DEP REGULATORY UPDATE
May 19, 2023

(This update is designed to provide a quick snapshot of the current status of regulations within DEP)

ENVIRONMENTAL QUALITY BOARD REGULATIONS

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<tr>
<td>Noncoal Mining Clarifications and Corrections (#7-554) 25 Pa. Code Chapter 77 Noncoal Surface Mining Conservation and Reclamation Act, Clean Streams Law</td>
<td>This rulemaking proposes to clarify and correct existing regulatory requirements for noncoal mining. The rulemaking also proposes to update the blasting section to be consistent with the recently revised Chapter 211 and to reflect current technology. CONTACT: Sharon Hill, 717-787-6842, <a href="mailto:shill@pa.gov">shill@pa.gov</a></td>
<td>CURRENT STATUS: Final IRRC approved on May 18, 2023. Background: • Delivered to House and Senate ERE Committees and IRRC on April 13, 2023. • EQB adopted final rule on April 11, 2023. • Draft final Annex A discussed with the Aggregate Advisory Board on November 3, 2021 and February 1, 2023. • IRRC comments received on June 3, 2021. • Proposed rule published in the Pa. Bulletin on March 20, 2021. Public comment period closed on May 4, 2021. To view comments, visit eComment. • Delivered to House and Senate ERE Committees, IRRC, and the LRB on February 25, 2021. • EQB adopted proposed rule on November 17, 2020. • Draft proposed Annex A discussed with the Aggregate Advisory Board on May 6, 2020.</td>
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| **Radiation Safety Requirements for Non-Healing Arts Radiation Generating Devices (#7-555)**  
25 Pa. Code Chapters 227 and 228  
*Radiation Protection Act* | This rulemaking proposes to update Chapter 227 to stay current with advances that have occurred in the uses of non-medical X-ray equipment. The revisions will ensure consistency with other government agencies that similarly regulate these devices.  
**CONTACT:** John Chippo, 717-787-2480, jchippo@pa.gov | CURRENT STATUS: **Final**  
IRRC approved on May 18, 2023.  
**Background:**  
- Delivered to House and Senate ERE Committees and IRRC on March 21, 2023.  
- EQB adopted final rule on November 15, 2022.  
- IRRC comments received on October 13, 2021.  
- Delivered to House and Senate ERE Committees, IRRC, and the LRB on July 14, 2021.  
- EQB adopted proposed rule on May 19, 2021.  
| **Water Quality Standards - Dunbar Creek et al. Stream Redesignations (#7-557)**  
25 Pa. Code Chapter 93  
*Section 303(c)(1) of the Federal Clean Water Act* | The regulatory changes included in this rulemaking are the result of stream evaluations conducted by DEP in response to petitions submitted by citizens and data collected by the Department. In this rulemaking, redesignations rely on § 93.4b(a) and (b) to qualify one water for High Quality (HQ) and seven waters for Exceptional Value (EV) as well as correct the erroneous HQ designation of UNT Oley Creek to remove HQ. One water will be redesignated from Trout Stocking to Cold Water Fishes. Based on these data and appropriate regulatory criteria, DEP developed this package of stream redesignations including HQ stream redesignations in the Delaware, Susquehanna and Ohio River basins.  
**CONTACT:** Josh Lookenbill, 717-783-2959, mlookenbil@pa.gov | CURRENT STATUS: **Final**  
IRRC approved on May 18, 2023.  
**Background:**  
- Delivered to House and Senate ERE Committees and IRRC on April 13, 2023.  
- EQB adopted final rule on April 11, 2023.  
- Draft final Annex A discussed with AAB on October 20, 2022.  
- IRRC letter (no comments) received on October 14, 2021.  
- Delivered to House and Senate ERE Committees, IRRC, and the LRB on June 24, 2021.  
- EQB adopted proposed rule on April 20, 2021. |
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<td><strong>National Pollutant Discharge Elimination System (NPDES) Program and Combined Sewer Overflows (CSO)</strong> (#7-563) 25 Pa. Code § 92a.51(a) Clean Streams Law</td>
