Questions and Answers for Representative Vitali

General

Can you tell me the number of filled positions and the authorized complement of DEP currently.

- The current complement authorized from the 2024-25 budget is 2,874 positions. Of this, 2,642 positions (92%) are filled.

BAQ

What additional positions are needed based on workload (as opposed to current funding and legislative authorization)?

- The Bureau has focused on addressing increased workloads through strategic investments in technology and reducing the amount of time it takes to fill vacancies with qualified employees. Technological changes already completed included changes to air monitors (discussed below) and future technology improvements will be part of DEP's broader IT overhaul, which is a key initiative of the Shapiro Administration. Efforts to quickly fill vacancies include relatively simple actions like developing succession plans, encouraging staff to give advanced notice when they plan to retire, and working with HR and OA to better understand positions that are hard to fill, such as those within the air planning and monitoring programs. Taken together, these very deliberate, actions hopefully will allow us to target and attract a greater number of qualified applicants.

What salary increase would you estimate would be needed to attract enough qualified candidates?

- This is difficult to estimate. While the private sector often offers higher salary, we target candidates who are seeking a better work-life balance and benefits, among other things.

How has your workload increased in the past 20 years?

- We estimate that the overall workload to the Bureau has increased by 30%-50% over the past two decades due to several factors:
- New federal and state regulatory requirements have been promulgated, particularly affecting engines, turbines, sources emitting air toxics, power generation, and the oil and gas industries.

- Stricter national ambient air quality standards for ozone and PM2.5 have mandated additional efforts in planning and technology assessments to comply with Reasonably Available Control Technology (RACT) requirements.
- Advances in control technologies, along with evolving costs, effectiveness, and regulatory mandates, have further contributed to the complexity of air quality review.
- Demand for localized studies to examine the air impacts on individual communities has grown significantly. These studies are very time and labor intensive.

Can you explain what you mean by "parameters" as referenced in your chart?

- The word parameters can be defined as the different data points for which we collect data. For instance, since an ozone sensor only monitors for ozone, ozone would count as one parameter. On the other hand, a volatile organic compound (VOC) canister (it is one piece of equipment) collects air from the atmosphere, which can be analyzed for 97 different pollutants. Therefore, this monitoring method accounts for 97 individual parameters. In this example, we have two different monitors (an ozone monitor and VOC canister) that measures a total of 98 parameters, which is why the relationship between the number of total monitors and total parameters is not completely linear.

Between 2014 and 2024 there was a reduction of 59 air monitors. Can you tell me where this reduction came from and what impact this reduction has had on air monitoring.

- The reduction in air monitors (and parameters) over the last 10 years can be attributed to a multitude of factors:
- Starting in 2014, we reevaluated the ongoing value of the air monitors we operate. Low value monitors such as the majority of the Carbon Monoxide (CO) and Total Suspended Particulates (TSP) monitors were eliminated or consolidated to free up resources to focus in other areas of the Commonwealth or on more challenging pollutants. Through this process, we reduced our criteria-based monitoring and non-criteria-based monitoring network by 59 monitors (and 1365 parameters) as we looked to cut operating costs. This reevaluation was driven in part by an ongoing difficulty in recruiting technical field staff, the need to trim our laboratory expenses and the low value of the data being collected for continuing compliance with the National Ambient Air Quality Standards (NAAQS).
- Additionally, in the past 20 years, the demand for localized studies to examine the air impacts on communities has grown significantly. These studies are very time and labor

intensive and are generally run by the same technical staff that operate the routine air monitoring network. Over that period, we have completed or are completing upwards of ten special studies to study localized air pollution impacts.

Between 2014 and 2024 there was a reduction of 1365 parameters. Can you tell me where this reduction came from and what impact that reduction has had on air monitoring.

- Please see the answer to the previous question, which answers both the air monitors question and this parameters question.

Has the air program ever inspected conventional drilling operations for methane leakage? If so, when did it stop and for what reason. Are there plans for methane leakage inspection in the future?

