

DEP REGULATORY UPDATE

January 16, 2026

ENVIRONMENTAL QUALITY BOARD REGULATIONS

Draft Final Regulations – Presented to Advisory Committees

Title of Regulation; Fiscal Note Number; Amended Chapters; Statutory Authority; Summary; Contact Person	Current Status; Background
<p>Administration of the Land Recycling Program (#7-575) 25 Pa. Code Chapter 250 <i>Land Recycling and Environmental Remediation Standards Act</i></p> <p>The rulemaking proposes to amend Chapter 250 to update the medium specific concentrations (MSC) 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 rulemaking will focus on updates to the models used to calculate the MSCs for lead in soil and potential changes to how the MSCs for carcinogenic polycyclic aromatic hydrocarbons (PAH) are calculated. These regulations identify the formulas DEP must use to calculate MSCs and the sources of the toxicological information. This rulemaking also proposes to clarify administrative elements of Chapter 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.</p> <p>Contact: Mike Maddigan, 717-772-3609, mmaddigan@pa.gov</p>	<p>Current Status: Draft final Annex A presented to the Cleanup Standards Scientific Advisory Board (CSSAB) on April 23, 2025, and July 16, 2025.</p> <p>Background:</p> <ul style="list-style-type: none">• IRRC comments received on October 11, 2024.• Public hearings were held on August 19 and 27, and September 4 (no witnesses).• Proposed rule published in the <i>Pennsylvania Bulletin</i> on July 13, 2024, for a 60-day public comment period that closed on September 11, 2024. To view comments, visit eComment.• Delivered to House and Senate Environmental Resources and Energy Committees, IRRC, and the LRB on July 2, 2024.• EQB adopted proposed rule on March 12, 2024.• Draft proposed Annex A presented to the CSSAB on October 20, 2022, January 23, 2023, and May 31, 2023.

Draft Final Regulations – Presented to Advisory Committees

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<p>Water Quality Standards—Class A Stream Redesignations (#7-583) 25 Pa. Code Chapter 93 <i>Section 303(c)(1) of the Federal Clean Water Act</i></p> <p>This rulemaking includes revisions that are the result of stream evaluations conducted by DEP in response to a submittal of data from the Pennsylvania Fish and Boat Commission (PFBC). Redesignations rely on § 93.4b(a)(2)(ii) to qualify streams for High Quality (HQ) designations based upon their classifications as Class A wild trout streams. DEP staff conducted an independent review of the trout biomass data in the PFBC's fisheries management reports for streams throughout the Commonwealth to ensure that the HQ criteria were met. 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.</p> <p>Contact: Josh Lookenbill, 717-783-2959, mlookenbil@pa.gov</p>	<p>Current Status: Draft final Annex A presented to Agricultural Advisory Board (AAB) on August 28, 2025.</p> <p>Background:</p> <ul style="list-style-type: none"> • IRRC comments received on April 17, 2025. • A public hearing was held on March 13, 2025 (no witnesses). • Proposed rule published in the <i>Pennsylvania Bulletin</i> on February 1, 2025, for a 45-day public comment period that closed on March 18, 2025. To view comments, visit eComment. • Delivered to Senate ERE and House ENRP Committees on February 27, 2025. • Delivered to IRRC and the LRB on December 17, 2024. • EQB adopted proposed rule on September 10, 2024. • Concepts discussed with AAB on April 17, 2024.
<p>Administration of the Land Recycling Program—Chromium (VI) (#7-588) 25 Pa. Code Chapter 250 <i>Land Recycling and Environmental Remediation Standards Act</i></p> <p>The rulemaking proposes to amend Chapter 250 to update the toxicity value and MSCs established under the Statewide health standard for chromium (VI) 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 rulemaking will update the chromium (VI) toxicity value and the chromium (VI) direct contact soil MSCs.</p> <p>Contact: Mike Maddigan, 717-772-3609, mmaddigan@pa.gov</p>	<p>Current Status: Draft final Annex A presented to the Cleanup Standards Scientific Advisory Board (CSSAB) on October 22, 2025.</p> <p>Background:</p> <ul style="list-style-type: none"> • IRRC letter (no comments) received on August 27, 2025. • Proposed rule published in the <i>Pennsylvania Bulletin</i> on June 28, 2025, for a 30-day public comment period that closed on July 28, 2025. To view comments, visit eComment. • Delivered to Senate ERE and House ENRP Committees, IRRC, and the LRB on May 22, 2025. • EQB adopted proposed rule on April 8, 2025. • Draft proposed Annex A presented to the CSSAB on October 30, 2024.