<td>This rulemaking proposes to amend 25 Pa. Code § 92a.51(a) to provide an exception for combined sewer overflows (CSO) dischargers with approved long-term control plans (LTCPs) to comply with water quality standards in accordance with the schedule contained in the approved LTCPs allowing renewals of NPDES permits for CSOs to move forward. <strong>CONTACT:</strong> Sean Furjanic, 717-787-2137, <a href="mailto:sefurjanic@pa.gov">sefurjanic@pa.gov</a></td>
<td><strong>CURRENT STATUS:</strong> Final <strong>IRRC deemed approved on May 17, 2023.</strong> <strong>Background:</strong>  • Delivered to House and Senate ERE Committees and IRRC March 21, 2023.  • EQB adopted final rule on November 15, 2022.  • Draft final Annex A discussed with Water Resources Advisory Committee on July 21, 2022.  • IRRC letter (no comments) received on March 31, 2022.  • Proposed rule published in the Pa. Bulletin on January 15, 2022. One public hearing held on February 16, 2022. Public comment period closed on March 1, 2022. To view comments, visit eComment.  • Delivered to House and Senate ERE Committees, IRRC, and the LRB on April 12, 2022.  • EQB adopted proposed rule on October 19, 2021.  • Draft proposed Annex A presented to Water Resources Advisory Committee (WRAC) on July 28, 2021.</td>
</tr>
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</table>
| **Radiation Protection Program Fees** (#7-574) 25 Pa. Code Chapter 218 Radiation Protection Act | This rulemaking amends Chapter 218 relating to fees. DEP must review the adequacy of established fees every three years. The current fee review indicates the need for a fee increase for the Radioactive Materials and Decommissioning Program and the Radiation-Producing Machines Program, as fee revenue is insufficient to cover program costs. **CONTACT:** John Chippo, 717-787-2480, ichippo@pa.gov | **CURRENT STATUS:** Final **IRRC approved on May 18, 2023.** **Background:**  • Delivered to House and Senate ERE Committees and IRRC on April 13, 2023.  • EQB adopted final rule on April 11, 2023.  • Draft final Annex A discussed with RPAC on December 9, 2022.  • IRRC comments received on October 26, 2022.  • Rule was published in Pa. Bulletin on August 27, 2022, with a 30-day public comment period that closed on September 26, 2022. To view comments, visit eComment.  • Delivered to House and Senate ERE Committees, IRRC, and the LRB on August 10, 2022.  • EQB adopted proposed rule on June 14, 2022.  • Draft proposed Annex A presented to RPAC on March 3, 2022.
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<td>Control of Emissions from Conventional Oil and Natural Gas Sources (#7-579) 25 Pa. Code Chapter 129 Air Pollution Control Act</td>
<td>This rulemaking proposes to establish emission limitations and other requirements codified in 25 Pa. Code Chapter 129 consistent with reasonably available control technology (RACT) recommendations of the Control Technique Guidelines for the Oil and Natural Gas Industry finalized by the EPA on October 27, 2016. The rulemaking will establish RACT requirements for volatile organic compounds and other pollutants from existing conventional oil and natural gas production facilities, compressor stations, processing plants, and transmission stations. Upon promulgation, the final-omitted regulation will be submitted to the EPA for approval as a SIP revision. CONTACT: Viren Trivedi, 717-783-9476, <a href="mailto:vtrivedi@pa.gov">vtrivedi@pa.gov</a></td>
<td>CURRENT STATUS: Final-Omitted Redelivered to House and Senate ERE Committees and IRRC on March 21, 2023. Background: • IRRC approved on November 17, 2022. House ERE Committee voted to report a concurrent regulatory review resolution to the General Assembly to disapprove the final rule on November 14, 2022. • Delivered to House and Senate ERE Committees, IRRC and Office of Attorney General on October 13, 2022. • EQB adopted final-omitted rule on October 12, 2022.</td>
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<td>Administration of the Land Recycling Program: Vanadium MSC (§7-572) 25 Pa. Code Chapter 250 Land Recycling and Environmental Remediation Standards Act</td>
