 4, 2023, for a 45-day public comment period that closed on December 19, 2023. A virtual public hearing was held on December 5, 2023. The draft final annex was presented to WRAC on May 16, 2024 and discussed with the AAB on June 18, 2024.

Public Comment Periods

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

Proposals Open for Public Comment

- *Proposed General Plan Approval and/or General Operating Permit for Gaseous Fuel-Fired Spark Ignition Internal Combustion Engines (BAQ-GPA/GP-16) (opened 10/12/2024, closes 11/25/2024)*
- *2024 Fiscal Year Report for the Reclamation Fee O&M Trust Account (opened 10/5/2024, closes 11/4/2024)*
- *Proposed SIP Revision: Second Maintenance Plan for the Harrisburg/York Nonattainment Area for the 2006 PM_{2.5} National Ambient Air Quality Standard (opened 9/28/2024, closes 11/1/2024)*

Recently Closed Comment Periods

- *Pennsylvania's 2024 Annual Ambient Air Monitoring Network Plan (opened 9/14/2024, closed 10/21/2024)*
- *Draft 2024 Pennsylvania Great Lakes Water Management Program Five-Year Report (2019-2024) (opened 9/14/2024, closed 10/14/2024)*
- *Environmental Assessments for PENNVEST Funding – October 2024 (opened 9/14/2024, closed 10/14/2024)*
- Federal Consistency under the Coastal Zone Management Act; Lampe Marina Floating Dock System Replacement (opened 9/14/2024, closed 9/29/2024)
- Draft Safe Drinking Water General Permit for Community Water System Finished Water Storage Tank Painting (opened 8/31/2024, closed 9/30/2024)
- Federal Consistency under the Coastal Zone Management Act; Neill Drive Pumping Station Stream and Infrastructure Protection (opened 8/24/2024, closed 9/9/2024)
- Proposed Rulemaking: Administration of the Land Recycling Program (#7-575) (opened 7/13/2024, closed 9/11/2024)

Communications Monthly Press Releases

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

Press Releases Issued

September 23 – DEP Responds to Ongoing Sewage Release in Susquehanna River Near Selinsgrove

September 24 – DEP: Temporary Repair Halts Sewage Release Impacting Susquehanna River near Selinsgrove

October 2 – Shapiro Administration Launches New Program in Pennsylvania to Plug Orphan Oil and Gas Wells, Creating Jobs and Cutting Methane Emissions in the Commonwealth

October 4 – Shapiro Administration Announces New Grant Opportunities to Fight Hunger and Prevent Food Waste

October 7 – Shapiro Administration Kicks Off Sustainability Week, Signs Energy Savings Act Contract to Reduce Energy Costs for Taxpayers

October 11 – Shapiro Administration Seeks Feedback on New Programs to Help Lower Utility Bills and Reduce Pollution

October 16 – Shapiro Administration Awards \$3.4 Million for Stream and Watershed Restoration Projects

October 16 – Shapiro Administration Secures \$1.62 Million Payment for Pollution in Early 1900s and Directs Funds to Benefit Washington County Community

October 17 – DEP to Host Public Hearing on Title V Permit Renewal for Carbon County Energy Facility

October 17 – DEP to Host Public Meeting and Hearing for Keystone Cement Hazardous Waste Permit Renewal in Northampton County

October 20 – DEP Declares Code Orange Air Quality Action Day for Fine Particulate Matter for Monday, October 21, 2024, in the Liberty-Clairton Area of Allegheny County

October 21 – DEP Has Reduced Permit Backlog by 67% Under Governor Shapiro

October 22 – Shapiro Administration Plugs Orphan Gas Well That Contaminated Family’s Water

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. The final report was completed and is being routed for public release. After the 6th report is released, the online data will be updated to include 2023 information to the present.

Final-Omitted Rulemaking: Blast Site Clarification for Noncoal Mining Operations

The Bureau of Mining Programs, in conjunction with District Mining operations, has developed a final-omitted rulemaking to correct an inconsistency between two chapters of the Office of Active and Abandoned Mining’s regulations by changing one use of the term “blast area” to “blast site” in § 77.564(g)(7). The correction will ensure that the language used in Chapter 77 is consistent with the definitions of both terms in the Department’s regulations on storage, handling, and use of explosives in Chapter 211. The rulemaking package is anticipated to be presented to the EQB in the fourth quarter of 2024.

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

On April 5, the first of three rounds of the 2024 AML/AMD Grant Program ([AML/AMD Grant Program \(pa.gov\)](#)) closed in which 10 applications are under review. Scoring reviews are complete and once approved by the Governor’s Office, the result of the first round will be announced in a future PA-DEP Press Release that is yet to be determined. The second round closed on July 19 in which 17 applications are now under review. The summary application of all three rounds of the 2024 AML/AMD Grant Program are:

2024 Application Round 1 – February 19, 2024 through 11:59 p.m. April 5, 2024

2024 Application Round 2 – June 3, 2024 through 11.59 p.m. July 19, 2024

2024 Application Round 3 – September 23, 2024 through 11:59 p.m. November 8, 2024

On September 26, Pennsylvania applied for the Fiscal Year (FY) 2024 BIL grant for up to \$245,082,772.30. Pennsylvania has already applied for and received the FY 2022 and FY 2023 BIL grants that total \$489.6 million.

Air Quality

Regulatory State Implementation Plan (SIP) Revisions

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.

The Department 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 proposed approval on June 28, 2024, and the comment period ended on July 29. *EPA issued final approval of the SIP on October 1, 2024.*

Reasonably Available Control Technology (RACT II)

On March 14, 2024, the Department issued Title V Permits for Conemaugh, Keystone, and Montour Stations incorporating EPA's FIP limits. SIP revisions incorporating these permits were submitted to EPA on April 10, 2024. On July 10, 2024, EPA proposed approving Pennsylvania's SIP revisions and issued an interim final determination that the SIP revisions satisfy RACT requirements under the CAA and stay the emission offset and highway funding sanctions. The public comment period for these actions closed on August 9.

Reasonably Available Control Technology (RACT III)

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. However, 25 Pa. Code §129.115(c) (relating to written notification, compliance demonstration and recordkeeping and reporting requirements), was not included in the SIP revision due to administrative and mathematical errors in the mass-equivalent basis factors. To correct these errors and a cross reference error in 129.115(d), the Department has drafted revised language which it presented to the *Air Quality Technical Advisory Committee* (AQTAC) and the CAC on April 4 and May 14, 2024, respectively. The Department anticipates presenting the proposed rulemaking to the EQB in the fourth quarter of 2024.

Air Quality regional staff reviewed 62 of 63 RACT II equals RACT III determinations and 18 of 94 case-by-case RACT determinations received from major sources of NO_x and VOC. A public comment period and hearing is being offered for each of these permitting actions. DEP will be submitting 57 RACT II equals RACT III determinations to EPA in the near future.

State Plans and Delegation of Federal Plans

Historically, the Department has submitted State Plans and requests for delegation of Federal Plans to the EPA citing 25 Pa. Code § 122.3 (relating to adoption of standards). These State Plans and requests for delegation were approved by the EPA and codified in 40 CFR Part 62, Subpart NN. However, EPA recently indicated that the Department's request submitted on February 3, 2022, for delegation of the Federal Plan established in 40 CFR Part 62, Subpart OOO, for Municipal Solid Waste Landfills cannot be approved because § 122.3 does not explicitly include the adoption and incorporation by reference of Federal Plans established in 40 CFR Part 62. To correct this the Department has drafted revised language which it presented to AQTAC and the CAC on April 4 and May 14, 2024, respectively. *The Department anticipates presenting the proposed rulemaking to the EQB in the first quarter of 2025.*

Non-Regulatory SIP Revisions

2010 Sulfur Dioxide (SO₂) National Ambient Air Quality Standards (NAAQS) Redesignation

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 Department reviewed the technical support document accompanying the 120-Day Letter and responded with comments on June 22, 2023.

On February 7, 2024, EPA proposed creating a new 2010 SO₂ NAAQS non-attainment area, specifically Lower Yoder Township (Cambria County); St Clair Township, Seward Borough (Westmoreland County), and New Florence Borough (Westmoreland County). The official notice was published on February 12, 2024, announcing a 45-day comment period. 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 July 30, 2024, EPA approved Pennsylvania, Delaware, Maryland, and New Jersey's request to voluntarily reclassify the multistate Philadelphia Area from moderate to serious for the 2015 ozone standard. The reclassification avoids an EPA finding of failure to attain the 2015 ozone standard, disapproval of DEP's September 2023 attainment demonstration and a sanction clock. The serious nonattainment area SIP revision will be due to EPA by January 1, 2026, with a new attainment date of August 3, 2027.

