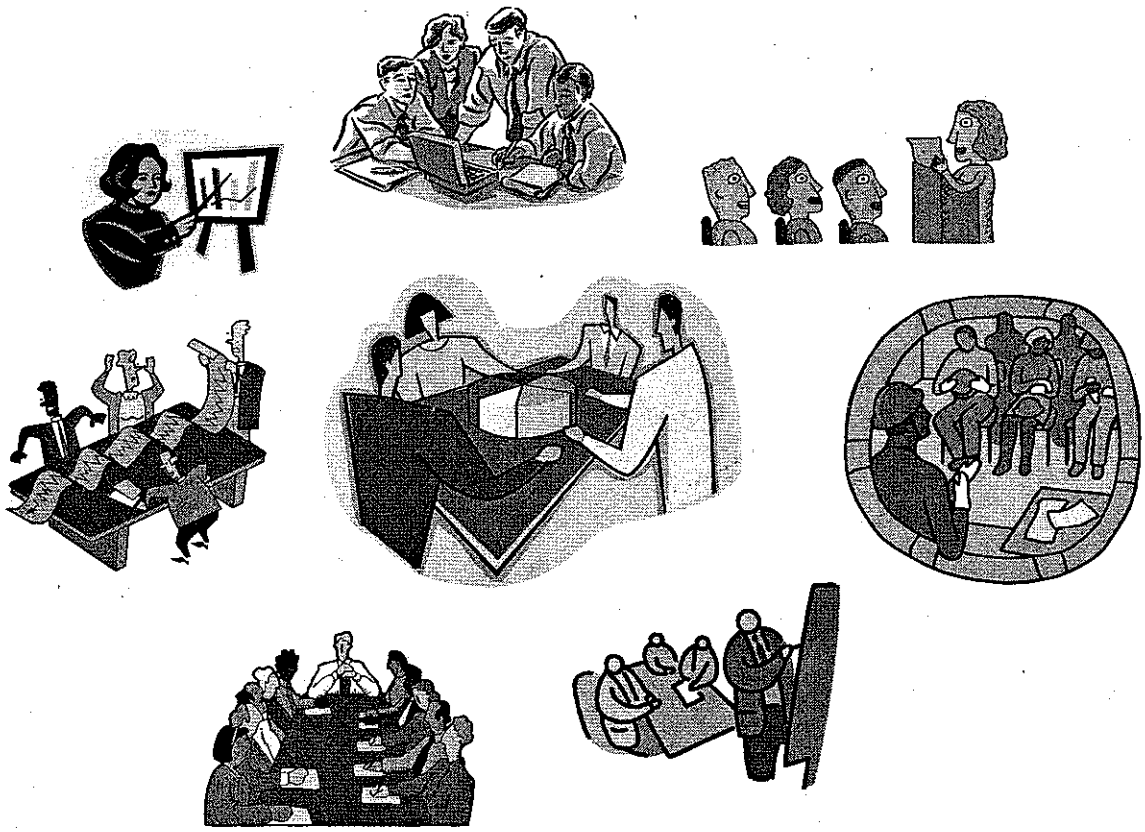
Increasing the Effectiveness of DEP's Advisory Groups and Other Public Engagement

Report and Recommendations

September 7, 2004



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Updated October 2004 – Appendices D and E

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I. Executive Summary

Through collaboration, advocacy, and initiative, DEP and its partners can make more informed decisions, work collaboratively to preserve and protect our Commonwealth's resources, turn environmental problems into sustainable solutions, and make a difference in Pennsylvania's future. Public engagement is critical to sound decision-making. DEP's public participation process has grown significantly over the years and has proven to be a successful means for DEP and the public to work together. Recognizing the need for continual improvement in all aspects of DEP's activities, Secretary McGinty asked the Citizens Advisory Council (CAC)[1] and DEP's Center for Collaboration and Environmental Dispute Resolution (CEDR)[2] to jointly review and evaluate the department's advisory groups and identify areas where their roles can be enhanced.

The department's newly developed *Citizen Engagement Plan* (Appendix A) identifies advisory groups as one of seven key groups of stakeholders that the department must engage in order to make informed decisions on preserving and protecting our resources. This plan provides a context for the agency to engage citizens on numerous levels using various means. The recommendations in this report focus on increasing DEP's effectiveness in all areas of public engagement with an emphasis on the use of advisory committees.

As explained in this report, advisory groups should be convened when the desired level of involvement is "collaborative." At this level, the department commits to an inclusive and timely sharing of information from the pre-draft stage to final form; advisory groups should expect the department to seek advice from them and incorporate that advice to the greatest extent possible. At the "collaborative" level, the advisors and department staff are partners. Both raise issues for discussion and they generate ideas and options together. While all advice from a group should be considered and responded to, the final decision-making rests solely with the department.

To further strengthen the collaboration between the department and the advisory groups, the report recommends that DEP provide leadership regarding advisory group meetings and communications. This includes working with department staff and advisors to create meeting agendas; ensuring communication is inclusive, timely and understood; and ensuring balance of represented interests and influence.

During the course of preparing this report, we surveyed advisory group members and conducted individual interviews and a focus group. Based on the information collected, we have identified four key areas of interest:

1. Purpose/role and scope of advisory groups
2. Communication and level of involvement (Advisory Groups and DEP)
3. Membership of advisory groups
4. Structure and internal operating procedures for DEP's advisory groups

The report concludes with a list of recommendations concerning those four areas (starting on page 10) presented in a suggested implementation plan for action: immediate, short-term, and long-term/continual.

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[1] The Citizens Advisory Council is a legislatively created advisory committee charged with reviewing all environmental issues, legislation, regulations, policies and programs related to Pennsylvania. CAC has long been interested in the effective engagement of citizens in DEP's decision-making process; its 1995 report titled "Public Participation Reform" is still relevant and is referenced in this paper.

[2] The Center for Collaboration and Environmental Dispute Resolution (CEDR) is housed in DEP's Policy Office and functions as a consultant to DEP leaders, programs, and partners in all areas of collaboration including public involvement, consensus-building and dispute resolution.

Increasing the Effectiveness of DEP's Advisory Groups and Other Public Engagement

Prepared by the Center for Collaboration and Environmental Dispute Resolution and the Citizens Advisory Council

II. Introduction

Pennsylvania's citizens--the general public, the regulated community, local government, special interest groups, and DEP employees---are all critical to accomplishing DEP's mission. Through collaboration, advocacy, and initiative, DEP and its partners can make more informed decisions, work collaboratively to preserve and protect our Commonwealth's resources, turn environmental problems into sustainable solutions, and make a difference in Pennsylvania's future. The Commonwealth will prosper in a more sustainable environment where its people, natural resources and economy thrive together instead of competing for existence.

DEP's public participation process has grown significantly over the years and has proven to be a successful means for the department and the public to work together. Currently, DEP convenes multiple advisory groups, holds stakeholder involvement meetings, and in most permitting activities conducts public involvement in various forms. Some of these activities are productive while others miss the mark. DEP has not yet fully implemented an overall strategy for effectively engaging the public or stakeholders. Nor does DEP staff have a good understanding of the different levels of public/stakeholder engagement and how to use various tools to increase the effectiveness of public involvement. Finally, DEP does not yet have a culture that fully accepts and seeks citizen engagement.