- The Department is currently involved in litigation with the conventional industry pertaining to the VOC RACT regulations (25 Pa. Code §§ 129.131-129.140) before the Commonwealth Court in PIOGA et al. v. DEP et al. (574 M.D. 2022). The Commonwealth Court has granted a joint motion to stay the litigation proceedings while the parties explore settlement options. The annual reporting obligations under 25 Pa. Code § 129.140(k)(1) are on hold for the conventional operators until the litigation concludes. Additionally, onsite inspections are currently on hold until after the litigation has ended. At that time, an effort to develop compliance and enforcement assistance, as well as a robust inspection program, will be undertaken with cooperation from the conventional industry.

Can you provide me with the two EPA preperformance evaluations referenced in your previously reply? I did not receive them.

- The evaluations are attached.

HSCA

What would be the full complement of the HSCA program bases on program needs (as opposed to existing funding levels)?

- This is difficult to quantify, however, 234 is our current authorized complement with 219 filled (94%).

What is the reason for the difficulty in attracting qualified candidates? What would you estimate amount of increased compensation required to attract qualified candidates?

- It has always been difficult to hire licensed professional geologists in the remediation programs due to the perceived disparity in compensation between public and private sector. In recent years, we have had some success hiring candidates who are looking for better work life balance, job stability, and health benefits.

Why has not investigation begun for PFAS contamination regarding the 50 Fixed fire Training facilities referenced.

- The Department is concentrating on areas/facilities with known or suspected contamination first.

How much money would be needed for testing to effectively identify threats from PFAS or other emerging contaminants.

- Due to the unique nature of PFAS and other emerging contaminants including limited toxicological data, industrial usage, and affective treatment technologies, it is difficult to quantify the costs.

Oil and Gas

What would be the optimal level of staffing for the Oil and Gas Program?

- The Governor's proposed budget for 2025-26 calls for an additional 10 positions to assist the Oil and Gas Program in reaching these goals with a view towards increased efficiency and effectiveness.

Are the man hours saved by improved technology since 2016 greater or less than the additional man hours required due to increased responsibility? Please elaborate.

- The Oil and Gas Program has taken actions in the past to improve efficiency such as mobile inspections, home storage, ePermitting, and electronic submissions. Comparing these previous improvements to current workload is difficult to quantify. As new areas of focus become available through federal funding opportunities, the program remains committed to seek out new and upgraded technologies that will continue to allow the program to work more efficiently.

What is the due date of you 2025 3-year fee report?

- DEP is obligated to provide this report to the Board in 2025.

How will the shortfall between the $28M annually needed to administer the program and $24.2 in expected revenue be made up?

- The Governor's proposed 2025-26 budget contains funds to address this shortfall.

Are the conclusions in your December 2022 report as they relate to the improper abandonment of wells and the need for additional resources still valid?

- Improper well abandonment remains a significant concern for the agency, particularly because the burden of plugging those abandoned wells falls to the Commonwealth. The agency is reviewing and updating our compliance and enforcement policies. In the Oil and Gas Program, there will be a particular focus on the issue of improper abandonment and steps the agency can take to reduce that future burden.

Water Programs

How was your figure of a 10-year frequency of stream assessment arrived at? Is this a standard among states?

- The Clean Water Act requires states develop a monitoring strategy that effectively assesses the condition of surface waters statewide. According to EPA, the monitoring strategy should not exceed 10 years. The ability of states to implement an effective monitoring strategy is a stipulation of Federal Water Pollution Control (Section 106) Grants.

Did the 3-year fee report of the Bureau of Water Engineering and Wetlands indicate how many positions were necessary to address the insufficiency in existing complement?

- No, it did not include the number of positions needed.

Was this insufficiency addressed?

- Please see above response.

What projects could have been funded if no portions of the CWF was used for salaries?

- While it is difficult to quantify what specific projects could be funded if no portions of the CWF used salaries, it is reasonable to suggest that we could utilize additional funds on line items we already spend it on.