Beaver SO₂ Redesignation Request and Maintenance Plan

On May 18, 2024, DEP opened the public comment period for the Beaver Redesignation Request and Maintenance Plan for the 2010 SO₂ NAAQS. The public comment period closed on June 21, 2024. A public hearing to receive comments was held on June 18, 2024 at the DEP Southwest Regional Office. The Redesignation Request and Maintenance Plan was submitted to EPA on August 15, 2024.

Harrisburg/York PM 2.5 Air Quality Maintenance Plan

On September 28, 2024, DEP opened the public comment period for the Harrisburg/York Air Quality Maintenance Plan for the 2006 PM_{2.5} NAAQS. The Department will provide the opportunity for a public hearing on October 30, 2024, at Rachel Carson State Office Building. The public comment period will end on November 1, 2024.

PM_{2.5} NAAQS

On February 7, 2024, EPA lowered the annual National Ambient Air Quality Standards for Fine Particulate Matter (PM_{2.5} NAAQS) from 12.0 to 9.0 micrograms per cubic meter (µg/m³). EPA identified seven Pennsylvania counties in non-attainment based on 2020-2022 air quality monitoring data. DEP will evaluate this along with more recent data and will be submitting its designation recommendations during the first quarter of 2025.

2008 Ozone NAAQS VOC RACT

On August 13, 2018, DEP submitted to EPA two SIP revisions to satisfy certain RACT requirements for sources of VOC emissions required for the 2008 8-hour ozone NAAQS. On December 14, 2020, EPA published a full approval of the SIP submittals. The approval was challenged in the Third Circuit U.S. Court of Appeals and on September 3, 2021, the court granted EPA's request for remand without vacatur of the Agency's final full approval. After reconsideration, EPA proposed on May 17, 2024, to partially approve and partially disapprove the August 13, 2018, SIP submittals. EPA proposed disapproval of the SIP submittals related to *Control Technique Guidelines* (CTGs) and control of VOC emissions from industrial cleaning solvents. DEP submitted comments on June 13, 2024. On August 16, 2024, EPA finalized their partial approval/disapproval. *DEP is working with EPA to address the deficiencies.*

Emissions Guidelines for Greenhouse Gas Emissions from Existing Crude Oil & Natural Gas Facilities (40 CFR Part 60 Subpart OOOOc)

On March 6, 2024 the EPA published their final rule for Standards of Performance for New, Reconstructed, and Modified Sources (OOOOb) and Emissions Guidelines (EGs) for Existing Sources (OOOOc): Oil and Natural Gas Sector Climate Review. Upon publication in the Federal Register, the New Source Performance Standards (OOOOb) are incorporated by reference and enforceable in Pennsylvania. The Bureau of Air

Quality is developing a State Plan for the EGs (OOOOC) based on the presumptive standards, which was discussed with the Air Quality Technical Advisory Committee on October 10, 2024 and the Small Business Compliance Advisory Committee on October 23, 2024.

Air Quality Technical Advisory Committee

The Air Quality Technical Advisory Committee met on October 10, 2024 and voted to reconfirm the chair and vice chair, received a presentation on the implementation of 40 CFR Part 60 Subpart OOOOC - Emissions Guidelines for Greenhouse Gas Emissions from Existing Crude Oil & Natural Gas Facilities, and discussed SP-005 for natural gas testing and the SPEED program. BAQ staff reported on rulemakings and SIP revisions. The next scheduled meeting is February 6, 2025.

Small Business Compliance Advisory Committee

The Small Business Compliance Advisory Committee met on October 23, 2024. The members heard reports on the Environmental Management Assistance Program and the Small Business Ombudsman. BAQ staff presented on the implementation of 40 CFR Part 60 Subpart OOOOC - Emissions Guidelines for Greenhouse Gas Emissions from Existing Crude Oil & Natural Gas Facilities, and discussed the development of a standard protocol for small boilers under General Permit 1 and the SPEED program. The next scheduled meeting is February 26, 2025.

Energy Programs Office

Transportation

Alternative Fuel Incentive Grant (AFIG)

The AFIG Program offers grant funding for clean, alternative fuel projects in Pennsylvania and investment in Pennsylvania's energy sector. Approximately \$5 million in grants is available for school districts, municipal authorities, political subdivisions, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in the commonwealth.

The 2024 Alternative Fuels Incentive Grant Program (AFIG) opened on Tuesday, May 7, 2024. \$5 million in grant funding is available to school districts, municipalities, nonprofit organizations, and businesses in Pennsylvania that want to transition to cleaner fuel transportation. The first application acceptance period ended on June 28, 2024. A total of 31 applications requesting \$4.4 million in funding were received. *Recommendations for funding have been developed and are in the process of being submitted for executive staff review.* AFIG is accepting applications on the Electronic Single Application (ESA) system for the second round of funding, which will close at 11:59 PM on December 20, 2024.

The Alternative Fuel Vehicle Rebate program is going strong as expected. Between July 1, 2023 and August 31, 2024, the program issued 859 rebates totaling \$1,931,500. 259 of the 859 rebates were claimed by qualifying low-income residents.

The program was renewed under new guidelines beginning September 6, 2024. Rebates are available to Pennsylvania residents whose annual household income is no more than 300 percent above the federal income poverty level. The base rebate amount for a full battery electric vehicle has been increased from \$2,000 to \$3,000. Residents whose annual household income is no more than 150 percent above the federal income poverty level are eligible to receive an additional \$1,000. The purchase price cap for an eligible vehicle has been lowered from \$50,000 to \$45,000. \$1.5 million has been programmatically dedicated to the program for the 2024-2025 Program Year. *Since the program has reopened under the new guidelines, a total of 55 rebates for \$180,500 have been issued. Of these, 23 rebates were awarded the additional \$1,000 low-income bonus.*

Energy Security

State Energy Security Plan Updates/Supply and Price Monitoring.

Another governor's letter will be required in 2025 under Section 40108. *EPO is currently reviewing the State's Energy Security Plan for updates and edits to improve the plan for the 2025 version. The next version of the plan will be submitted by September 30th, 2025.*

Monthly Fuels Sector Calls

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. Various State Agencies, including PUC, PennDOT, Agriculture, Revenue, and State Police, attend the meeting as well as PA private Fuel Sector stakeholders such as the state propane and petroleum associations, retailers and refineries. The group discussion is to identify any issues that could be problematic. The next meeting is scheduled for *November 8th, 2024.*

Statewide Microgrid Study

EPO, via contracting with Smart Electric Power Alliance (SEPA), initiated a statewide study to identify opportunities for deploying microgrids to increase the overall resilience for Pennsylvania. This project has several steps: (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 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. 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. In September, SEPA delivered an initial draft to EPO for staff review and comments. The final Statewide Microgrid Study will be published in *November 2024.*

Climate Change

PA Climate Network

The PA Climate Change Mitigation and Resiliency Network was established through a multi-agency MOU. The network has been formed to continue to deliver climate training to professionals within state government as well as other sectors and industries (academia, private, non-profit). 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-departments/department-of-general-services/green-gov/pennsylvania-climate-change-mitigation-and-resilience-network). The network also seeks 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 PA Climate Network has created a calendar of events for the remainder of 2024 which has been distributed to all the Network Members. The most recent event was the September 17th webinar on Guaranteed Energy Savings Agreements (GESAs). It was a guide for local governments on how GESAs can serve as a useful financial tool to achieve energy efficiency and cost savings projects. Engineers from the firms of Wilson Engineering Services and Wallace Montgomery presented on the general aspects of GESAs and provided details on case studies such as the streetlight replacement to LEDs project completed by the City of Harrisburg in 2015. The recording of this webinar as well as the prior climate network webinar on the Mid-Atlantic Clean Hydrogen Hub can be found on the PA Climate Network webpage listed above.

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. A contract has been awarded to Wilson Engineering Services, which will serve as the Shared Energy Manager for the DEP Energy Programs Office's local government participants. The programs will run from 2024-2027, with 20 participants per cohort for a total of 80 participants over 4 years. One of the original 20 participants (Millvale) has withdrawn from the program due to lack of capacity to participate, however Cumberland County extended the program to 4 municipalities within the county: Hampden Township, North Newton Township, New Cumberland Borough, and Dickinson Township bringing the participant total to 23 for the 2024 program year.