Recognizing the need for continual improvement in all aspects of DEP's activities, Secretary McGinty requested the Citizens Advisory Council (CAC)[3] and DEP's Center for Collaboration and Environmental Dispute Resolution (CEDR)[4] to review the department's advisory committee network and identify areas where the process can be enhanced to add even further value.

The report begins with a framework for citizen engagement (Section II.), including a strategy for broadly engaging citizens to further DEP's mission and discussion of the role of advisory committees within that strategy. The overall strategy is important for two reasons. It provides a context for the report's approach to advisory groups, and also provides a foundation for building a citizen engagement culture in DEP. Section III. specifically addresses DEP advisory groups – issues and challenges as well as recommendations.

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[3] The Citizens Advisory Council is a legislatively created advisory committee charged with reviewing all environmental issues, legislation, regulations, policies and programs related to Pennsylvania. CAC has long been interested in the effective engagement of citizens in DEP's decision-making process. In 1995, at the request of then-Secretary Seif, Council assisted the department in assessing its public participation process. Many of the issues and recommendations identified in the resulting report titled "Public Participation Reform" are still relevant and are referenced in this paper.

[4] The Center for Collaboration and Environmental Dispute Resolution (CEDR) is housed in DEP's Policy Office and functions as a consultant to DEP leaders, programs, and partners in all areas of collaboration including public involvement, consensus-building and dispute resolution.

III. Framework for Citizen Engagement

A. Strategy for Effectively Engaging Citizens to Advance DEP's Mission

To put our findings in context, we must first acknowledge that, while important, advisory groups are one piece of overall citizen engagement; and there are many more partnering opportunities and a myriad of public participation tools to use. To foster a culture of citizen engagement, DEP leaders must consider who to engage, when to engage others, and explore the best available tools for effective management.

The "Citizen Engagement Plan" located in Appendix A identifies seven areas to focus citizen engagement, including advisory groups. Advisory groups are one tool and one group of citizenry to engage. When considering effective citizen engagement, DEP must consider a strategy that includes multiple levels of involvement. It is the level of involvement that dictates the tool or mechanism used to engage. The use of advisory groups and other forms of stakeholder engagement must be part of the agency's culture to be successful. To become part of the culture, the benefits and fundamentals of citizen engagement and the various tools to accomplish it must be understood. The Citizen Engagement Plan, which lays out a strategy to enhance DEP's partnerships, was approved in May as part of the Secretary's efforts to advance agency priorities. This strategy needs to be implemented by DEP leaders.

The *Public Participation Spectrum* (the Spectrum) found in Appendix B outlines five levels of engagement ranging from purely providing information to empowering stakeholders to make decisions. The agency's commitment is cumulative as the levels increase in participation. Below is an outline of the five levels of involvement and what the agency commitment to the public (or stakeholders) is at that level.

> INFORM:
> Providing the public with balanced and objective information to assist them in understanding issues, problems, alternatives and/or solutions. **DEP commits to keeping the public informed.**
> *Tools: UPDATE, fact sheets, websites, open houses, displays, press releases, Public Service Announcements, videos, e-NOTICE/eFACTS*
>
> CONSULT:
> Obtaining the public's feedback on analyses, alternatives and/or decisions. **DEP commits to keeping the public informed, listening to and acknowledging their concerns plus providing feedback on how the public input influenced the department's decision-making.**
> *Tools: Public meetings, surveys, focus groups, public comment periods, comment and response documents*
>
> INVOLVE:
> Working directly with the public throughout the process to ensure that public issues and concerns are consistently understood and considered. **DEP commits to considering public concerns and issues and ensuring that the public will see their input directly reflected in the alternatives developed. DEP also commits to providing the public with feedback on how their input influenced the department's decision-making.**

Tools: Stakeholder groups, roundtable discussions – working with stakeholders more specifically than "Involve" but not to the extent and commitment level of "Collaborate."

COLLABORATE:
Partnering with the public in each aspect of the decision-making, including development of alternatives and identification of a preferred solution. **DEP commits to going to the public for direct advice and innovation in the formulation of alternatives and solutions. DEP also commits to incorporating the public's advice and recommendations into its decision-making to the greatest extent possible.**
Tools: Advisory committees, facilitated consensus-building meetings, participatory decision-making meetings

EMPOWER:
Placing final decision-making power with the public. **DEP commits to implementing the public's decisions.**
Tools: Ballots, referendums, delegated decision-making

DEP staff must be educated in the levels of public involvement and understand the implications of stakeholder engagement. With a better understanding and education of public involvement principles, DEP staff would utilize better processes and public involvement would become an integral business function. If DEP staff more effectively engages stakeholders in business processes, DEP will be better able to accomplish its goals and priorities. The Commonwealth's environment will benefit because the agency tasked with its care and the citizens who live, work, and recreate here are working collaboratively to further conserve and protect its resources. The key to changing DEP's culture is to understand the importance of effectively engaging multiple interests - economy, environment, and human needs - to define progress and implement change by turning environmental problems into opportunities.

In implementing DEP's various programs, objectives, and initiatives, agency staff will want to engage stakeholders at varying levels. We should not create advisory committees and boards for all interests, but rather seek to engage stakeholders at the SUITABLE level of engagement at the appropriate time in the planning and/or decision making process. This takes forethought and planning, both in outlining key priorities and goals and in identifying who needs to be engaged, internally and externally, to help accomplish the goals and advance the priorities. Finally, implementation must include both program action and stakeholder engagement.

The department's stakeholder engagement should mirror its planning and operate on two levels, the agency-wide level and the program level. At the agency-wide level, executive staff should define agency-wide priorities and key initiatives, identify who its stakeholders are for each of the identified priorities and goals, and determine how to access them. The same should occur at the program level.

At both levels, senior and executive staff need to consider the following:

- What goals and/or initiatives can benefit from stakeholder engagement?
- How or why is stakeholder engagement in this initiative a benefit to DEP, the Commonwealth, or the environment?

For each initiative that will benefit from stakeholder engagement ...

- What level of engagement is desired for each initiative or stage of initiative?
- What is the desired outcome (format not substance) and therefore endpoint?
- Which stakeholders (both internal and external) can and should play a role in developing and/or advancing the initiative?
- What is the best way (tool) to access stakeholders based on level of engagement? (See *Public Participation Spectrum* in Appendix B.)
- How will effectiveness be measured and adjustments be made throughout the process to monitor and improve effectiveness?

The Secretary's Office and the Policy Office should be responsible for planning, discussing, and adopting proper tools to engage stakeholders regarding agency-wide priorities. These approaches and tools should be shared with the rest of the agency and be used by programs as effective models for engaging stakeholders.

Deputies and Bureau/Regional Directors should be responsible for planning, discussing, and adopting the proper tools to engage stakeholders to further their program initiatives.

DEP's *Center for Collaboration and Environmental Dispute Resolution (CEDR)* is available to consult with executive, senior, and program staff on all aspects of stakeholder engagement, including appropriate tools and processes.