<td>The rulemaking proposes to amend 25 Pa. Code Chapter 250 to update the toxicity value and medium specific concentrations (MSCs) established under the Statewide health standard for vanadium based on the most recent published scientific information. MSCs are concentrations of contaminants in soil and groundwater that are protective of human health and the environment under various exposure scenarios. This rule will focus on updates to the vanadium toxicity value and updates to the vanadium soil and groundwater MSCs. DEP is required by § 250.11 to propose appropriate MSC changes based on current scientific information no more than 36 months after the effective date of the most recently promulgated MSCs. CONTACT: Mike Maddigan, 717-772-3609, <a href="mailto:mmaddigan@pa.gov">mmaddigan@pa.gov</a></td>
<td>CURRENT STATUS: Draft Final Draft final Annex A presented to CSSAB on March 15, 2023. Background: • IRRC letter (no comments) received on September 28, 2022. • Proposed rule published in the Pa. Bulletin on July 30, 2022 for a 30-day public comment period that closed on August 29, 2022. To view comments, visit eComment. • Delivered to House and Senate ERE Committees, IRRC, and the LRB on July 12, 2022. • EQB adopted proposed rule on May 18, 2022. • Draft proposed Annex A presented to CSSAB on October 4, 2021.</td>
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<tr>
<td>Environmental Protection Performance Standards for Conventional Oil and Gas Operators (§7-539) 25 Pa. Code Chapter 78 2012 Oil and Gas Act, Clean Streams Law, PA Grade Crude Development Act, Solid Waste Management Act, Dam Safety and Encroachment Act, Radiation Protection Act</td>
<td>This rulemaking relates primarily to critical environmental protection performance standards at conventional oil and gas well sites. The purpose of this regulation is to update the performance standards for surface activities at conventional well sites to ensure that these activities are conducted in a manner that protects the health, safety, and environment and property of Pennsylvania’s residents. CONTACT: Kurt Klapkowski, 717-772-2199, <a href="mailto:kklapkowski@pa.gov">kklapkowski@pa.gov</a></td>
<td>CURRENT STATUS: Draft Proposed Program drafting proposed rulemaking package. Background: • Draft proposed Annex A discussed with the Oil and Gas Technical Advisory Board on September 17, 2020 and May 5, 2021, and the PA Grade Crude Development Advisory Council (CDAC) on December 3, 2020, April 22, 2021, and December 16, 2021.</td>
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| **Waste Management and Related Issues at Conventional Oil and Gas Well Sites (#7-540)** 25 Pa. Code Chapter 78 2012 Oil and Gas Act, Clean Streams Law, PA Grade Crude Development Act, Solid Waste Management Act, Dam Safety Encroachment Act, Land Recycling and Environmental Remediation Standards Act, Radiation Protection Act, Unconventional Well Report Act, Act 126 of 2014 | This rulemaking relates primarily to the proper management of waste generated at conventional oil and gas well sites. The purpose of this regulation is to update the performance standards for surface activities at conventional well sites to ensure that these activities are conducted in a manner that protects the health, safety, and environment and property of Pennsylvania’s residents.  
**CONTACT:** Kurt Klapkowski, 717-772-2199, kklapkowski@pa.gov | CURRENT STATUS: Draft Proposed  
Program developing proposed rulemaking package.  
**Background:**  
- Draft proposed Annex A discussed with the Oil and Gas Technical Advisory Board on [September 17, 2020](#) and [September 9, 2021](#), and the PA Grade Crude Development Advisory Council (CDAC) on [December 3, 2020](#) and [August 19, 2021](#), and [February 16, 2023](#). |
| **Water Quality Standards for Site-Specific Criteria (#7-571)** 25 Pa. Code Chapter 93 Pennsylvania Clean Streams Law, Federal Clean Water Act | This rulemaking proposes to update 25 Pa. Code Chapter 93 with site-specific water quality criteria for methylmercury for unnamed tributaries to Rambo Run and Ebaugh's Creek located in York County. In addition, proposed updates will revise provisions to allow for a more efficient regulatory review process to incorporate site-specific criteria into the water quality standards in 25 Pa. Code Chapter 93, which would allow site-specific criteria to be incorporated into National Pollutant Discharge Elimination System (NPDES) permits more quickly.  