Many of the projects being developed through the Shared Energy Manager program are entering final *in the final quarter of 2024. At this point in the program the Engineers at Wilson have achieved several benchmarks in energy and cost savings for the participating local governments. The energy managers have identified nearly 2 million dollars (\$1,991,648) in energy savings for the local government cohort to-date with two months left to go in the program. Out of that total, \$1,272,074 was identified for environmental justice communities. In addition to these potential cost savings over 20 million (20,288,378) kilowatt-hours in energy savings have been identified along with 8,946 MTCO_{2e} in greenhouse gas emission reductions. Finally, \$17,239,595 of grant/incentive funding has been identified for and/or applied for by the local government cohort.*

Climate Change Advisory Committee

The *last* CCAC meeting was held Tuesday, October 22, 2024, in Room 105 of the Rachel Carson State Office Building, and via Microsoft Teams. DEP *provided* updates on public engagement and development of the Commonwealth's Comprehensive Climate Action Plan (or CAP+) that is a required deliverable under DEP's Climate Pollution Reduction Grant. *Energy Programs Office staff also provided updates on other Bipartisan Infrastructure Law and Inflation Reduction Act-funded activities including US Department of Energy's Renewable Energy Siting through Technical Engagement and Planning (R-STEP) Program, Industrial Energy Assessment Program, and Pennsylvania Grid Resilience Grants. Louie Krak, Infrastructure Coordinator from the Governor's Office of Critical Investments also provided a presentation on the Inflation Reduction Act-funded Reducing Industrial Sector Emissions in Pennsylvania (RISE PA) grant program. A copy of all presentation and other meeting materials are available on the [CCAC webpage](#).*

Renewable Energy

Grid-Scale Solar Development Outreach and Technical Assistance for Local Government Officials: The Energy Programs Office (EPO) in partnership with the Pennsylvania State Association of Township Supervisors (PSATS) launched Phase IV of outreach and technical assistance support to local government officials regarding grid-scale solar development across the Commonwealth on July 1. *The fifth of six planned sessions was conducted in Luzerne County on October 25. Previous sessions in this phase took place in Bedford, Lebanon, Indiana, and Perry Counties.* Continuing work that was initiated in January 2023, sessions have 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 25 to 35 local government officials representing roles such as township supervisors, land use planners, consulting engineers, and solicitors. In addition to conducting these sessions, the PSATS team has provided follow-up one-on-one technical assistance

to over 160 local government officials since the project started in January 2023. PSATS' outreach is being funded through DEP's State Energy Program funds from DOE.

Renewable Energy Siting through Technical Engagement and Planning (R-STEP): On September 10, the Energy Programs Office (EPO) was awarded \$1.96M by the U.S. Department of Energy Office of Energy Efficiency and Renewable Energy (EERE) for the Renewable Energy Siting through Technical Engagement and Planning (R-STEP) Program. Program kick-off meetings commenced with EERE in *October* and the program is currently in the design phase. R-STEP expands and enhances existing service offerings provided by EPO and PSATS through the Grid-Scale Solar Development Outreach and Technical Assistance for Local Government Officials program and includes considerations for additional renewable energy technologies such as wind and storage. The project also includes resources to engage and educate community members where projects are proposed. The program goal is to make local officials and community members aware of challenges and opportunities associated with renewable energy development and provide access to fact-based and well-researched resources to inform decision making. The project team includes EPO, the Pennsylvania State Association of Township Supervisors (PSATS), the Penn State Extension Energy Team, and the Penn State Center for Energy Law and Policy (CELP).

Energy Efficiency

Municipal Opportunities for Retrofits and Energy Efficiency (MORE) Program

Using funds from the Energy Efficiency and Conservation Block Grant (EECBG) as well as the Energy Efficiency Revolving Loan Fund, EPO launched the MORE Program. The MORE Program is a grant and loan program to help make energy efficiency affordable for local Pennsylvania governments who did not directly receive EECBG grants from the Department of Energy.

The purpose of the MORE Grant is a \$1.8 million first come, first served grant opportunity to reduce the financial barriers for local governments to secure affordable financing and accomplish larger energy efficiency upgrades. MORE Grant applicants can apply for up to \$50,000 to be used toward the cost of level 2 commercial energy audits, Energy Conservation Measure (ECM) project design & MORE Loan application development, and interest rate buydown on a MORE Loan. This grant opened June 3 and *has been extended to close December 6, 2024*, or until funds run out.

The MORE Loan will allow local governments to pay for energy efficiency upgrades, retrofits, and renewable energy installations (when paired with energy efficiency). MORE Loans require a level 2 commercial energy audit and energy efficiency project design which must address the ECMs from that audit. Loan terms can be as long as 15 years or the end of the project's useful life, whichever comes first. With interest rate buydown, borrowers could potentially have an interest rate as low as 0%.

Keystone Energy Efficiency Program (KEEP): The KEEP Home Energy Loan opened April 8, 2024. It's a \$10 million residential revolving loan fund for energy efficiency updates administered by the National Energy Improvement Fund (NEIF). Loans can range from \$2,500 - \$25,000, depending on credit score and must be performed by NEIF-approved contractors. Qualifying improvements must be Energy Star certified. To date, the program has lent approximately *\$678,000 to borrowers on 64 projects* for upgrades to heating, cooling, window improvement, and insulation. *NEIF and EPO are seeking new ways to garner use of this program among Pennsylvania residents and discussing new marketing campaigns.*

Inflation Reduction Act (IRA)-Home Energy Rebates: EPO is developing two programs within the Inflation Reduction Act Home Energy Rebates, *Section 50121* Home Efficiency Rebate Program (HER) and *Section 50122* Home Electrification Rebates Program (HEAR). The HEAR Program will provide point-of-sale consumer discounts to enable households across America to electrify their homes. These point-of-sale rebates

are immediate, off-the-top discount when making qualifying electrification purchases. *HER will encourage performance-based residential energy efficiency retrofits for affordable multi-family housing. These programs offer rebates to households earning 150% AMI or less (with higher rebates for households earning less than 80% AMI) -- this will ensure that Pennsylvanians with the highest energy burdens can afford decarbonization upgrades.*

The EPO selected Resource Innovations (RI) for their HEAR designer and implementer in August. EPO selected Guidehouse Inc. to provide assistance with the HER application and to conduct a market analysis in August. In late summer, EPO, RI, and Guidehouse Inc., began a DOE cohort to assist in the development of the HEAR and HER applications. The EPO submitted these applications to the Department of Energy (DOE) in mid-October. Throughout October, 5 public engagement sessions were held in Shamokin, Pottstown, Pittsburgh, Philadelphia, and online. These engagement sessions helped the EPO design the Blueprint Implementation Plan for HEAR, which was submitted to DOE in mid-November. EPO continues to develop an RFP to select the HER program implementer. The goal is to launch HEAR in Q1 of 2025 and HER in Q3 of 2025.

Industrial Energy Assessment Program (SEP-BIL funded): An RFP for an industrial energy assessment program contractor was issued by EPO in April and closed in May 2024. A Purchase Order was issued to the Cadmus Group LLC (Cadmus) on September 3, 2024. *Bi-weekly calls are held with Cadmus tracking project status. Cadmus will be developing an application process for manufacturing facilities, marketing the program statewide, conducting Level II ASHRAE energy audits of selected facilities, conducting follow-up surveys at facilities to gauge energy efficiency project implementation, and developing success stories for EPO. Cadmus' partners include EMC Insights, Energy Infrastructure Partners LLC, Lehigh University Industrial Assessment Center (IAC), the Pennsylvania State University's Mid-Atlantic/New Jersey On-Site Technical Assistance Partnership, and InClime. The goal of the program is to provide energy assessments for up to 200 small to mid-sized manufacturers, with a focus on facilities located in EJ areas or diverse-owned businesses. The goal is to open the program to applications by the end of 2024.*

Energy Miscellaneous

Clean Energy Opportunity Spotlight (CEOS) Series: EPO in partnership with the Policy Office *continues to host the CEOS Series, which aims to connect participants with resources and information about an array of funding and technical assistance programs designed to help Pennsylvania's homes, businesses, and non-profits thrive in a diversified, affordable clean energy future. Recent sessions covered the Alternative Fuel Vehicle Rebate for consumers, an overview of low-income assistance programs available through the PA Public Utility Commission and a second session with Department of Community and Economic Development, and an introduction to Direct Pay tax incentives with the Office of Critical Investments. In the first four months of the series, these Spotlights have consistently drawn in PA residents, municipal officials, and members of non-profit organizations. EPO continues to conduct follow up with participants to connect them with energy funding and assistance to meet their needs. The series will take a brief hiatus starting in late November and will return after the new year.*

Comprehensive Energy Assessment: Meeting evolving energy needs of residents, businesses, and critical infrastructure while maintaining the commonwealth's positioning as a major player in the nation's energy sector requires a comprehensive and holistic understanding of how energy is produced, used, and distributed across Pennsylvania, what fuel sources are in play, and how these connections in the energy system influence energy choices, reliability, and costs. To understand Pennsylvania's current energy state and support meaningful planning for Pennsylvania's energy future, the Energy Programs Office (EPO) is seeking to hire a Contractor to produce a Comprehensive Energy Assessment (CEA) for the commonwealth that will cover Pennsylvania's energy infrastructure, resources, policy landscape, markets, affordability, and trends. *An initial Request for*

Proposals was published in September but did not receive any bids. The RFP was re-published hoping to attract bidders after additional outreach, and bids are currently being evaluated by procurement and program staff.