B. The Role of Advisory Groups

Advisory groups are convened to serve as advisors to the decision maker. Advisory groups should be used when the desired level of involvement is *collaboration*, in both the development (of alternatives) and the selection of preferred alternatives/solutions. In convening an advisory group at the collaborative level of involvement, the agency is saying that it is seeking direct advice and innovation in formulating solutions and will incorporate advice and recommendations to the greatest extent possible. At the "collaborative" level, the advisors and department staff are partners. Both raise issues for discussion and they generate ideas and options together.

It should be noted that the agency cannot give up decision-making authority, but agrees to consider input and demonstrate to the advisors how their input was considered. Advisory groups provide advice, feedback and recommendations only. While this advice needs to be considered and responded to, final decisions regarding department rules, regulations, policy, and similar matters rest solely with DEP. DEP should provide leadership to advisory groups to produce better and more informed decisions by DEP. To achieve that, DEP needs to clearly communicate its needs and expectations throughout the process.

As we look at the role of advisory groups, we must consider the definition:

> ***A body of a fixed number of citizens convened to provide advice to the decision-maker. They meet regularly until their task is complete.***[5]

There are several advantages to convening advisory groups. Advisory groups:

- Ensure that decision makers are informed of key stakeholder interests
- Help the various participants understand the range of perspectives and viewpoints
- Provide a forum for dialogue in a constructive and informed manner

CAC's 1995 Public Participation Reform Report underscores these points by identifying six goals of valid public participation:

- Build trust between DEP and its publics
- Build understanding among diverse interests
- Improve decisions by accessing broader input, expertise and perspectives
- Achieve early buy-in
- Strive for balanced inclusiveness
- Validate citizens' rights to a response

The role of advisory groups within DEP's larger citizen engagement picture must be specific and thoughtful. DEP convenes groups of citizens or facilitates implementation of legislation that calls groups of citizens together to provide advice and expertise to help the department formulate its thinking and decision-making. Keys to effective use of advisory groups are: communication, timeliness, and inclusiveness. The convening decision-maker (deputate, program or agency) must communicate clearly its intent to the advisory group members. DEP must commit (and follow through) to its advisors to communicate clearly the goals and the givens and be inclusive and timely by seeking advice and input in the early thinking stages as well as the drafting stages and finalizing stages. This includes the level of involvement of advisors and the decision maker's commitment to that involvement as well as how and with whom ultimate decisions are made.

The commitment of the "collaborative level" is to be inclusive in a timely manner. When the department is planning to develop regulations and other items that will benefit from the collaborative level of engagement, advisory group members should be involved in the entire process. This includes the pre-draft stages to inform the convener's thinking, the drafting stage, as well as throughout the remainder of the process. This kind of collaboration results in a more informed agency that is better able to meet its goals and accomplish its priorities. Advisors should not see packages or documents for the first time in "final" form. The inclusiveness also involves two-way sharing of thinking. If there are items that are absolutes or givens, these need to be communicated to the advisory group. There is no need to spend time on things that cannot or will not be changed.

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[5] International Association for Public Participation.

As the ultimate decision-maker, it should be DEP as the convener who provides leadership and works collaboratively with the advisory group to ensure the group's effectiveness[6].

Advisory groups can be convened to provide advice on a specific initiative/decision- making process or to provide advice over time regarding specific issues. They may meet regularly or solely as needed. It is important that the frequency of meetings and/or communication support the collaborative role of the advisory group. The department needs to be proactive in planning its collaborative needs and communicating timeframes to advisors. At each meeting, the convener should reiterate the advisory group's role and purpose for that meeting. These roles and purposes may change over time. It is the DEP convener's responsibility to articulate changes and support the advisory group in its called task through clear, inclusive, and timely information sharing. A charter or by-laws is necessary to effectively communicate key information to advisors so they understand their role and the time they will invest. If possible, this should occur prior to the group's first meeting. It is important that throughout the advisory group's life its charter, especially its purpose, be revisited.

The DEP convener and advisory group may rely on a process facilitator to help it conduct business. A facilitator will ensure all interests are heard and understood, that participation is all-inclusive, and that the group remains focused on its designated task. A facilitator can help conveners design an agenda and process to accomplish desired outcomes (format not substance). A facilitator can be used in the planning and/or during the meeting. The facilitator would work closely with the DEP convener, but act as a "neutral" or process advocate during the meeting, making sure that the advisory group's members' needs are understood and addressed.

DEP should maintain a committee structure that furthers the department's mission. Advisory groups may utilize subcommittees to pursue specific issues.

Advisory groups can choose leadership, or the convening agency can choose its leadership. It may be decided by the convener that there is no need for an independent leader, but maintaining a distinct identity from the convener is critical. Advisory group perspectives are only as broad as their representation and a group's input should not be assumed to include a voice that is not adequately represented.

Advisory groups are avenues for relationship building with citizens and specific stakeholders and should be used to strengthen rapport and tear down walls that may exist. This kind of collaboration results in a more informed agency that is better able to meet its goals and accomplish its priorities.

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[6] Among the areas that CAC identified in its 1995 paper that would improve the effectiveness of the advisory committee process are (1) electing a chair from outside the department and (2) ensuring that the chair shares at least an equal role with the department in setting committee agendas and schedules. Since there are models of effective advisory groups both with and without citizen chairs, each committee's leadership structure should be decided on a case-by-case basis.

IV. Findings and Recommendations on DEP's Advisory Groups

A. Issues and Challenges With DEP's Current Advisory Group Structure/Process

Currently, advisory groups are used for a variety of reasons, to different degrees by each deputate and with varying success. The Citizens Advisory Council and the Department's Policy Office jointly endeavored to assess the effectiveness of DEP's advisory groups[7]. Several methods were used, including individual interviews of members, liaisons, and other DEP staff. Another method used was a written survey. Two surveys were distributed – one to the committees' DEP liaisons (23) and one to three randomly selected committee members, plus each chairperson (96). All the liaisons completed and returned their surveys. The return rate for the members was initially 42%. Another survey was sent to those who did not respond to the first request. The second mailing resulted in a final return rate of 60% (56 returned surveys) for the members.

Each survey included a combination of multiple-choice and open-ended questions. The multiple-choice questions also included a section for comments. The liaison survey had eleven questions and the chair/member survey has seventeen questions. Several questions (both multiple-choice and open-ended) appeared in both surveys. Please refer to Appendix D for the Advisory Chairs/Members survey and a compilation of the results. Appendix E contains the survey and compilation of results from DEP Liaisons.
Based on survey results and interviews, four key areas of interest emerged.

1. Purpose/Roles and scope of advisory groups
2. Communication and level of involvement (Advisory Groups and DEP)
3. Membership of advisory groups
4. Structure and internal operating procedures for DEP's advisory groups

Role and Scope of Advisory Groups
The clarity of purpose (i.e. roles) and specific scope is a key component to the effectiveness of advisory groups. During the assessment, we found that more often than not, scope and roles are not clearly defined and communicated by department staff.[8] If roles and scope have been communicated (for example, through legislation) department staff in some cases is not necessarily operating within that scope. In many instances, advisory groups have developed their own scope or defined their own roles. When advisory groups are left to interpret their scope from the legislation that created them, too often the advisory group's interpretation doesn't match the department's thinking. In some cases, there is confusion and inconsistency regarding roles and scope of DEP's advisory groups that leads to ineffectiveness. ***Please see recommendations labeled (P) in the following section.***

[7] CAC and the Policy Office could not have conducted this evaluation without the willingness of the liaisons and advisory committee members to candidly share their views and concerns.
[8] While the mission (or charge) of the group may be laid out in legislation (e.g., MRAB advises department on matters pertaining to surface coal mining), the committee's role should be defined by the department (e.g., provide advice or be involved in decision-making).