**CONTACT:** Josh Lookenbill, 717-783-2959, mlookenbil@pa.gov | CURRENT STATUS: Draft Proposed  
Draft proposed Annex A presented to Water Resources Advisory Committee (WRAC) on [March 16, 2023](#), and Agricultural Advisory Board (AAB) on [March 15, 2023](#). |
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<tr>
<td>Administration of the Land Recycling Program (#7-575) 25 Pa. Code Chapter 250 Land Recycling and Environmental Remediation Standards Act</td>
<td>The rulemaking proposes to amend 25 Pa. Code Ch. 250 to update the medium specific concentrations (MSCs) established under the Statewide health standard based on the most recent published scientific information. MSCs are concentrations of contaminants in soil and groundwater that are protective of human health and the environment under various exposure scenarios. This rule will focus on updates to the models used to calculate the MSCs for lead in soil and potential changes to how the MSCs for PAH’s are calculated. These regulations identify the formulas DEP must use to calculate MSCs and the sources of the toxicological information. This also proposes to clarify administrative elements of Ch. 250. DEP is required by § 250.11 to propose appropriate MSC changes based on current scientific information no more than 36 months after the effective date of the most recently promulgated MSCs.</td>
<td>CURRENT STATUS: Draft Proposed Draft proposed Annex A presented to CSSAB on October 20, 2022 and January 23, 2023.</td>
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<td>Administration of Sewage Facilities Program (#7-570) 25 Pa. Code Chapters 71, 72, and 73 Pennsylvania Clean Streams Law, Pennsylvania Sewage Facilities Act</td>
<td>This rulemaking proposes to update 25 Pa. Code Chapters 71—73 to implement recent amendments to the Pennsylvania Sewage Facilities Act made by Act 26 of 2017 and Act 34 of 2020, and to address a number of other issues in these regulations, which were last revised significantly in 1997. The regulatory revisions in this proposed rulemaking will include site suitability criteria for sites with shallow soils, which will provide additional opportunities for new land development in a manner that provides safe, effective long-term sewage disposal. This proposed rulemaking will also include other regulatory revisions and updates to ensure that the planning, permitting, operation and maintenance of sewage facilities sufficiently protect public health and safety, the waters of the Commonwealth, and property values. CONTACT: Jay Patel, 717-783-2283, <a href="mailto:jaypatel@pa.gov">jaypatel@pa.gov</a></td>
<td>CURRENT STATUS: Pre-Draft Proposed Program developing proposed regulatory amendments.</td>
</tr>
<tr>
<td>Annual Fee for Unconventional Operations (#7-573) 25 Pa. Code Chapter 78a 2012 Oil and Gas Act, Clean Streams Law, Dam Safety and Encroachments Act, Solid Waste Management Act</td>
<td>This rulemaking proposes to establish an annual fee for unconventional operations. The annual fee will provide a stable source of funding through FY 2027-28. CONTACT: Kurt Klapkowski, 717-772-2199, <a href="mailto:kklapkowsk@pa.gov">kklapkowsk@pa.gov</a></td>
<td>CURRENT STATUS: Pre-Draft Proposed Program developing proposed regulatory amendments.</td>
</tr>
<tr>
<td>Environmental Laboratory Accreditation Amendments (# 7-578) 25 Pa. Code Chapter 252 Environmental Laboratory Accreditation Act</td>
<td>This rulemaking proposes to amend existing regulations pertaining to environmental laboratory accreditation to update accreditation standards, clarify requirements, add requirements for a Legionella accreditation program, and add the air monitoring matrix to the scope of Chapter 252. CONTACT: Annmarie Beach, (717) 346-8212, <a href="mailto:anbeach@pa.gov">anbeach@pa.gov</a></td>
<td>CURRENT STATUS: Pre-Draft Proposed Program developing proposed regulatory amendments.</td>
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### Dam Safety and Waterway Management