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

- **Inflation Reduction Act (IRA)-Home Energy Rebates** See Energy Efficiency section above for more information on Home Energy Rebates.
- ***Training for Residential Energy Contractors (TREC) Competitive Grant:*** *To support the implementation of the Home Energy Rebates programs, DOE extended the deadline for competitive funds under the TREC program for projects that provide new or improved training options for home contractors and students in building sciences. EPO has routed a Letter of Intent to apply for approval and plans to submit a complete application by the January 2025 deadline for a program to enhance and expand HVAC/R training options available through community and technical colleges in Pennsylvania.*
- **Solar for All:** The Solar for All program is providing 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, 2023, and DEP/PEDA applied October 6, 2023. DEP/PEDA was among the 60 awardees announced on April 22, 2024, receiving \$156,120,000 to develop a low-income solar program across PA. PEDA’s Solar for All application was submitted in coalition with the Philadelphia Green Capital Corporation (PGCC), the non-profit green bank affiliate of the Philadelphia Energy Authority. The program aims to take the experience and success of the Solarize Philly program and expand that across the state. The PA Solar for All program seeks to enable solar installations for 14,000 homeowners over a 5-year program period.

PEDA is working with PGCC and PFM consultants to plan the initial phase of the PA Solar for All program which will focus on single family homes in low income and disadvantaged communities. To enable installations in these areas, PEDA envisions launching a subsidized solar lease product across the state so homeowners can have access to an affordable monthly payment without upfront installation costs.

PEDA will submit its final workplan, timeline, and budget to EPA during the week of Oct. 21 after receiving EPA’s feedback on its draft submittal. The final draft workplan will enter a formal EPA review process that is expected to conclude at the end of 2024 with an amendment to our grant agreement.

Depending on several factors, some or all of the first year of the program may be used for planning purposes. After the EPA workplan process concludes at the end of the year PEDA will likely move to issue requests for proposals for financial partners and a program administrator. *However, legislative authorization will be needed before any of the \$156M award can be spent. The timing of this authorization will be a determining factor for PEDA to move from this planning stage and into implementation.*

- **Building Codes for Efficiency and Resilience:** In 2023 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. 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 an 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's project has struggled to hire assessors, underscoring the shortage of trained building energy code workforce members.* Both projects began work in January 2024. EPO's partner on the workforce project, the Clean Energy Center, has a parallel Weatherization Assistance Program project underway, *so pilot school training for Building Science Principles is underway with instructors across both projects through October and November.* RFQs will be released for technical college work and career mapping for work to get underway in late 2024.

- **The Pennsylvania Grid Resilience Grants (PA GRG) Program:** In September, The Department of Environmental Protection was awarded \$7,889,926 from the U.S. Department of Environmental Protection to execute round two of PA GRG. EPO staff are currently drafting program documents for the second program year. Applications will be made available to interested eligible entities *Fall/Winter 2024.*

The Pennsylvania Department of Environmental Protection (DEP) awarded more than \$15 million in grants to electric distribution companies to improve electric grid reliability and resilience through the 2024 Pennsylvania Grid Resilience Grants (PA GRG) funding. Over 57,000 Pennsylvanians in 18 mainly rural counties will experience significant improvements in their electric grid resilience and reliability through the projects selected to receive the first-round of awards. The work will be accomplished by energy sector job types including electronic and general technicians, systems and electrical engineers, linemen, journeymen, apprentices, etc. This first round of projects will result in:

- 20 substations receiving upgraded equipment and 16 receiving added smart grid sensors/monitors to add weatherization, capacity, and flexibility. Communities will also receive elevated equipment, underground cables, automation technologies, and added physical protections that will prevent outages.
- Over 200 pieces of cutting-edge smart grid equipment will be installed, providing protection and control via enhanced system monitoring to detect power outages, locate and isolate them to speed system restoration. These grid enhancements will reduce outage time in some areas from hours to seconds.
- Over 8,000 power line poles will be inspected and almost 3,000 miles of vegetation will be cleared to lessen the impacts of storms fueled by climate change.

The PA GRG Program is funded under the Infrastructure Investment and Jobs Act (IIJA) Grid Resilience State/Tribal Formula Grant Program.

- **Climate Pollution Reduction Grants (CPRG) - Implementation**

DEP received the finalized \$396,108,225 award from EPA for Reducing Industrial Sector Emissions in Pennsylvania (RISE PA). This concludes the three-month award negotiation process and allows DEP to begin drawing down on the funding to implement this statewide industrial decarbonization grant program. The goal of RISE PA is to offer grants for small-, medium-, and large-scale decarbonization projects to reduce greenhouse gas and co-pollutant emissions at industrial facilities. Eligible project types include the following: energy efficiency; electrification; process emissions reduction technologies; fuel-switching; on-site renewable energy generation; carbon capture, utilization, and storage (CCUS), and fugitive emissions reductions technologies. DEP can now move forward with creating and filling the positions to staff the RISE PA office as well as begin executing subaward agreements with the three project partners assisting with program implementation, which are the Pennsylvania Technical Assistance Program (PennTAP), Catalyst Connection, and Keystone Research Center. DEP is also finalizing the RISE PA program guidance document, which will contain the rules and requirements of

the program. The goal is to release the guidance in mid-November to provide potential applicants with a preview to help them begin formulating project ideas in advance of the application window opening in early 2025.

Environmental Education

DEP Environmental Education Grants Program

The DEP 2023 Environmental Education Grants program will conclude June 30, 2024. 66 projects remain active. Midterm Progress reports and requests for reimbursement have been processed.

Awardees are required to develop and submit for review and feedback an appropriate assessment/evaluation tool, designed to measure the audience's behavior change(s) as a result of participating in the funded environmental education project. The behavior change goals are unique to each project and may reflect increased awareness and/or knowledge, adoption an attitudinal change, and/or taking an action, either individually or collectively on behalf of the environment.

The 2024 Environmental Education Grants program application deadline was November 15, 2023. 107 applications reflecting 96 unique applicants were received. Projects requests reflect funding for Mini-Grants (up to \$5,000), General Grant Level I (up to \$30,000) and General Grants Level II (up to \$65,000).

105 eligible applications and required materials have been independently evaluated by 3 reviewers. A meeting with the Secretary has been scheduled for April 2 to discuss the evaluation results and a list of recommended and not recommended projects. Final recommendations will be forwarded to the Governor's Office for approval. Barring unforeseen circumstances, the 2024 EE Grant Program awards will be announced in Spring 2024.

Information about the DEP Environmental Education Grants Program, including the current EE Grants Program manual, is available at: [Environmental Education Grants Program](#). Questions should be directed to the DEP Environmental Education & Information Center (EEIC) at RA-epEEgrants@pa.gov.

RCSOB Peregrine Falcons

DEP is preparing for the 2024 Falcon season. Falcon activity can be observed by visiting the PA Falcon Cam at: <https://www.dep.pa.gov/Citizens/EnvironmentalEducation/PAFalcon/Pages/default.aspx>

Falcon Wire News posts provide general falcon information and reports on recent Falcon observations: <https://www.dep.pa.gov/Citizens/EnvironmentalEducation/PAFalcon/Pages/falconwire.aspx>

2024 Pennsylvania Association of Environmental Educators (PAEE) Annual Conference

The EEIC staff will attend the PAEE annual conference slated for March 17-19, 2024. The event will take place at the Pocono Environmental Education Center in Dingman's Ferry, PA. Many current Environmental Education awardees will be in attendance, sharing information about their DEP EE Grants funded projects.

2024 Ag Progress Days

The DEP has reserved its booth space in the Harrington Building for the 2024 Ag Progress Days slated August 13-15, 2024. The event will be held at PSU's Russell E. Larson Agricultural Research Center located in Pennsylvania Furnace.