Communication and Level of Involvement (Advisory Groups and DEP)
Communication issues were prevalent. Effective communication takes planning and careful thought. It is an area that can always be improved upon. Specifically with DEP's advisory groups, effective communication is key regarding purpose/role and scope, addressed above, and also with level of involvement. Advisory groups should only be convened at the "collaborative level," which connotes a much more inclusive and collaborative role than many of DEP's advisory groups currently have. The level of involvement is not always clear and often inconsistent with the "collaborative level" of advisory groups. In many DEP advisory groups, the inclusiveness and timeliness of information sharing does not match or support a collaborative level of involvement. Many advisory groups are not convened in a collaborative spirit, but rather one of information sharing. Often, the message conveyed by DEP is to "get through" the advisory group meetings so that the department can "get on with its business." The roles of the advisors and the conveners and how they should relate to each other is not always clear. The level of involvement and communication efforts must be true to the collaborative intent of advisory groups and adhered to by both department staff and advisors. In many cases, the current disconnect surrounding level of involvement leads to ineffectiveness in DEP's advisory groups. ***Please see recommendations labeled (C) in the following section.***

Membership of Advisory Groups
Several membership issues have been identified. Members and liaisons believe that the appropriate balance of representation does not exist on many advisory groups. In some cases long-standing vacancies are creating an imbalance. Others have diverse representatives, but an imbalance in the numbers of one "voice" over another. For example, several diverse business and industry representatives out number one "environmentalist voice". Non-attendance is also a factor in imbalance. Non-attendance is thought to be caused by apathy, which could be generated from any of the identified problems and concerns. Finally, the imbalance in some cases is caused by members' inability to contribute effectively to the subject matter. Regardless of the cause, an imbalance in representatives or inappropriate membership hinders the effectiveness of advisory groups. ***Please see recommendations labeled (M) in the following section.***

Structure and Internal Operating Procedures for DEP's Advisory Groups
Concern exists internally and externally over the department's procedures for holding advisory group meetings. Issues include: department "approval" of documents before advisors review and provide input; timeliness of materials given to advisors for input; non-program staff making program decisions; meetings held without specific or clear purpose; and the time consuming and duplicative nature of the internal process. Lack of attendance or responsiveness by key department staff at advisory group meetings is also problematic. A majority of survey responses showed that advisors view DEP's role as administrative support rather than one of leadership. Other structural issues include the fact that some of DEP's advisory groups are not advisory in nature and should not be treated as such, and that some are duplicative in nature resulting in misuse of internal and external resources. A "built-in" evaluative mechanism does not exist. Effectiveness of DEP's advisory groups is dependent on the department's commitment and ability to change structure and process to increase that effectiveness. ***Please see recommendations labeled (S) in the following section.***

B. Specific Recommendations For More Effectively Utilizing Advisory Groups

These four areas of interest were examined and are the basis for the recommendations that follow. A focus group with diverse membership including members of several advisory groups, DEP program liaisons, and other key department staff was convened to discuss the four problem areas described above. A complete listing of focus group recommendations is found in Appendix F.

The following recommendations support the ideas presented in Section II.B *The Role of Advisory Groups* and should be read within that context. The recommendations are presented in a suggested implementation plan for action: immediate, short term, and long term/continual recommendations. A notation of purpose/roles ***(P)***, communication ***(C)***, membership ***(M)***, or structure ***(S)***, to indicate which of the main concerns is addressed by that recommendation.

Recommended Immediate Actions:

- The internal process should be revised to give more responsibility to the convening programs. The new process should be less cumbersome and address some of the problems identified earlier. (NOTE: New guidelines for review of advisory committee meeting packages became effective June 1. Under the new guidelines, deputy secretaries review and approve meeting packages for advisory committees under their jurisdiction. The Policy and Chief Counsel offices must review and approve the packages only if they contain any draft, proposed or final regulations and technical guidance, including comment/response documents.) ***(S)***

- All executive and senior staff, including those who convene advisory groups, should be provided a copy of this report and recommendations. ***(P, C, M, S)***

- The Secretary and agency should adopt "Core Values for Partnering" similar to those found in Appendix C which will be the foundation for fostering the culture change discussed in this report and guide all public involvement efforts. ***(P, C, M, S)***

- The Secretary and agency should accept public involvement as integral to sound decision-making and to accomplishing DEP's mission and commit to developing a culture of public involvement. ***(P, C, M, S)***

- Once DEP clarifies the role of its advisory groups, the agency should communicate this publicly, including each committee's accessibility for public input. ***(P, C)***

- The Secretary's Office and/or Policy Office should communicate that the Center for Collaboration and Environmental Dispute Resolution (CEDR), is available to consult with program staff regarding the best next steps for their current advisory groups. ***(P, C, M, S)***

- A small workgroup with representatives from the Citizens Advisory Council, Policy Office, and Special Deputy should convene to develop a list of current advisory groups that require specific attention from Deputies due to purpose/role, communication, membership, and/or structure issues. ***(P, C, M, S)***

Recommended Short-Term Actions:

- Secretary's Office and Policy Office should determine the need for advisory groups to collaborate with the department on key agency-wide priorities. The role of existing advisory groups may change and/or new advisory groups may be created to reflect this need. New advisory groups should be created with consideration for ideas presented in this report under Section II.B *The Role of Advisory Groups*. Consultation with CEDR is recommended. ***(P, S)***

- The Secretary approved Citizen Engagement Plan (Appendix A) should be distributed and implemented by all appropriate DEP staff. ***(C, S)***

- CEDR and CAC should establish mechanisms and/or criteria for evaluating the effectiveness of advisory committees: Is the committee fulfilling the department's need and its own defined role? Is the department making the most of the committee members' time and efforts? ***(P)***

- CEDR should brief designated program staff and advisory group representatives on the collaborative level of engagement for advisory groups including roles of department staff and advisors. ***(P, C)***

- CEDR should brief all interested staff on the effective use of advisory groups and how to evaluate groups for effectiveness. ***(P ,C, M)***

- Deputies and/or Bureau Directors should meet with advisory group liaisons and appropriate program staff to discuss issues and concerns and make plans for positive change regarding the advisory groups under their purview. The following should be considered: ***(P, C, S)***
    - Define and clarify the roles and level of involvement for each current "advisory group." (see *Public Participation Spectrum* in Appendix B), e.g., what are DEP's needs, what are the public needs, and how can these needs be meshed and fulfilled?
    - Define and clarify the committee's level of independence and the type of material the committee will be reviewing, e.g., technical or policy.
    - Consult the statutory authority (if applicable) that creates or references the group. Seek further clarification from Regulatory Counsel.
    - Seek guidance regarding scope from the Legislative Office.
    - Identify current advisory groups that are intended to be truly collaborative and should remain advisory groups.
    - Identify current advisory groups that should take on a different format based on the intended level of involvement or duplication of effort.