**Title of Regulation/Statutory Authority:**
25 Pa. Code Chapter 105
Federal Clean Water Act, Pennsylvania Clean Streams Law, Dam Safety and Encroachment Act

**Summary of Regulation and Contact:**
This rulemaking would amend Chapter 105; clarifying existing requirements; deleting or updating obsolete and antiquated requirements; incorporating new or revised sections and definitions; and correcting typographical errors.

**CONTACT:** Andy Klinger, 717-772-5975, anklinger@pa.gov

**Status:**
CURRENT STATUS: Withdrawn
Rulemaking withdrawn by operation of law under the Regulatory Review Act on February 3, 2023.

**Background:**
- IRRC comments received on March 5, 2021.
- Delivered to House and Senate ERE Committees, IRRC and the LRB on November 10, 2020.

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### BOARD OF COAL MINE SAFETY REGULATIONS

**Title of Regulation/Statutory Authority**
There are no updates to Board of Coal Mine Safety regulations in progress at this time.

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Environmental Quality Board (EQB)
Board of Coal Mine Safety (BCMS)
Independent Regulatory Review Commission (IRRC)

Legislative Reference Bureau (LRB)
Environmental Resources and Energy Committees (House and Senate ERE Committees)
## COMPLETED REGULATIONS (2023)