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), 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, which DEP has had in place since 2004. The updated policy will include comments of a previous revision effort from 2017, and an extensive outreach on the draft policy received in 2022. The OEJ hosted 12 public meetings between September and November of 2023 and received over 740 public comments over the course of the process. *The final policy and comment response document are undergoing internal reviews.*

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 delay 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

The next EJAB meeting is scheduled for November 12 at 9am at the Rachel Carson State Office Building.

OEJ Initiatives

OEJ assisted the Office of Administration, DEP, other agencies, and federal agencies on identifying vendors who provide language services for PA Dutch. OEJ also shared best practices of using Microsoft Teams functions on having multiple interpreters, including American Sign Language (ASL) for virtual presentations. DEP is in the midst of updating its Language Access Plan and has identified a temporary/interim language coordinator to coordinate.

Spearheaded by OEJ's Special Deputy Secretary Fernando Treviño, the Beaver County Environmental Mitigation Community Fund (BCEMCF) has been finalized. BCEMCF Advisory Board reviewed 93 applications (totaling \$20,362,948.03) and recommended 21 projects, totaling \$4,755,353.60 for funding.

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. OEJ assisted the 902 Recycling Grant Program made available for municipalities by adding instructions on how to use the PennEnviroScreen tool to identify EJ areas as potential applicants answer EJ related questions. *OEJ is supporting the EPO in outreach to priority communities for their MORE Grant Program.*

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, 2023. This rulemaking package will continue to be advanced by the Department through the CDAC and the remaining steps of the regulatory development process.

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 Department allocated \$2.5 million to cover administrative costs associated with administering the Initial Grant as authorized in the federal grant agreement. 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 224 orphan and abandoned wells using \$22.5 million of the Initial Grant funding via two grant rounds. During the first round, DEP published five separate Invitations to Bid in the commonwealth’s electronic bid solicitation tool called “Bid Express” (www.bidexpress.com). The second round included eight additional Invitation to Bid Packages.

As of October 21, 2024, the Department has plugged all 81 orphan and abandoned wells in Round 1 and 134 of 143 orphan and abandoned wells in Round 2. The Department has plugged a total of 215 wells thus far using the IIJA Initial Grant funding and is expected to plug the remaining wells by the end of this calendar year.

IIJA Phase 1 Formula Grant

On July 10, 2023, the U.S. Department of Interior (DOI) 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 were required to submit their applications by December 31, 2023 and DEP met this milestone by submitting its application for Phase 1 of the Formula Grant on December 18, 2023.

The DEP Office of Oil and Gas Management was informed on August 19, 2024, that the U.S. Department of Interior approved Pennsylvania’s Phase 1 Formula Grant and the Governor’s Office announced the acceptance of the award via a Press Release on September 5, 2024.

Act 96/Act 136 of 2022 required DEP to establish the Orphan Oil and Gas Well Plugging Grant Program (OWPGP) and direct at least 20% of any funds awarded to Pennsylvania under IIJA to the OWPGP. Grants up to \$40,000 are available for wells 3,000 feet deep or less, and up to \$70,000 for wells greater than 3,000 feet deep. The applicant can request additional amounts, up to double the initial award, if they encounter “unusual technical conditions” while plugging the well. The grants will be available to qualified well pluggers to plug orphan wells, which are generally wells that were abandoned before April 1985.

The Department successfully launched the opening of this grant on October 9, 2024. To date, 25 applications have been received and 22 applications have been approved. One application was denied because the wells are not “DEP Orphan” as statutorily mandated. Final determination on the three remaining applications will be processed to meet the Act 96/136 15-day review requirement.

IIJA Phase 2 Formula Grant Guidance

The Interstate Oil and Gas Compact Commission in conjunction with the U.S. Department of Interior (Interior) held a roundtable on July 30, 2024, to discuss edits to the IIJA Formula Grant Phase 2 Guidance, as that document compares to the Formula Grant Phase 1 Guidance. On August 14, 2024, Interior released final grant guidance. This guidance allows states to request up to 50% of their remaining available Formula Grant funding, approximately \$114 million in Pennsylvania’s case. The Office of Oil and Gas Management has started the process of preparing the grant application, which is due by December 13, 2024.

Inflation Reduction Act - Methane Emission Reduction Program (MERP) Well Plugging Grant

Announcements: *The Department has developed two new grant programs including the MERP “Small Operator Assistance Grant” and “General Assistance Grant.” The “MERP Small Operator Assistance Grant” is available to operators with 10 or fewer wells. Many such operators are “home use” well operators who may not have the necessary funds to properly maintain or plug these wells. The “MERP General Assistance Grant” is designed for operators with 11 or more wells. Eligible applicants include operators, qualified well pluggers, or third parties.*

MERP grant awards are available on a competitive basis to plug “Marginal Conventional Wells” (MCWs). An MCW is defined as a conventional well that produces less than 90 thousand cubic feet of gas per day or 15 barrels of oil per day on average. The overwhelming majority of conventional oil and gas wells in Pennsylvania are considered MCWs under this definition. Applications will be prioritized based on well scoring criteria to maximize the goals and initiatives of the program, including methane emission reduction and environmental justice.

The maximum MERP grant award cannot exceed \$20,000 for every eligible well plugged that is an MCW of a depth of 3,000 feet or less or the actual cost of the qualified well plugger to plug the well, whichever is less. The maximum subaward cannot exceed \$35,000 for every eligible well plugged that is an MCW of a depth of greater than 3,000 feet or the actual cost of the qualified well plugger to plug the well, whichever is less. These award caps were developed through consultation with conventional oil and gas well operators.

The Office of Oil and Gas Management opened these two well plugging grant programs simultaneously starting on Wednesday, October 16, 2024 and they will be open until December 16, 2024. After the 60-day grant window closes, the Office of Oil and Gas Management will review and score the grant applications. To date, one application has been received in the “small operator” category.

Erosion and Sediment Control General Permit 4 (ESCGP-4): *On October 5, 2024, Bureau of Oil and Gas Planning and Program Management (BOGPPM), Division of Well Development and Surface Activities posted the final Erosion and Sediment Control General Permit-4 (ESCGP-4) for Earth Disturbance Associated with Oil and Gas Exploration, Production, Processing or Treatment Operations or Transmission Facilities, Notice of Intent (NOI) form, Instructions, and Checklist, ESCGP-3 to ESCGP-4 Transition Plan and ESCGP-4 Comment and Response Document in eLibrary. The new General Permit became available for industry to use beginning on October 5. Also, the ePermit application ESCGP-4 option became available on October 5 as well. In the meantime, the ESCGP-3, which expires on January 5, 2025, will begin to be phased out as New, Modifications, Renewals and new phases of ESCGP-3 phased projects will no longer be accepted after October 11.*

BOGPPM staff provided training for Oil and Gas District Office staff on October 2 and two trainings for industry were held on October 3 and October 10. The trainings that were provided to industry were recorded and will be posted on the Oil and Gas website for the public to access. In addition, another training was offered to DEP Waterways & Wetlands, Regional Permit Coordination Office and County Conservation Districts on October 9.

November 2024	
	None to Report

Waste Management

Food Recovery Infrastructure Grant – Open Solicitation

Beginning October 12, 2024, DEP will be accepting applications for Food Recovery Infrastructure Grants under the Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act of 1988 (Act 101). This funding is available to registered section 501(c)(3) nonprofit organizations operating programs in Pennsylvania that partner with food retailers, wholesalers, agriculture organizations, farms and cooperatives, grocery stores, etc. to recover safe and wholesome foods before they unnecessarily become a waste. The foods are then made available to the public through the nonprofit organization. The intent of this program is to reduce, to the greatest extent practicable, the amount of fresh and processed foodstuffs currently entering Pennsylvania’s waste stream. Equipment eligible for funding for reimbursement under this program assists these nonprofit organizations with the storage, transportation, or preparation of the recovered safe and wholesome foods, such as refrigerators, freezers, refrigerant and non-refrigerant vehicles, cargo vans, pallet jacks, dollies, hand trucks, forklifts, stoves, ovens, microwaves, and shipping and installation costs for the eligible equipment. The maximum grant award the nonprofit organization can request or receive per application cannot exceed \$50,000. Special consideration will be given to those applicants identified in Environmental Justice Areas. The deadline to apply is February 28, 2025, by 11:59 p.m. All applications must be submitted through the Commonwealth’s Electronic Single Application (ESA) system.