For advisory groups that do not or should not operate on the collaborative level:

- DEP should determine if interaction with this group of stakeholders is desired to further agency or program goals. The Special Deputy and CEDR are available for consultation regarding the following considerations. ***(P, C, S)***
    - Determine appropriate level of engagement and tools to use.
    - Consult with chair or members regarding options for future involvement.
    - If this advisory group is created via legislation, seek input from Policy Office and the Executive Deputy/Legislative Office regarding options. Other tools are available to engage stakeholders in addition to the advisory group structure.
    - If involvement is not deemed purposeful, dissolve the group and offer other avenues for "advisors" to remain engaged.

For advisory groups that will remain and operate at the collaborative level:

- DEP should designate the appropriate program staff to represent the department as a decision maker and provide leadership regarding advisory group meetings and communication. ***(C)***

  This individual's role is to ensure the effectiveness of the following (working with the Chair when applicable):
    - Work with department staff and advisors to create meeting agendas.
    - Facilitate discussion or seek the assistance of a neutral facilitator.
    - Keep advisors engaged and informed.
    - Ensure communication is appropriately inclusive, timely, and understood.
    - Ensure balance of represented interests and ability to meet intended purpose and role. Balance should include influence, as well as numbers, i.e., how to empower the neighborhood representative to debate with the corporate expert.
    - Provide clarity and be responsive to advisors' needs.
    - Ensure the department is truly collaborative and heeds its commitment(s) to the group.
    - Ensure the department responds in a timely manner to the group's recommendations, questions, comments, etc. Groups should know if their advice was accepted or rejected and the reason why.
    - Outline "givens" (framework for discussion or items that cannot be changed) and keep the group on task.
    - Remind group of purpose, role, accomplishments, and items yet to be achieved.
    - Keep appropriate department leaders informed of advisory group interests and recommendations.
    - Manage transfer of information and provide for communication between meetings.
    - Ensure that department staff, decision-makers and self are active and engaged in dialogue that is collaborative.

- An advisory group requires either a charter <u>or</u> a set of by-laws, not both. The chosen document must have the appropriate information and be clear. All DEP conveners should revisit current by-laws or create a charter for each advisory group. Information should be consistent with legislation when applicable. ***(P, C,***

The by-laws/charter should be one to two pages, no more than three, and should address the following:

- Purpose/scope for group and/or individual members
- Relationship to constituents – organizational perspective or individual
- Level of involvement
- Decision making authority (and if needed a decision making rule)
- Size and composition
- Leadership, term limits, recruitment, selection (as applicable)
- Meeting frequency and duration
- Relationship to broader public
- How effectiveness will be measured
- Formulation and use of subcommittees (as applicable)

Questions that should be considered when forming the charter/by-laws:

- Does this group need to meet regularly or as needed?
- Does this group need to have designated leadership and officers? If so, what will the roles be?
- Must this group make decisions? If so, what will the decision-making rule be?
- What is this group's relationship to the broader public? How will it be managed?
- Is membership expected to represent their own interests or that of a larger voice?

- Appropriate program staff should evaluate membership for balance and ability to address the group's work; should work with Legislative Office to ensure vacancies are filled in a timely manner and meet balance and ability needs; and should strive for a diverse membership in all areas, such as race, ethnicity, socio-economic background, regulated/unregulated public, level of technical expertise, etc. Membership must be a balance of influence, not just numbers. ***(M)***

- DEP should communicate internally via email, intraDEP bulletin board, and web link the current list of advisory groups, their purpose, and representative interests. Contact information for the advisory group liaison should also be included. It should be stated that all programs within the department can utilize these advisory groups in concert with their purpose and representative interests. ***(C, S)***

- The department should reconsider its "sunshine policy" to encourage the use of small stakeholder groups and informal gatherings at the "Consult" and "Involve" levels to inform program thinking prior to decision-making or policy drafting. When formal actions are not being taken it is important to allow for timely and open dialogue to take place. ***(S)***

- The Advisory Committee Guidelines (Doc.# 012-1920-002) dated May 5, 1998, should be revised to reflect changes made as a result of this report and recommendations. ***(P, C, M, S)***

Recommended Long Term/Continual Actions:

- Deputies, Bureau Directors, and program staff are encouraged to be proactive in planning collaborative needs and communicating their time frames to their advisors. ***(P, C)***

- DEP should provide training for all interested staff regarding the five levels of stakeholder engagement and the tools to be used – in addition to or in place of advisory groups. ***(C, S)***

- DEP conveners and other interested department staff and advisors are encouraged to attend the ***BASICS Workshop for Facilitators*** (delivered by CEDR) to increase their knowledge of facilitation and facilitation skills. ***(S)***

- DEP conveners should be afforded opportunities for personal and professional development that will better equip them in their role, including how to work with the public, e.g., sharing information in a timely manner and seeking advice early in the process. ***(S)***

- Programs are encouraged to seek stakeholder involvement via the *Citizen Engagement Plan* (Appendix A). This results in a wide variety of public involvement at various formal and informal levels. ***(S)***

- When an advisory group is determined necessary to further program or agency goals, existing groups should be examined before creating a new advisory group. ***(S)***

- Department leadership should continually evaluate effectiveness of advisory groups and making needed adjustments. ***(S)***

VI. Conclusion

Advisory groups and the citizens of Pennsylvania are critical to accomplishing DEP's goals and objectives. The role of advisory groups within DEP's larger citizen engagement picture must be specific and thoughtful. Advisory groups should be convened only if the intent is for advisors to be truly collaborative in DEP's decision-making on key agency priorities and goals. DEP must commit (and follow through) to its advisors to communicate clearly the goals and the givens and be inclusive and timely by seeking advice and input in the early thinking stages as well as the drafting stages and finalizing stages.

By collaborating with citizen advisors on key agency priorities and program goals, DEP will make a greater difference in Pennsylvania's future. The above considerations and recommendations will enhance DEP's partnerships and improve DEP's ability to collaborate effectively as it strives to turn environmental problems into sustainable solutions.

APPENDICES

APPENDIX A

Citizen Engagement Plan

DEP'S CITIZEN ENGAGEMENT PLAN TO ACCOMPLISH PRIORITIES May 2004

The citizens of Pennsylvania are critical to DEP's mission. To accomplish our goals and objectives we must engage our citizens: the general public, the regulated community, local government, special interest groups, and even DEP employees. Through collaboration, advocacy, and initiative we will make a difference in Pennsylvania's future. The Commonwealth will prosper in an environment where its people, natural resources and economy thrive together instead of competing for existence.

Ultimately, the **Citizen Engagement Plan** (the Plan) will focus on seven key groups of stakeholders so they may in turn enable us to turn environmental problems into opportunities.

- DEP Staff
- General Public
- Watershed Groups and other Special Interest Groups
- Regulated Community
- Government – federal, state, local
- Advisory Committees
- Environmental Educators

DEP cannot stand alone working toward a sustainable future. To advance the priorities that DEP has outlined requires partnerships and innovative thinking. By engaging the citizenry in the above areas, DEP and its partners will make more informed decisions and work collaboratively to preserve and protect our resources. Strategically, DEP must develop specific program goals to support and advance the priorities. To ensure success, DEP must identify the appropriate internal and external stakeholders to assist in the effort. An engagement plan should be developed for each area of the citizenry identified and/or initiatives to accomplish program goals.