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| Control of Emissions from Conventional Oil and Natural Gas Sources (#7-580)  
25 Pa. Code Chapter 129  
Air Pollution Control Act | This rulemaking proposes to establish emission limitations and other requirements codified in 25 Pa. Code Chapter 129 consistent with reasonably available control technology (RACT) recommendations of the Control Technique Guidelines for the Oil and Natural Gas Industry finalized by the EPA on October 27, 2016. The rulemaking will establish RACT requirements for volatile organic compounds and other pollutants from existing conventional oil and natural gas production facilities, compressor stations, processing plants, and transmission stations. Upon promulgation, the final-omitted regulation will be submitted to the EPA for approval as a SIP revision.  
**CONTACT:** Viren Trivedi, 717-783-9476, vtrivedi@pa.gov | IRRC approved emergency certified final-omitted rule on [April 20, 2023](#).  
**Background:**  
- Redelivered to House and Senate ERE Committees and IRRC on [March 21, 2023](#).  
- Published in Pennsylvania Bulletin on [December 10, 2022](#).  
- Delivered to House and Senate ERE Committees, IRRC and Office of Attorney General on [November 30, 2022](#).  
- Governor Wolf signed emergency certification of need on [November 30, 2022](#).  
- EQB adopted final-omitted rule on [November 30, 2022](#). |
| VOC RACT Requirements for Certain CTG Source Categories for the 2015 Ozone NAAQS (RACT 3 CTG Categories) (#7-568)  
25 Pa. Code Chapters 121 and 129  
Air Pollution Control Act | This rulemaking is part of the Commonwealth’s demonstration to fulfill the RACT requirements for the 2015 8-hour ozone NAAQS. This rulemaking establishes presumptive VOC RACT requirements and RACT emission limitations for certain control techniques guideline (CTG) source categories: shipbuilding and ship repair surface coating; synthetic organic chemical manufacturing industry air oxidation, distillation, and reactor processes; and large petroleum dry cleaners.  
**CONTACT:** Randy Bordner, 717-772-3921, ranbordner@pa.gov | Final rule published in the Pennsylvania Bulletin on [January 21, 2023](#), making the rule effective.  
**Background:**  
- IRRC approved final rule on [November 17, 2022](#).  
- Delivered to House and Senate ERE Committees and IRRC on [October 12, 2022](#).  
- EQB adopted final rule on [October 12, 2022](#).  
- Draft final Annex A was presented to Air Quality Technical Advisory Committee (AQTAC) on [August 18, 2022](#), Small Business Compliance Advisory Committee (SBCAC) on [August 24, 2022](#), and the Citizens Advisory Council (CAC) on July 19, 2022.  
- IRRC comments received on [May 4, 2022](#).  
- Delivered to House and Senate ERE Committees, IRRC, and the LRB on [January 4, 2022](#).  
- EQB adopted proposed rule on [September 21, 2021](#).  
<p>| <strong>Safe Drinking Water PFAS Maximum Contaminant Level (MCL)</strong>&lt;br&gt;25 Pa. Code Chapter 109 Safe Drinking Water Act | This rulemaking establishes a maximum contaminant level (MCL) for select per- and polyfluoroalkyl substances (PFAS) in drinking water.&lt;br&gt;&lt;br&gt;<strong>CONTACT:</strong> Dawn Hissner, 717-772-2189, <a href="mailto:dhissner@pa.gov">dhissner@pa.gov</a> | Final rule published in the <em>Pennsylvania Bulletin</em> on <a href="#">January 14, 2023</a>, making the rule effective.&lt;br&gt;&lt;br&gt;<strong>Background:</strong>&lt;br&gt;• IRRC approved final rule on <a href="#">November 17, 2022</a>.&lt;br&gt;• Delivered to House and Senate ERE Committees and IRRC on <a href="#">October 13, 2022</a>.&lt;br&gt;• EQB adopted final rule on <a href="#">October 12, 2022</a>.&lt;br&gt;• Draft final Annex A presented to TAC on <a href="#">July 14, 2022</a>.&lt;br&gt;• IRRC comments received on <a href="#">May 27, 2022</a>.&lt;br&gt;• Proposed rule published in the Pa. Bulletin on <a href="#">February 26, 2022</a>. Five public hearings held March 21-25, 2022. Public comment period closed on April 27, 2022. To view comments, visit <a href="#">eComment</a>.&lt;br&gt;• Delivered to House and Senate ERE Committees, IRRC, and the LRB on <a href="#">February 15, 2022</a>.&lt;br&gt;• EQB adopted proposed rule on <a href="#">November 16, 2021</a>.&lt;br&gt;• Draft proposed Annex A presented to Public Water System Technical Assistance Center Board (TAC) on <a href="#">July 29, 2021</a>. |</p>
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| **Additional RACT Requirements for Major Sources of NOx and VOCs for the 2015 Ozone NAAQS (RACT III Major Sources)** (*#7-561*)  
25 Pa. Code Chapters 121 and 129  
*Air Pollution Control Act*  
This rulemaking established additional presumptive NOx and VOC RACT requirements and RACT emission limitations for certain major stationary sources of NOx and VOC emissions as part of the Commonwealth’s demonstration to fulfill the RACT requirements for the 2015 8-hour ozone NAAQS.  
**CONTACT:** Viren Trivedi, 717-783-9476, vtrivedi@pa.gov |
| **Municipal Waste Processing Permit-By-Rule; Rural Transfer Facility** (*#7-564*)  
25 Pa. Code Chapter 271  
*Solid Waste Management Act; Municipal Waste Planning, Recycling and Waste Reduction Act*  
This rulemaking amends 25 Pa. Code Chapter 271.103 to add a new municipal waste processing permit-by-rule (PBR) for rural transfer facilities. It establishes requirements for operation of a rural transfer facility, including siting, storage, recordkeeping and other requirements. This rulemaking was developed to create waste management and recycling opportunities for more citizens and in communities that are currently underserved or without collection infrastructure.  
**CONTACT:** Laura Henry, 717-772-5713, lahenry@pa.gov |