Safe Lithium Battery Education Grant Developments

The Bureau of Waste Management (BWM) awards grants authorized under Act 101, Section 901 for household hazardous waste (HHW) educational programs and their administration. In response to the emerging fire risk posed by improperly managed end-of-life consumer lithium batteries, BWM is developing a special scope within the Section 901 grant program to target this focus material. The grant will cover county educational costs for battery safe handling, collection and awareness campaigns aimed at increasing the proper collection of lithium battery waste and decreasing the occurrence of lithium battery related fires in Pennsylvania’s critical waste and recycling infrastructure.

In March 2024, BWM awarded Lancaster County \$75,000 to conduct a safe battery education campaign as an initial funding project. BWM has surveyed all remaining county applicants for program and funding interest. BWM is developing the final scope of this lithium battery education grant and determining overall funding availability. BWM will publish a notice in the Pennsylvania Bulletin when this safe lithium battery educational grant is available. The target date for the grant solicitation is early 2025.

Solid Waste Advisory Committee (SWAC)

The final regular SWAC meeting for 2024 was held on October 9, 2024, this meeting was held jointly with the annual Recycling Fund Advisory Committee (RFAC) meeting. The agenda and meeting materials are available on the [SWAC website](#). The 2025 SWAC meetings have not yet been scheduled.

Recycling Fund Advisory Committee (RFAC)

The 2024 RFAC meeting was held on October 9th (jointly with SWAC). Additional information is available on the [SWAC website](#). The 2025 RFAC meeting has not yet been scheduled.

Environmental Cleanup and Brownfields

Environmental Cleanup and Brownfields Rulemakings

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

DEP has prepared a proposed rulemaking to address Statewide health standard *medium-specific concentrations* (MSCs) including the soil lead values and Polycyclic Aromatic Hydrocarbons (PAHs). At the June 30, 2022, and August 11, 2022, Cleanup Standards Scientific Advisory Board (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 *Integrated Risk Information System* (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 CSSAB on October 20, 2022, January 23, 2023, and May 31, 2023. EQB adopted the proposed regulation on March 12, 2024. The proposed rulemaking was published in the July 13, 2024, issue of the *Pennsylvania Bulletin* for a 60-day public comment period, which ended on September 11, 2024. In-person public hearings were held on August 19, 2024, at DEP's Southwest Regional Office and on August 27, 2024, at DEP's Southeast Regional Office. A virtual hearing was held on September 4, 2024, via Microsoft Teams. DEP received no testimony during the public hearings. Comments received on the proposed rulemaking are currently being reviewed.

Cleanup Standards Scientific Advisory Board (CSSAB)

The CSSAB's next meeting is scheduled for October 30, 2024. DEP will provide final updates to the *Technical Guidance Manual (TGM) Sections II, III, and IV*, as well as a response to the board's comments on those sections of the TGM. DEP will also discuss a draft proposed regulation for Chromium (VI) and present a draft guidance for *Addressing the Historical Application of Lead and Arsenic Pesticides*. 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").

Storage Tank Advisory Committee (STAC)

The Storage Tank Advisory Committee (STAC) met on June 5, 2024. Randy Martin, Chief, Division of Storage Tanks, reviewed the STAC membership list and indicated that all 16 positions are currently filled. Benjamin Lorah, Director, Bureau of Special Funds, Department of Insurance, provided an update regarding the *Underground Storage Tank Indemnification Fund*. Randy Martin provided an update on various program statistics and compliance rates. DEP staff provided an update on online storage tank registration fee payments and gave an overview of the document submittal process through the *Public Upload with Payment* system. Lastly, DEP staff provided updates including draft revisions to the *Closure Requirements for Underground Storage Tank Systems Technical Guidance Document Number 263-4500-601*, *Closure Requirements for Aboveground Storage Tank Systems Technical Guidance Document Number 263-4200-001* and to the *Closure Report Forms* associated with the two Technical Guidance Documents and informed the committee that all documents will be moving towards finalization. The STAC meeting scheduled for September 4, 2024, was cancelled. The next STAC meeting is scheduled for December 4, 2024.

PA Brownfields Conference

The 2024 Pennsylvania Brownfields Conference took place at The Penn Stater Hotel in State College, on March 25-27, 2024. DEP, in partnership with the Engineers' Society of Western Pennsylvania (ESWP) and the conference steering committee provided participants a chance to collaborate with industry professionals and explore a vast array of brownfield topics including sessions on environmental justice, PFAS and emerging contaminants, building solar arrays on brownfields, and more. The next PA Brownfields Conference is tentatively scheduled for spring 2026 at a location yet to be determined.

Radiation Protection

Low-Level Waste Advisory Committee Meeting

The Low-Level Waste Advisory Committee (LLWAC) held its annual meeting on September 27, in Room 105 of the Rachel Carson State Office Building. The Department provided updates on the status of commercial low-level radioactive waste (LLRW) disposal facilities and recent developments, as well as LLRW generation information for the Appalachian Compact. Bryan Warner, Program Manager for Decommissioning and Environmental Surveillance, presented an update on the Three Mile Island Unit 2 decommissioning efforts. The Committee set its next meeting for September 26, 2025.

Radiation Protection Advisory Committee

The Radiation Protection Advisory Committee (RPAC) meeting was held on October 16, 2024, at the Rachel Carson State Office Building. RPAC discussed the Bureau's program review, the nuclear material events database and medical reportable events, the American Registry of Radiologic Technologists (ARRT) test, 2025 radioactive material fees for non-contiguous sites, and updating radiation protection program documents into languages other than English. The next RPAC meeting dates are tentatively April 9 and October 15, 2025.

Appalachian States Low-Level Radioactive Waste Committee

The next Appalachian States Low-Level Radioactive Waste Committee (Compact) meeting will be held at the Harrisburg Hilton on November 1, 2024, beginning at 10:00 a.m. Participants will be able to join in-person or remotely. The Compact will discuss the status of commercial low-level radioactive waste (LLRW) disposal facilities and recent developments, LLRW generation information, proposed changes to the bylaws, and nuclear reactor decommissioning.

Water Programs

Water Programs Rulemakings

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. 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 was published in the Pennsylvania Bulletin on November 4, 2023, which initiated a 45-day public comment period that closed on December 19, 2023. A public hearing was held on December 5, 2023. Public comments on the proposed rulemaking can be found on DEP's eComment website. A final rulemaking is anticipated in *early 2025*.

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 ended on November 21, 2023. A public hearing was held on November 14, 2023. The final rulemaking was presented to the Agricultural Advisory Board on April 17, 2024. A presentation is tentatively planned to the Water Resources Advisory Committee in the coming months. A final rulemaking is anticipated in *early 2025*.

Class A 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 and they recommend redesignation for 96 streams. Stream

evaluations were conducted in response to a submittal of data from the Pennsylvania Fish and Boat Commission (PFBC) under § 93.4c (relating to implementation of antidegradation requirements). In this proposed rulemaking, the stream redesignations rely on § 93.4b(a)(2)(ii) to qualify streams for High Quality Waters (HQ) designation based upon their classifications as Class A wild trout streams. A surface water that has been classified a Class A wild trout stream by the PFBC, based on species-specific biomass standards in 58 Pa. Code § 57.8a (relating to Class A wild trout streams), and following public notice and comment, qualifies for Department evaluation of the stream for HQ designation. The PFBC published notice and requested comments on the Class A classification of the streams listed in this proposed rulemaking. The PFBC Commissioners approved these waters after public notice and comment. The proposed rulemaking was adopted by the EQB on September 10, 2024 and will be published in an upcoming issue of the Pennsylvania Bulletin, opening a 45-day public comment period.

Notification Requirements for Unauthorized Discharges to Waters of the Commonwealth

This proposed rulemaking *aims to* provide addition clarity *on* which unauthorized discharges require immediate Department notification while *continuing to* enable the Department to meet its statutory duty to protect the waters of the Commonwealth. To accomplish this, the proposed amendments *to 25 Pa. Code § 91.33* incorporate [40 CFR 117.3](#) as a list of reportable quantities of specific substances designated as hazardous. Unauthorized discharges that are equal to or exceed the reportable quantities in 40 CFR 117.3 must be immediately reported to the Department under the proposed rulemaking. If the unauthorized discharge is less than the reportable quantities or involves substances not included on the list, the proposed rulemaking establishes factors that must be evaluated and documented in order to determine that an unauthorized discharge does not require immediate Department notification. However, the proposed amendments provide that a responsible person may simply report an unauthorized discharge and avoid the requirement to evaluate and document those factors. This rulemaking does not expand the set of unauthorized discharge incidents that require immediate Department notification.