Once DEP's priorities and objectives are clearly communicated, each of the seven citizen groups can be explored more fully. Particular attention should be paid to communicating internally and effectively using internal resources to advance the goals. What role will each group play in helping DEP to accomplish its priorities and objectives? What leadership and resources are required to support that role? What are the key barriers or challenges to achieving the type of collaboration, advocacy, and initiative that is desired? How will success be measured? How will environmental impact be measured?

Recommended Strategy:
Executive and Senior Staff working collaboratively to implement strategies to advance priorities:

1) Policy Office develops a plan to engage DEP Staff. (See "***Engaging DEP Staff***...")
2) Office of Communications develops a plan to engage the general public.
3) Center for Collaboration and Environmental Dispute Resolution provides tools, resources, and consulting to all staff to support their partnering efforts.
4) Executive Staff provides guidance and support to bureaus and regions regarding their role in effectively engaging stakeholders (internal and external) to assist in meeting priorities and objectives.
5) Bureau Directors and Regional Directors provide leadership to programs to develop plans for engaging the above citizen groups in meeting their priorities and objectives.
6) All DEP leadership continues the dialogue and seeks follow-up on priorities, citizen engagement, partnership efforts, etc.

Following is an outline of some of the issues to be considered when engaging these stakeholders.

ISSUES TO CONSIDER WHEN ENGAGING STAKEHOLDERS

Issues Surrounding **DEP Staff**:

- Communicating priorities and objectives
- Planning and focus for increased return on investment
- Identifying and communicating DEP values in accomplishing mission (environmental, economic, public involvement, informed decision making, etc.)
- Identifying and communicating key initiatives within and across program lines
- Cross program collaboration for increased effectiveness (data, information, and resource sharing)
- Providing technical training needed to equip staff to accomplish priorities and objectives
- Environmental literacy and stewardship activities of DEP staff

Issues Surrounding the **General Public**:

- Environmental literacy and stewardship
- Public awareness efforts statewide and locally for significant topics
- Pubic involvement processes that ensure the appropriate level of information exchange and an atmosphere where the public feels that their comments and concerns are heard and considered

Issues Surrounding **Watershed Groups and other Special Interest Groups**:

- Supporting efforts that help to accomplish DEP's mission and objectives
- Coordinating these efforts with DEP data needs and other priorities
- Extracting usable research/data to improve or inform DEP activities
- Encouraging coordination and communication among these groups, DEP, and Advisory Committees

Issues Surrounding the **Regulated Community**:

- A permitting process that is environmentally protective and efficient, minimizing use of paper and duplicative efforts
- Regulations and policies that include flexibility for new technology and creative environmental problem solving
- Effective, consistent, enforcement that speaks to DEP's commitment to environmental protection
- Information exchange and technical assistance from DEP to go beyond compliance

Issues Surrounding **Government – Federal, State, Local**:

- Comprehensive, regional planning (watershed focus)
- Data/Information sharing and coordination of efforts – reducing duplication and inefficiencies
- Education and awareness efforts to inform decision making

Issues Surrounding **DEP Advisory Committees**:

- Clarifying the purpose/intent of each Advisory Committee
- Identifying the appropriate level of involvement and level of commitment from DEP
- Connecting an Advisory Committee to a DEP strategic priority/issue
- Time and resource expenditure versus return on investment
- Ensuring accurate balance of representation to accomplish purpose

Issues Surrounding **Environmental Educators**:

- Focusing efforts to accomplish DEP's mission and objectives
- Encouraging coordination and communication among educators and service providers
- Supporting providers and educators who are helping to advance our priorities

APPENDIX B

Public Participation Spectrum

- International Association for Public Participation (IAP2)

visit www.iap2.org

IAP2 Public Participation Spectrum

Developed by the International Association for Public Participation

INCREASING LEVEL OF PUBLIC IMPACT

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Public Participation Goal:	**Public Participation Goal:**	**Public Participation Goal:**	**Public Participation Goal:**	**Public Participation Goal:**
To provide the public with balanced and objective information to assist them in understanding the problems, alternatives and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public issues and concerns are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
Promise to the Public:	**Promise to the Public:**	**Promise to the Public:**	**Promise to the Public:**	**Promise to the Public:**
We will keep You informed.	We will keep you informed, listen to and acknowledge concerns and provide feedback on how public input influenced the decision.	We will work with you to ensure that your concerns and issues are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision.	We will look to you for direct advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible.	We will implement what you decide.
Example Tools:	**Example Tools:**	**Example Tools:**	**Example Tools:**	**Example Tools:**
• Fact sheets • Web Sites • Open houses	• Public comment • Focus groups • Surveys • Public meetings	• Workshops • Deliberate polling	• Citizen Advisory Committees • Consensus-building • Participatory decision-making	• Citizen juries • Ballots • Delegated decisions

APPENDIX C

Core Values for Partnering

DEP Staff will work as partners with individuals, organizations, governments and business to prevent pollution and restore our natural resources.

Core Values for Partnering:

1. DEP believes in engaging the right people into our decision-making processes.

2. DEP believes in utilizing sound processes when engaging internal program staff, external stakeholders, organizations, governments and businesses.

3. DEP believes that stronger, more sustainable solutions are attained by engaging the right people in the appropriate participation process.

4. DEP believes that constructive dialogue, facilitated consensus building, mediation, and other alternatives to litigation are a best practice in state government.

When engaging the public, DEP believes:

5. The public should have a say in decisions about actions that affect their lives.

6. The public participation process involves participants in defining how they participate.

7. The public participation process provides participants with the information they need to participate in a meaningful way.

8. The public participation process communicates to participants how their input affected the decision.

9. The public participation process communicates the interests and meets the process needs of all participants.

10. The public participation process seeks out and facilitates the involvement of those potentially affected.

APPENDIX D

Survey and Compilation for Advisory Chairs/Members

The Following Groups Participated in the DEP Advisory Committee Survey:

Agricultural Advisory Board

Air Quality Technical Advisory Committee

Bituminous Mine Safety Advisory Committee

Certification Program Advisory Committee (for Water & Wastewater Systems Operators)

Chesapeake Bay Advisory Committee

Cleanup Standards Scientific Advisory Board

Coal and Clay Mine Subsidence Insurance Fund Board

Coastal Zone Advisory Committee

Environmental Justice Advisory Board

Laboratory Accreditation Advisory Committee

Low-Level Radioactive Waste Advisory Committee

Mining and Reclamation Advisory Board

Oil and Gas Technical Advisory Board

Radiation Protection Advisory Committee

Recycling Fund Advisory Committee

Sewage Advisory Committee

Small Business Assistance Program Compliance Advisory Committee

Small Water Systems Technical Assistance Center Board

Solid Waste Advisory Committee

State Board for Certification of Sewage Enforcement Officers

State Board for Certification of Water and Wastewater Systems Operators

Storage Tank Advisory Committee

Stormwater Manual Oversight Committee

Technical Advisory Committee on Diesel-Powered Equipment

Water Resources Advisory Committee

Wetlands Protection Advisory Committee

SURVEY – DEP COMMITTEE CHAIRS/MEMBERS

Committee Name:_____

Chair/Member Name **(Optional)**:_____

Date: _____

1. What is the primary role/responsibility of your committee? (Circle all that apply)
   a. Provide a forum to discuss and exchange information on DEP initiatives.
   b. Provide guidance/technical assistance to DEP.
   c. Review and make recommendations/comments on DEP rules, regulations and policies.
   d. Assist in the development and review of DEP rules, regulations and policies.
   e. Assist in preparing and updating DEP program plans.
   f. Assist DEP with expending funds for specific programs.
   g. If your role is not listed above or is a variation of what is listed above, please clarify:

   _____

   _____

   _____

2. What is your committee's level of influence in DEP's decision-making? (Circle all that apply)
   a) DEP keeps us informed throughout the decision-making process.
   b) DEP consults us and provides feedback on how our input influenced their decision.
   c) DEP involves us in the decision-making process and ensures us that our concerns and comments are understood and considered.
   d) DEP collaborates with us in each aspect of the decision-making process, including the development of alternatives and the identification of solutions.
   e) DEP empowers us by placing the final decision-making in our hands and implementing what we have decided.
   f) Other (please explain):_____

   _____

   _____

3. How much do you feel DEP values your committee's input?
   a) Very.
   b) Somewhat.
   c) Not at all.
   d) Other (please explain):_____

   _____

   _____

4. What value do you feel this committee currently provides to DEP?

_____

_____

_____

_____

5. What changes could or should be made to enhance the value of your committee to DEP?

_____

_____

_____

_____

6. Describe the makeup of your membership (e.g., geographic, experience, training, etc.). Is your membership relatively inclusive and comprise a good balance of interests in relation to the issues you deal with? Do you have any suggestions for improving the balance?

_____

_____

_____

_____

7. As a member on this committee, what sector do you feel you represent?
   a) Private citizen.
   b) Special interest group.
   c) Industry.
   d) Other (please explain):_____

8. At what point does your committee become involved in policy and regulatory issues?
   a) Development.
   b) DEP-approved draft.
   c) DEP-approved final.
   d) Public comment period.
   e) Other (please explain):_____

_____

9. a) What is your input when the meeting agenda is prepared?

_____

_____

_____

b) Based on your answer above, is your input with the agenda appropriate and/or effective? Please explain?

_____

_____

_____

_____

10. How often does your committee meet?
   a) Once a month.
   b) Once every quarter.
   c) Twice a year.
   d) As needed.
   e) Other (please explain):_____

_____

11. Based on your answer above, how would you describe your committee's meeting schedule?
   a) Fine the way it is
   b) Doesn't meet often enough
   c) Meets too often
   d) Other (please explain):_____

_____

12. What is the approximate amount of time that the average volunteer member annually devotes to this committee?

_____

_____

_____

_____

13. a) How does your committee encourage participation from non-members, either at your meetings or through written communication?

_____

_____

_____

_____

b) How is non-member participation used in your deliberations or decision-making?

_____

_____

_____

14. a) Do your committee members have term limits? ☐ Yes ☐ No

b) Do you feel that committee members should have term limits? Please explain.

_____

_____

_____

15. a) Describe your committee's mission:_____

_____

_____

_____

b) Do you feel your committee's mission is:
1. Too narrow.
2. Too broad.
3. Satisfactory.
4. Other (please explain):_____

_____

_____

c) Would your committee's mission be better served by a:
   1. Standing committee.
   2. Series of ad hoc committees.
   3. Other (please explain):_____

_____

_____

d) Do you feel your committee's mission has been accomplished (excluding ongoing monitoring)?
   1. Yes.
   2. No.
   3. Other (please explain):_____

_____

_____

16.a) What services does DEP staff or the DEP liaison currently provide to your committee?

_____

_____

_____

b) What <u>additional</u> services or support do you believe DEP staff should be providing to the committee?

_____

_____

_____

17. Do you have any comments or suggestions on how DEP's advisory committee and public participation process could be improved?

_____

_____

_____

Thank you for your cooperation.

SURVEY – DEP COMMITTEE CHAIRS/MEMBERS

(Note: For some questions, respondents selected more than one answer. Also, some respondents did not answer all questions. In some cases, identifiers and comments were edited to ensure confidentiality.)

1. What is the primary role/responsibility of your committee? (Circle all that apply)
   a) Provide a forum to discuss and exchange information on DEP initiatives – **34**
   b) Provide guidance/technical assistance to DEP – **41**
   c) Review and make recommendations/comments on DEP rules, regulations and policies - **42**
   d) Assist in the development and review of DEP rules, regulations and policies - **38**
   e) Assist in preparing and updating DEP program plans - **14**
   f) Assist DEP with expending funds for specific programs - **2**
   g) If your role is not listed above or is a variation of what is listed above, please clarify: - **1**

   - Excellent for c.
   - Excellent for a, b and c, sometimes for d.
   - Take action on water and wastewater operator certificates as required by the act.
   - Review and make recommendations/comments on technical aspects of DEP rules, regulations and policies.
   - As a board, hear legal appeals to DEP actions to suspend or revoke the certification of SEO's.
   - Certification Board is responsible for certifying persons as Sewage Enforcement Officers who have successfully met the requirements and passed the examination which DEP requires. The board also holds hearings and issues adjudications on revocations and suspensions from persons who appeal the DEP decision (see Section 11 of PA Sewage Facilities Act 537).
   - While the role is defined as specified above (a, c, and d), past meetings would indicate there is very little weight placed on the role by DEP.
   - Provide a forum to discuss issues of general concern about the resources (wetlands) .
   - I would like to see us be authorized to provide proactive analyses of specific concerns and not just respond to DEP-initiated regulations.
   - Licensing of water and wastewater system operators.

2. What is your committee's level of influence in DEP's decision-making? (Circle all that apply)
   a) DEP keeps us informed throughout the decision-making process. - **32**
   b) DEP consults us and provides feedback on how our input influenced their decision. - **32**
   c) DEP involves us in the decision-making process and ensures us that our concerns and comments are understood and considered. - **37**
   d) DEP collaborates with us in each aspect of the decision-making process, including the development of alternatives and the identification of solutions. - **18**
   e) DEP empowers us by placing the final decision-making in our hands and implementing what we have decided - **4**
   f) Other (please explain): - **4**

- We often hear reports on regulations/rules pending or published in the *PA Bulletin.* We do not do much in the rulemaking process. This should be noted.
- Our level of influence has declined in recent years; however the level of sophistication and complexity has increased in the regulatory process.
- This committee makes recommendations to the Bureau of Deep Mine Safety concerning the use of diesel-powered equipment in underground coal mines.
- During the last administration, our committee was lied to, not consulted and given incomplete information. The situation has vastly improved now.
- DEP provides proposed regulations for review and comment or may request technically based White Papers. DEP provides a response to the comments/White Papers.
- Recent history (past 6-9 months) suggests a shift in attitude towards our committee -- our most recent deliberations were completely ignored in the rulemaking.
- Keeps us informed, but generally ignores scientific, task-based advice. Also, informs us after decisions are "cast in stone." Too many conflicts between various factions.
- Allows forum for new ideas and needed field improvement.
- In the past, DEP used our committee as a mechanism to get advice, but felt it was free to decide as it liked, without explanation. The committee has requested that DEP provide a written statement as to whether it has accepted or rejected the committee's advice and the reason why.
- This is not necessarily how the process should work (a); unfortunately, it is.
- This is only true at some level (a, b, and c). Our committee, in fact, should not be final decision-making body as long as committee is dominated by representatives from regulated sources.
- The Operator Certification Act empowers the board with specific powers and duties in addition to those granted by DEP.