**Final rule published in the *Pennsylvania Bulletin* on November 12, 2022, making the rule effective.**

**Background:**  
- IRRC approved the final rule on September 15, 2022.  
- Delivered to House and Senate ERE Committees and IRRC on August 10, 2022.  
- EQB adopted the final rule on August 9, 2022.  
- Draft final Annex A presented to the AQTC on April 7, 2022, the CAC on April 19, 2022 and May 18, 2022, and the SBCAC on April 27, 2022.  
- IRRC comments received on November 12, 2021.  
- Delivered to House and Senate ERE Committees, IRRC, and the LRB on July 14, 2021.  
- EQB adopted proposed rule on May 19, 2021.  
- Draft proposed Annex A discussed with CAC on May 19, 2020, AQTAC on May 7, 2020, and with SBCAC on April 22, 2020.

**Final rule published in the *Pennsylvania Bulletin* on October 29, 2022, making the rule effective.**

**Background:**  
- IRRC approved the final rule on September 15, 2022.  
- Delivered to House and Senate ERE Committees and IRRC on August 10, 2022.  
- EQB Adopted on July 12, 2022.  
- Draft final Annex A presented to the Solid Waste Advisory Committee (SWAC) on June 14, 2022.  
- IRRC letter (no comments) received on March 16, 2022.  
- Delivered to House and Senate ERE Committees, IRRC, and the LRB on January 4, 2022.  
- EQB adopted proposed rule on November 16, 2021.  
- Draft proposed Annex A discussed with the Solid Waste Advisory Committee on June 3, 2020.
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| **Coal Refuse Disposal Revisions**
(7-565)
25 Pa. Code Chapter 90
Surface Mining Conservation and Reclamation Act, Clean Streams Law, Coal Refuse Disposal Control Act
| This rulemaking implements Act 74 of 2019. Regulatory amendments include clarification of the triggering events that would require an operator to install a system to prevent precipitation from contacting the coal refuse; differences between the State and Federal regulations relating to temporary cessation; and establish a connection between the disposal area and the source of the refuse.

**CONTACT:** Greg Greenfield, 717-787-3174, grgreenfie@pa.gov
| Published as final in the *Pennsylvania Bulletin on September 10, 2022*, making the rule effective.

**Background:**
- IRRC approved on [July 21, 2022](#).
- Delivered to House and Senate ERE Committees and IRRC on [June 16, 2022](#).
- EQB adopted final rule on [May 18, 2022](#).
- Draft final Annex A presented to the Mining and Reclamation Advisory Board on [January 20, 2022](#).
- IRRC letter (no comments) received on [January 5, 2022](#).
- Delivered to House and Senate ERE Committees, IRRC, and the LRB on [October 20, 2021](#).
- EQB adopted proposed rule on [June 15, 2021](#).
- Draft proposed Annex A discussed with the Aggregate Advisory Board on [May 6, 2020](#) and MRAB on [July 16, 2020](#) and [October 22, 2020](#).

| **Prohibiting Electronic Liquid-Vaporizing Devices at Underground Bituminous Coal Mines**
(7-558)
25 Pa. Code Chapter 208 Bituminous Coal Mine Safety Act
| This rulemaking amends the smoking prohibition at underground bituminous coal mines to expressly prohibit the use and/or possession of electronic liquid-vaporizing devices, including electronic cigarettes, and will provide for the imposition of a penalty for violations of the prohibition. This rulemaking also distinguishes the prohibition at surface work areas of underground bituminous coal mines from the prohibition in the underground areas of these mines.

**CONTACT:** Richard Wagner, 724-404-3154, rwagner@pa.gov
| Published as final in the *Pennsylvania Bulletin on September 10, 2022*, making the rule effective.