The Department presented the draft proposed rulemaking to the Water Resources Advisory Committee (WRAC) on September 21, 2023. WRAC members expressed concerns about the rulemaking. Following the initial presentation to WRAC, the Department made several revisions to the draft proposed rulemaking to address the members' concerns.

The Department presented the revised draft proposed rulemaking to the Agricultural Advisory Board (AAB) on October 19, 2023. AAB members expressed general support for the draft proposed rulemaking. The Department also presented the draft proposed rulemaking to the Public Water System Technical Assistance Center (PWS TAC) Board on October 26, 2023. The PWS TAC Board voted unanimously to support the draft proposed rulemaking moving forward.

The Department presented the revised draft proposed rulemaking to WRAC on May 16, 2024. WRAC voted unanimously to support the revised draft proposed rulemaking moving forward.

The proposed rulemaking is anticipated to be presented to Environmental Quality Board in late 2024. If proposed by the EQB, notice will be published in the Pennsylvania Bulletin beginning the public comment period on the proposed rulemaking.

General Permits for Beneficial Use of Sewage Sludge (aka Biosolids)

The Department issues general permits for the beneficial use of biosolids (aka 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 the 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. *These permit revisions are on hold until EPA releases their PFAS risk analysis in biosolids which is anticipated to occur near the end of 2024. Since the existing permits expire November 30, 2024, the Department will administratively extend the existing general permits.*

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 funding 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.

The Bipartisan Infrastructure Law also mandates that 49 percent of funds provided through the DWSRF

General Supplemental Funding and the DWSRF Lead Service Line Replacement Funding must be provided as grants and forgivable loans to disadvantaged communities. The BIL also requires that at least 25 percent of funds provided through the DWSRF Emerging Contaminants Funding be provided as grants and forgivable loans to disadvantaged communities or public water systems serving fewer than 25,000 people.

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), and 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).

EPA is strongly encouraging SRF applicants to submit both the FFY 2024 CWSRF and DWSRF capitalization grant applications as well as all five (5) BIL grant applications administered through the SRF program as soon as possible with a goal of May 1st and a deadline of June 1st. Applications received after June 1st cannot be guaranteed to be awarded before 9/30/2024. EPA will make awards based on draft IUPs if needed. This 60-day to 30-day reduction in SRF grant application preparation time is primarily due to EPA's additional workload of processing Inflation Reduction Act grants this year. DEP plans to meet the new EPA deadline of June 1st.

DEP has met EPA's June 1, 2024 deadline for submitting the four (4) FFY 2024 DWSRF Base and BIL grant applications totaling approximately \$276.6M in federal funds and the three (3) FFY 2024 CWSRF and BIL grant applications totaling approximately \$130.9M in federal funds. Similarly, BCW has submitted the FFY 2022 and FFY 2023 Sewer Overflow and Stormwater Reuse (OSG) grant application totaling approximately \$3.9M in federal funds.

For FFY 2024 PENNVEST has been awarded four DWSRF grants: Base, BIL – General Supplemental, BIL – Lead Service Line Replacement and BIL – Emerging Contaminants totaling \$294,925,800 including required state match. Similarly, for FFY 2024 PENNVEST has been awarded three CWSRF grants: Base, BIL – General Supplemental and BIL – Emerging Contaminants totaling \$155,403,000 including required state match.

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 to 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.

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 IJA, 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 reviewed the project proposals and allocation formulas and announced the awards on December 1, 2023.

EPA provided the FY2024 IJA allocation amount to DEP, SCC, and DCNR on February 8, 2024. EPA met with the three state agencies to discuss potential allocations. EPA will shift all of the Most Effective Basin annual allocation back to DEP through the Chesapeake Bay Implementation Grant (CBIG), and then move some of DEP's IJA allocation to further support DCNR and SCC. This allocation was done at the request of DEP, SCC, and DCNR. DEP will be receiving more than \$2.8 million, SCC will receive \$4.5 million, and DCNR will receive \$2 million in IJA funds. All Chesapeake Bay grants combined, DEP will have an increase in funding over FY2023 by \$795,112, SCC will have an increase in funding by \$500,000, and DCNR will have an increase in funding by \$2 million.

EPA approved DEP's CB IJA workplan and budget on June 11, 2024. DEP received FY2024 allocation of \$2,832,693 on June 24, 2024.

EPA Announces Expedited Timeline Goal for FFY25 CB IJA Grant Funds to Support Accelerating Progress in Pennsylvania

In late September 2024, EPA announced a projected, expedited timeline for the federal fiscal year (FFY) 2025 CB IJA Most Effective Basin (MEB) grant award. The Chesapeake Bay Watershed Restoration Division in DEP's Bureau of Watershed Restoration and Nonpoint Source Management is now projected to receive its FFY

2025 amendment in fall 2024. To further simplify the process, EPA's Chesapeake Bay Program Office will process the amendment for Project Year 4 based on the current workplan and budget submitted by DEP in May 2024, as no changes are needed. If necessary, small changes can be completed later in accordance with EPA grant guidance. Pennsylvania will receive a total of \$9.3M in FFY 2025 IJIA MEB grant awards: \$5.33 million to DEP, \$4 million to PDA, and \$0 to DCNR. The awarding of incremental Infrastructure MEB funding early in the federal fiscal year is a programmatic change for EPA to avoid delaying implementation of projects and accelerate progress toward Pennsylvania's goals. EPA typically processes amendments of grant awards for incremental funding in late spring/ summer of the same FFY; this timeline change enables the Chesapeake Bay Watershed Restoration Division to provide increased funds, earlier in the project period, to counties through the Countywide Action Plan Implementation Block Grant program.

2025 Community Clean Water Coordinator (CCWC) and Countywide Action Plan (CAP) Implementation Block Grant Round Open

The 2025 Community Clean Water Coordinator (CCWC) and CAP Implementation Block Grant round opened for counties to submit their project proposals on October 1, 2024, and will close on October 31, 2024. Funding for this block grant program comes from the Environmental Stewardship Fund/Growing Greener and the EPA Chesapeake Bay MEB IJIA, Local Government Implementation, and Chesapeake Bay Implementation Grant (CBIG) MEB grant funds. Changes to this year's round included a requirement for county partners to submit the anticipated quantity of Best Management Practices (BMPs) for each project, which allows Chesapeake Bay Watershed Restoration Division staff to calculate the estimated nitrogen and phosphorus reductions per project, and also a requirement to provide a detailed project description and site photo. The minimum threshold of \$200,000 per county will continue, which allows counties to plan ahead for project implementation. Chesapeake Bay Watershed Restoration Division staff will review the project proposals and allocation formulas and announce the awards to county partners in December 2024.

Chesapeake Bay Federal Grant and Cooperative Agreement Guidance Revisions Expected for FFY26

In late September 2024, EPA CBPO announced its intent to revise its Grant and Cooperative Agreement guidance. The EPA CBPO goal is to rewrite the Grant and Cooperative Agreement Guidance for FFY26 for program improvement, accessibility, and ease of understanding. Areas to be addressed also include state implementation funding allocations, needs and priorities in support of Beyond 2025 efforts, streamlined guidance and agreements (for example, combining the separated CBRAP/ CBIG grants into one implementation grant), and barriers to implementation. EPA CBPO is working on a planning timeline to meet a goal of December 2025 for the revised guidance. DEP's Chesapeake Bay Watershed Restoration Division requested that EPA CBPO include Pennsylvania and other Bay states' participation in this revision of the program's grant guidance. For FFY25, the revision will only focus on timeline date updates and grammatical/spelling errors, with no significant updates.

PAG-13 General Permit

On Saturday, May 18, 2024, DEP published notice in the Pennsylvania Bulletin [[54 Pa.B. 2693](#)] of an 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 until PAG-13 is reissued. DEP had previously extended PAG-13 for a 2-year period and solicited interest in participants for a workgroup. A series of 8 meetings was held by the workgroup 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.

PAG-02 General Permit

On March 9, DEP published notice in the Pennsylvania Bulletin of the availability of a draft PAG-02 National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges Associated with

Construction Activities. The public comment period for the draft PAG-02 ended on April 8 and DEP received 189 comments from 20 individuals and organizations. DEP published the final PAG-02 General Permit on August 31, 2024 [[54 Pa.B. 5536](#)] and the general permit will become effective on December 8, 2024. Existing permittees must submit a Notice of Intent (NOI) to remain covered under the reissued general permit by December 7, 2024.