Proposed Regulations – Adopted by the Environmental Quality Board

Title of Regulation; Fiscal Note Number; Amended Chapters; Statutory Authority; Summary; Contact Person	Current Status; Background
<p>Environmental Lab Accreditation Fees (#7-578) 25 Pa. Code Chapter 252 <i>Environmental Laboratory Accreditation Act</i></p> <p>This rulemaking proposes to update the fees for the environmental laboratory accreditation program to cover the cost of the operation of the program, as required by the Environmental Laboratory Accreditation Act.</p> <p>Contact: Annmarie Beach, 717-346-8212, anbeach@pa.gov</p>	<p>Current Status: IRRC comments received on December 31, 2025.</p> <p>Background:</p> <ul style="list-style-type: none"> Proposed rule published in the <i>Pennsylvania Bulletin</i> on November 1, 2025, for a 30-day public comment period that closed on December 1, 2025 (ten public comments). To view comments, visit eComment. Delivered to Senate ERE and House ENRP Committees, IRRC, and the LRB on October 22, 2025. EQB adopted proposed rule on September 9, 2025. Draft proposed Annex A presented to Laboratory Accreditation Advisory Committee on November 19, 2024.
<p>Notification Requirements for Unauthorized Discharges to Waters of the Commonwealth (#7-587) 25 Pa. Code Chapter 93 <i>Pennsylvania Clean Streams Law</i></p> <p>This rulemaking proposes to clarify the immediate notification requirements for unauthorized discharges of a substance that would cause or threaten pollution to waters of the Commonwealth, endanger downstream users or damage property.</p> <p>Contact: Jay Patel, 717-783-2283, jaypatel@pa.gov</p>	<p>Current Status: IRRC comments received on July 7, 2025.</p> <p>Background:</p> <ul style="list-style-type: none"> A virtual public hearing was held on May 15, 2025 (seven witnesses). To view comments, visit eComment. Proposed rule published in the <i>Pennsylvania Bulletin</i> on April 5, 2025, for a 60-day public comment period that closed on June 4, 2025. To view comments, visit eComment. EQB adopted proposed rule on November 12, 2024. Draft proposed Annex A presented to WRAC on September 21, 2023, AAB on October 19, 2023, Public Water System Technical Assistance Center Board (PWS TAC) on October 26, 2023, and WRAC on May 16, 2024.
<p>Legal Authority for Delegation of Federal Plans in 40 CFR Part 62 (#7-585) 25 Pa. Code Chapter 122 <i>Air Pollution Control Act</i></p> <p>This rulemaking proposes to amend Chapter 122 to clarify the authority for adoption of Federal plans in 40 CFR Part 62 and submittal to the United States Environmental Protection Agency’s (EPA) of requests for delegation of Federal plans for existing sources, and to clarify implementation and enforcement of emission guidelines and Federal plans for existing sources.</p> <p>Contact: Sean Wenrich, 717-772-3979, sewenrich@pa.gov</p>	<p>Current Status: IRRC comments received September 29, 2025.</p> <p>Background:</p> <ul style="list-style-type: none"> Public hearings were held on July 22, 24, and 29 (one witness). To view comments, visit eComment. Proposed rule published in the <i>Pennsylvania Bulletin</i> on June 21, 2025, for a 69-day public comment period that closed on August 29, 2025. To view comments, visit eComment. Delivered to Senate ERE and House ENRP Committees, IRRC, and the LRB on May 22, 2025. EQB adopted proposed rule on April 8, 2025. Draft proposed Annex A presented to Air Quality Technical Advisory Committee (AQTAC) on April 4, 2024, Small Business Compliance Advisory Committee (SBCAC) on April 17, 2024, and Citizens Advisory Council (CAC) on May 14, 2024.

Proposed Regulations – Adopted by the Environmental Quality Board

Title of Regulation; Fiscal Note Number; Amended Chapters; Statutory Authority; Summary; Contact Person	Current Status; Background
<p>Safe Drinking Water Revised Consumer Confidence Report Rule (#7-589) 25 Pa. Code Chapter 109 <i>Pennsylvania Safe Drinking Water Act</i></p> <p>This rulemaking proposes to amend Chapter 109 to incorporate the recently finalized Federal Consumer Confidence Report rule, and other amendments as needed.</p> <p>Contact: Dawn Hissner, 717-772-2189, dhissner@pa.gov</p>	<p>Current Status: Proposed rule published in the <i>Pennsylvania Bulletin</i> on December 13, 2025, for a 30-day public comment period that closed on January 12, 2026. To view comments, visit eComment.</p> <p>Background:</p> <ul style="list-style-type: none"> Delivered to Senate ERE and House ENRP Committees, IRRC, and the LRB on December 3, 2025. EQB adopted proposed rule on September 9, 2025. Draft proposed Annex A presented to PWS TAC on February 20, 2025.