**Background:**
- IRRC approved on [July 21, 2022](#).
- Delivered to House and Senate ERE Committees and IRRC on [June 16, 2022](#).
- BCMS adopted final rule on [June 15, 2022](#).
- Summaries of public comments received and annex changes discussed with BCMS on [June 1, 2021](#).
- IRRC comments received [May 12, 2021](#).
- Delivered to House and Senate ERE Committees, IRRC, and the LRB on [February 25, 2021](#).
- BCMS adopted proposed rule on [September 1, 2020](#).
- Draft proposed Annex A presented to BCMS on [June 11, 2019](#) and [December 10, 2019](#).
| CO: Budget Trading Program (#7-559) | This rulemaking amends 25 Pa. Code Chapter 145 (relating to interstate pollution transport reduction) by adding Subchapter E (relating to CO₂ budget trading program). This rulemaking establishes a cap on carbon dioxide (CO₂) emissions from fossil fuel-fired electric generating units, with a nameplate capacity equal to or greater than 25 megawatts (MWe), in Pennsylvania. This rulemaking allows Pennsylvania to participate in the Regional Greenhouse Gas Initiative by establishing the Pennsylvania component of the CO₂ Budget Trading Program which is designed to reduce anthropogenic emissions of CO₂, a greenhouse gas, in a manner that is protective of public health, welfare and the environment and is economically efficient.  
CONTACT: Viren Trivedi, 717-783-9476, vtrivedi@pa.gov | Published as final in the Pennsylvania Bulletin on April 23, 2022, making the rule effective.  
**Background:**  
- IRRC approved on September 1, 2021.  
- Delivered to House and Senate ERE Committees and IRRC on July 28, 2021.  
- EQB adopted final rule on July 13, 2021.  
- Summaries of public comments received and annex changes discussed with AQTAC on April 8, 2021 and CAC on April 20, 2021.  
- IRRC comments received on February 16, 2021.  
- Delivered to House and Senate ERE Committees, IRRC and the LRB on October 21, 2020.  
- EQB adopted proposed rule on September 15, 2020.  
- Draft proposed rulemaking Annex A presented to AQTAC, the CAC, and the SBCAC on May 7, May 19 and July 22, 2020.  
- On April 23, 2020, DEP held a special joint informational meeting with AQTAC and the CAC to present the modeling results associated with Pennsylvania’s participation in a CO₂ budget trading program.  
- Details of and concepts for Pennsylvania’s regulation presented to AQTAC, CAC and the SBCAC on February 13, February 18 and April 22, 2020 respectively.  
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| Control of VOCs from Gasoline Dispensing Facilities (Stage I and Stage II) (#7-525) | This rulemaking removes the requirement to install new Stage II vapor recovery systems and establish procedures for the decommissioning of existing Stage II vapor recovery systems. Stage II systems that are not decommissioned will be required to still comply with existing Stage II regulatory maintenance requirements. Upon promulgation, the final-form regulation will be submitted to the EPA for approval as a SIP revision.  
CONTACT: Chris Trostle, 717-772-3926, dtrostle@pa.gov | Published as final in the Pennsylvania Bulletin on March 26, 2022, making the rule effective.  
**Background:**  
- IRRC approved on January 26, 2022.  
- Delivered to House and Senate ERE Committees and IRRC on December 14, 2021.  
- EQB adopted final rule on November 16, 2021.  
- IRRC comments received on December 30, 2020.  
- Delivered to House and Senate ERE Committees, IRRC and the LRB on September 17, 2020.  
- EQB adopted proposed rule on May 19, 2020.  

Environmental Quality Board (EQB)  
Board of Coal Mine Safety (BCMS)  
Independent Regulatory Review Commission (IRRC)  
Legislative Reference Bureau (LRB)  
Environmental Resources and Energy Committees (House and Senate ERE Committees)