Chapter 102 Pilot Program

DEP has announced the availability of a Pilot program for Individual NPDES Permits for Stormwater Discharges Associated with Construction Activities. The purpose of the Pilot program is to evaluate the effect that certain modifications to existing procedures has on the quality of applications received and the amount of time necessary to review applications and take final actions. Ten delegated county conservation districts are participating in the Pilot program. Not every type of project is eligible to participate; eligibility guidelines are posted to DEP's construction stormwater website (www.dep.pa.gov/constructionstormwater). The Pilot is expected to run a minimum of three calendar quarters. If the Pilot is considered successful DEP may make some or all of the modified procedures part of its standard operating procedures for all applications.

Chapter 105 Pilot Program

DEP announced the availability of a Chapter 105 Pilot Program for Individual Joint Permit Applications to improve the quality of applications and make decisions faster, starting September 1, 2024. To participate, applicants will be required to attend 2 preapplication meetings with the second meeting serving as a pre-submission conference. Priority will be given to Publicly Funded Energy Projects and Environmental Restoration Projects. This program is available statewide at all six DEP regional offices and the Regional Permit Coordination Office. Since the pilot is for Joint Permit Applications, conservation districts will not play a direct role. Information on the Chapter 105 Pilot can be found on BWEW's webpage under the [Stream and Wetland Regulatory Program \(pa.gov\)](#).

Chesapeake Bay Milestone and Progress Evaluation and Pennsylvania's 2023 Annual Report

On August 14, 2024 EPA published their final evaluation of Pennsylvania's 2024-2025 Milestone Commitments and 2023 Programmatic Progress. In their press release, they highlighted the incremental progress that states were making toward achieving the Chesapeake Bay Total Maximum Daily Load (TMDL) Planning Targets, but more work is needed. Additionally, EPA highlighted Pennsylvania and Virginia for increasing the reductions achieved from the agriculture sector in 2023. The press release can be found here: <https://www.epa.gov/newsreleases/epa-releases-2-year-milestone-evaluations-chesapeake-bay-cleanup-effort-cites-0> EPA's evaluation of Pennsylvania's Milestones can be found here: https://www.epa.gov/system/files/documents/2024-05/2024_pennsylvania_2022_2023_2024_2025_evaluation_draft_ms.pdf

On July 30, 2024 DEP published the 2023 Healthy Waters Healthy Communities Annual Report, which highlights the partners, projects, and progress toward achieving Pennsylvania's Phase 3 Watershed Implementation Plan (WIP) and counties' Countywide Action Plan (CAP) goals.

The Annual Report can be found here:

<https://files.dep.state.pa.us/Water/ChesapeakeBayOffice/WIPIII/2024/Healthy%20Waters%20Annual%20Report%20signed%20FINAL%207-25-2024.pdf>

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. The draft FFY 2024 workplans and budgets were submitted by DEP to EPA by the November 30, 2023, deadline for EPA review. On April 24, 2024, EPA notified DEP of our final FFY 2024 allocation, which is less than anticipated. EPA Section 319 Project Officers noted that this is due to the national allocation for FFY 2024, not having to do with PA DEP's administration of the funds. DEP is working on making the necessary revisions to the FFY 2024 workplans and budgets to account for the deduction of almost \$300,000 from our draft workplans and budgets. The 2024 319 grant package was received by EPA on June 29, 2024. DEP received additional comments following EPA's review and the NPS Watershed Support section is in the process of making need changes to the subgrant work plans to meet their request on contracting guidelines. The updates were sent to EPA before noon on Friday September 13, and with those changes the final grant award will be submitted for processing with no conditions attached. Once final agreement is signed by EPA, notice will be sent to DEP and DEP will be able to make the official announcement.

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 (NPS) Management Program 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 was submitted to EPA for their review in October 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 conducted their review and provided feedback and comments to DEP in late December 2023 to consider and address prior to submission of the final 2024-2029 NPS Management Plan. DEP intends to publish the Nonpoint Source Management Plan and Annual Report in early Summer. The NPS Watershed Support Section has been working on finalizing the responses and requested changes to the draft 319 2024 NPS 5 Year Plan. The time frame for the completion has been extended to the end of the calendar year, but DEP's intended timeline for resolution is the end of October 2024.

EPA approved DEP's 2023 NPS Annual Report on June 12, 2024, which will be published on the DEP Nonpoint Source webpage. EPA will notify DEP of their approval of the 2024-2029 NPS Management Plan by the end of the calendar year.

The FFY2025 EPA Section 319 NPS Management Grants round opened on April 22, 2024 (Earth Day), with applications due by June 21, 2024. The grant guidance, recorded tutorial, and associated material can be found at [Nonpoint Source \(pa.gov\)](#).

The Department received 12 applications totaling \$5,193,321. Nine applications totaling \$3,658,358 are being recommended. In total, there are \$3,658,358 for grant awards, \$1,104,542 for DEP projects, and \$10,000 for EPA (in-kind) project. The remaining \$153,632 is allotted for BMP implementation within WIP watersheds for 319 NPS Management Program grantees, which allows for DEP to fund budget over-runs for existing projects. The recommendation package is presently being circulated for internal approval prior to being sent to EPA for review and comment.

New this year:

- Section 319 WIP Revisions or updates to existing WIPs that are at least 8 years or older are encouraged to apply. New Section 319 WIP development applications are no longer an eligible project category.
- Preference will be given to Section 319 WIP implementation projects in Pennsylvania’s [Environmental Justice Areas](#).

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 awards were announced on January 5, 2024. The full list of 2023 Growing Greener projects can be found [here](#).

The 2024 Growing Greener Plus Grants round opened on April 22, 2024 (Earth Day), with applications due by June 21, 2024. The grant guidance, recorded tutorial, and associated materials can be found at [Growing Greener \(pa.gov\)](#).

The Department received 154 Growing Greener grant requests totaling \$43,905,736.00 and one Surface Mining Control and Reclamation Act (SMCRA) request for \$159,573.00. Out of the 154 GG requests, 3 were deemed ineligible and 151 will be scored and ranked. The statewide internal ranking meeting occurred on September 16. Following that meeting, DEP will prepare the recommendation package to submit for approval with the intent of announcing successful grantees by the end of the calendar year.

DEP has prepared the recommendation package and is presently circulating the package for internal approval with the intent of announcing successful grantees by the end of the calendar year.

New this year:

- The Growing Greener Watershed Renaissance Initiative (GGWRI) is expanded statewide.
- Within the Chesapeake Bay watershed, agricultural construction projects will be considered, however [Chesapeake Bay Phase 3 Watershed Implementation Plan Countywide Action Plan](#) and statewide [Agricultural Conservation Assistance Program](#) funding should be the priority funding source for agricultural construction projects.
- Preference will be given to implementation projects in Pennsylvania’s [Environmental Justice Areas](#).

State Water Plan

The [2022 State Water Plan Update Report](#) (“Update Report”) is now complete and available to the public. 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 a planning tool for professionals and as a research tool for academics.

The first round of meetings for 2024 was successfully completed in April with all seven committees having met. The content of these meetings consisted of an update from DEP on matters such as recruiting and outreach. There was also discussion surrounding the formation of a workgroup to draft a framework for Integrated Water Resources Management. This workgroup has now met three times and discussed the changes that will be made to their section of the report, a plan for carrying out work, and the different roles at play within the field of Integrated Water Resources Management. 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. Several potential new members have submitted their documents for review to the Department. The Citizen's Advisory Council can assist with recruitment efforts 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 *second* round of meetings *took* place in *October 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 Public Water System Technical Assistance Center (PWS TAC) Board met on Wednesday, August 14, 2024. 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.

The next PWS TAC Board meeting will be held on Thursday, November 14, 2024, in Room 105 at the Rachel Carson State Office Building.

Attachment 1

2024 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	
6	Aggregate Advisory Board, 10am
6	State Board for Certification of Sewage Enforcement Officers, 10am
7	Pennsylvania Energy Development Authority Board, 10am
12	Citizens Advisory Council, 12:30pm
12	Environmental Justice Advisory Board, 9am
12	Environmental Quality Board, 9am
14	Public Water System Technical Assistance Center Board, 9am
21	Water Resources Advisory Committee, 9:30am
December	
4	Board of Coal Mine Safety, 10am
4	Storage Tank Advisory Committee, 10am
5	Oil & Gas Technical Advisory Board, 10am
10	Environmental Quality Board, 9am
11	State Board for Certification of Water & Wastewater Systems Operators, 10am
17	Climate Change Advisory Committee, 9am
18	Agricultural Advisory Board, 9am

This report was prepared by Casey Damicantonio, DEP Policy Office, Administrative Assistant. For questions or requests, please email cdamicanto@pa.gov.