Draft Proposed Regulations – Presented to Advisory Committees

Title of Regulation; Fiscal Note Number; Amended Chapters; Statutory Authority; Summary; Contact Person	Current Status; Background
<p>Environmental Protection Performance Standards for Conventional Oil and Gas Operators (#7-539) 25 Pa. Code Chapter 78 <i>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</i></p> <p>This rulemaking proposes to amend the oil and gas regulations applicable to conventional operators to update the environmental protection performance standards related to oil and gas activities.</p> <p>Contact: Kurt Klapkowski, 717-772-5849, kklapkowski@pa.gov</p>	<p>Current Status: Program drafting proposed rulemaking package.</p> <p>Background:</p> <ul style="list-style-type: none"> Draft proposed Annex A discussed with the Oil and Gas Technical Advisory Board (OG TAB) 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.

Draft Proposed Regulations – Presented to Advisory Committees

Title of Regulation; Fiscal Note Number; Amended Chapters; Statutory Authority; Summary; Contact Person	Current Status; Background
<p>Waste Management and Related Issues at Conventional Oil and Gas Well Sites (#7-540) 25 Pa. Code Chapter 78 <i>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</i></p> <p>This proposed 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.</p> <p>Contact: Kurt Klapkowski, 717-772-5849, kklapkowski@pa.gov</p>	<p><u>Current Status:</u> Program developing proposed rulemaking package.</p> <p><u>Background:</u></p> <ul style="list-style-type: none"> Draft proposed Annex A discussed with OG TAB on September 17, 2020 and September 9, 2021, and CDAC on December 3, 2020, August 19, 2021, and February 16, 2023.
<p>Water Quality Standards—Chester Creek et al. Stream Redesignations 25 Pa. Code Chapter 93 <i>Section 303(c)(1) of the Federal Clean Water Act</i></p> <p>This rulemaking proposes revisions that are the result of stream evaluations conducted by DEP in response to a rulemaking petition, errors identified in Chapter 93, the EPA’s partial approval of the previous Triennial Review of Water Quality Standards, and routine monitoring and assessment activities. In this rulemaking, redesignations rely on aquatic life use definitions and HQ and Exceptional Value qualifications in §§ 93.3 and 93.4b.</p> <p>Contact: Josh Lookenbill, 717-783-2959, mlookenbil@pa.gov</p>	<p><u>Current Status:</u> Draft proposed Annex A presented to AAB on April 10, 2025.</p>

Draft Proposed Regulations – Presented to Advisory Committees

Title of Regulation; Fiscal Note Number; Amended Chapters; Statutory Authority; Summary; Contact Person	Current Status; Background
<p>Administration of Sewage Facilities Program (#7-570) 25 Pa. Code Chapters 71, 72, and 73 <i>Pennsylvania Clean Streams Law, Pennsylvania Sewage Facilities Act</i></p> <p>This rulemaking proposes to update 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 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 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.</p> <p>Contact: Jay Patel, 717-783-2283, jaypatel@pa.gov</p>	<p>Current Status: Draft proposed Annex A presented to Sewage Advisory Committee on April 16, 2025, and reviewed on July 11, 2025, July 17, 2025, July 23, 2025, August 7, 2025, August 21, 2025, September 15, 2025, September 16, 2025, October 17, 2025, November 3, 2025, November 14, 2025, and December 18, 2025.</p>
<p>Administrative Amendments to Permitting and Operating Plan Requirements 25 Pa. Code Chapters 121 and 127 <i>Air Pollution Control Act</i></p> <p>This rulemaking proposes to update administrative provisions in Chapters 121 and 127 to update definitions, allow for electronic means of publication, document delivery and communication, and clarify requirements for permit application timelines and certain interpollutant trading requirements.</p> <p>Contact: Sean Wenrich, 717-772-3979, sewenrich@pa.gov</p>	<p>Current Status: Draft proposed Annex A presented to AQTAC on November 6, 2025, SBCAC on November 10, 2025, and CAC on January 13, 2026.</p>

Pre-Draft Proposed Regulations – In Development

Title of Regulation; Fiscal Note Number; Amended Chapters; Statutory Authority; Summary; Contact Person	Current Status; Background
<p>Annual Fee for Unconventional Operations (#7-573) 25 Pa. Code Chapter 78a <i>2012 Oil and Gas Act, Clean Streams Law, Dam Safety and Encroachments Act, Solid Waste Management Act</i></p> <p>This rulemaking proposes to establish an annual fee for unconventional operations. The annual fee will provide a stable source of funding through Fiscal Year 2027- 2028.</p> <p>Contact: Kurt Klapkowski, 717-772-5849, kklapkowsk@pa.gov</p>	<p><u>Current Status:</u> Program developing proposed regulatory amendments.</p>
<p>Dam Safety and Waterway Management 25 Pa. Code Chapter 105 <i>Federal Clean Water Act, Pennsylvania Clean Streams Law, Dam Safety and Encroachment Act</i></p> <p>This rulemaking proposes to amend Chapter 105 to provide updates and clarifications to definitions, requirements to improve permit application submission and permit review efficiency.</p> <p>Contact: Domenic Rocco, 717-772-5659, drocco@pa.gov</p>	<p><u>Current Status:</u> Program developing proposed regulatory amendments.</p>
<p>Update to Coproduct Regulations 25 Pa. Code Chapter 287 <i>Solid Waste Management Act</i></p> <p>This rulemaking proposes to amend the coproduct regulations to ensure that the efficacy of a waste for a particular use and the consistency of the process by which the waste is generated is considered and adequately demonstrated as part of a coproduct demonstration.</p> <p>Contact: Chris Solloway, 717-787-1791, csolloway@pa.gov</p>	<p><u>Current Status:</u> Program developing proposed regulatory amendments.</p>

Pre-Draft Proposed Regulations – In Development

Title of Regulation; Fiscal Note Number; Amended Chapters; Statutory Authority; Summary; Contact Person	Current Status; Background
<p>Lead and Copper Rule Improvements (LCRI) (# 7-576) 25 Pa. Code Chapter 109 <i>Pennsylvania Safe Drinking Water Act</i></p> <p>This proposed rulemaking would incorporate the final Federal LCRI provisions into State regulations to strengthen public health protection and maintain primacy by ensuring State regulations are as stringent as Federal regulations.</p> <p>Contact: Dawn Hissner, 717-772-2189, dhissner@pa.gov</p>	<p>Current Status: Program developing proposed regulatory amendments.</p>
<p>Water Quality Permit Administration 25 Pa. Code Chapters 91 and 92a <i>Pennsylvania Clean Streams Law</i></p> <p>This rulemaking proposes updates to improve administration of the water quality management and National Pollutant Discharge Elimination System (NPDES) permitting programs.</p> <p>Contact: Sean Furjanic, 717-787-2137, sefurjanic@pa.gov</p>	<p>Current Status: Program developing proposed regulatory amendments.</p>
<p>Water Quality Standards – Triennial Review of Water Quality Standards (# 11) and Updates to Toxics Management Strategy—Statement of Policy 25 Pa. Code Chapters 93 and 16 <i>40 CFR 131.20</i></p> <p>This rulemaking revises the Commonwealth's water quality criteria and standards in Chapter 93 and updates the Chapter 16 statement of policy to reflect the latest scientific information and Federal guidelines for criteria development, as required by the triennial review requirements in the Federal Clean Water Act.</p> <p>Contact: Josh Lookenbill, 717-783-2959, mlookenbil@pa.gov</p>	<p>Current Status: Advance notice of proposed rulemaking published in the <i>Pennsylvania Bulletin</i> on <u>December 27, 2025</u>, for a 45-day public comment period that closes on February 9, 2026. To submit comments, visit eComment.</p>

Pre-Draft Proposed Regulations – In Development

Title of Regulation; Fiscal Note Number; Amended Chapters; Statutory Authority; Summary; Contact Person	Current Status; Background
<p>Safe Drinking Water Revised PFAS Rule 25 Pa. Code Chapter 109 <i>Pennsylvania Safe Drinking Water Act</i></p> <p>This rulemaking proposes to amend Chapter 109 to incorporate the recently finalized Federal PFAS Maximum Contaminant Levels rule.</p> <p>Contact: Dawn Hissner, 717-772-2189, dhissner@pa.gov</p>	<p><u>Current Status:</u> Program developing proposed regulatory amendments.</p>

BOARD OF COAL MINE SAFETY REGULATIONS

Title of Regulation; Fiscal Note Number; Amended Chapters; Statutory Authority; Summary; Contact Person	Current Status; Background
There are no Board of Coal Mine Safety regulations in progress.	