3. How much do you feel DEP values your committee's input?
   a. Very - **26**
   b. Somewhat - **21**
   c. Not at all - **1**
   d. Other (please explain): - **3**

- One answer was a/b.
- Individually the DEP people are excellent. Overall, since we are an unfunded mandate, we have been highly valued to almost ignored over the past 12 years.
- Our liaison has been very communicative and receptive to our concerns.
- Values technical input.
- Very little at present.
- Not at all, e.g., our input on educational programs and our interest in the status of the program. DEP recently has not been willing to even have a technical representative attend our meetings, this is extremely disappointing.
- Committee is somewhat industry influenced.
- It is not a function of the committee to advise DEP or provide input to DEP.
- We are a panel of experts in our areas. Most of the committee members have far more experience than the individuals from the department. Yet, for the most part, our advice, positions and statements are subject to extensive debate, even though the department

representatives may not have deep background in the area. If the department disagrees with our position, they can reject it at their will.

- Depends on the issue or the needs of DEP.
- It is appropriate that program staff sometimes refuses to follow wishes of regulated industry representatives in order to protect public health and comply with the act; they should do it more often.

4. What value do you feel this committee currently provides to DEP?

- Review and guidance on the potential AMD problem, particularly on the Monongahela River.
- I regard the value that the MRAB provides is very essential in today's environment.
- Small business employs most of the people – creates most of the new jobs. This is a varied sector to approach, but our Envirohelp hotline and loan programs are successful. We provide free, confidential assistance. That's good!
- Currently there are no issues for the committee. All meetings have been suspended pending the rise of appropriate issues.
- AQTAC provides a broad spectrum of technical, policy, economic impact and community-public- industrial receptivity to proposed regulations.
- Provides input from consultants, governments, academia, etc.
- Feedback on public response that they can expect from rule proposals.
- Our committee provides input to DEP on the Operator Certification Program. I feel DEP values our input on key topics and I would hope that DEP evaluates our input when drafting the regulations.
- Provides technical assistance to DEP on all diesel issues relative to PA's diesel law in its underground coal mines.
- I believe the committee is more of an information and BMP gathering effort.
- Provides the framework for technically defensible DEP decision-making.
- I hope that the committee provides input to DEP personnel about the agriculture industry and how the regulations/policy will affect our business.
- Membership is diverse and provides a wide (and practical) range of perspectives regarding small water systems.
- Assists in development of regulations/policies under the Certification Act. Implements the public oversight of the act by formal action on all water/wastewater operators' certificates.
- Very little, if any.
- If it were not for this committee, there would be no diesel-powered equipment running in the coal mines of PA.
- Expertise in recycling and waste management by the broad representation of the members.
- Advice and review.
- There are many people on the committee who either do not know or care about the committee's issues. There should be more public and private individuals involved in these issues.
- We are a valued sounding board for DEP (BOGM) initiatives.
- Practical and technical advice to the water programs.
- We currently review changes to the cleanup standards regulations and are reviewing and commenting on the clean fill proposals.

- An excellent sounding board for DEP initiatives and regulations. Provide a real-world glimpse at how the regulations will be received once issued.
- Valuable input from technical users affected by the new regulations.
- Provides input of technical considerations related to proposed DEP regulations of the industry.
- "Real world" feedback on proposed accreditation plan.
- Gives them a sounding board on recycling issues and controversial regulations and policies.
- Real world practical feedback on their regulatory initiatives. Help guide them to the best practical solutions. Make sure regulatory initiatives are "doable."
- Limited due to current suspension of the siting process.
- Technical input on regulations impacting the oil and gas industry.
- Provides forum for diverse interests to give input during formative periods.
- Deep-thinking, scientifically astute advice tailored to practical application/implementation in the field (if and when the bureau decides to listen and adopt recommendations).
- The Sewage Advisory Committee is a large, well-balanced committee and is extremely important in providing a host of positive/negative feedback to DEP.
- The SEO Certification Board is small (5 members), but can be (and has been) very useful to DEP in providing educational programs, with suggestions to SEO's.
- Strong guidance on rulemaking.
- We continue to provide valuable input as Act 2 evolves.
- Provides forum for new ideas.
- Only meets once a year because it's required by statute, so it's hard to comment on this one.
- Communications tool between DEP and committee members' organizations.
- The board performs the duties prescribed in Section 11 of PA Sewage Facilities Act 537.
- The expert advice and commentary that is provided is of immense value. It seems to make rulemaking more relevant and saner.
- Information and real issues.
- I believe members of the committee have a lot of knowledge about mining systems and the safe application of such.
- Serves as a pressure relief valve to let various parties express concerns.
- Value, yes, but all technology/regulatory consideration should be tempered <u>first</u> and <u>primarily</u> with its relationship to human health effects and <u>not</u> economic cost.
- A resource when needed.
- The board has specific powers and duties that complement those of DEP.
- The committee provides a forum for a wide range of viewpoints on regulatory issues and helps DEP in understanding the balance of interests that will be affected by proposed legislation, regulations and rules.
- The committee provides DEP with the opportunity to discuss issues, laws and regulations with the people who will have to abide by them side-by-side with the enforcers, giving both sides the opportunity to understand each other's needs, capabilities and perspectives.
- Picture a room full (evenly split) of accountants (you can substitute "engineers") and salespeople. You have two distinct mentalities trying to interact with each other. While difficult, it can be a lot easier than trying to get DEP to understand logic and reality. Left to it's own devices in their insular world, DEP will create the most perfect, idealistic,

impractical rules and regulations for the protection of the environment possible, for which they will take no responsibility. Their role is to pontificate and enforce them, which some employees seem to do with almost "religious fervor" and a very moralistic "we're right, you're wrong" attitude. It's an "off the record" world: "I'll deny I said this but..." and now with the Internet, "I don't want to discuss this on emails, let's sit down and chat about it." This committee is fortunate to have sensible, intelligent and understanding (both internal and external) DEP employees working with them. They have the insight and understanding of both the internal and external side of situations. This committee supplies a balance required for "somewhere in the middle lies the truth."

- Provides a good interaction between DEP, the regulated community and citizens on a wide range of issues. This forum streamlines new programs.
- A mixed review. Diverse makeup of committee sometimes makes it difficult to engage members as fully as would like. Members seem to value the information presented on relevant issues and opportunity to network with the federal program.
- The core value is the diverse backgrounds of its membership that provide DEP with varied insight.
- Industry viewpoint, non-government opinions.
- We provide an important service in reviewing, commenting, discussing technical aspects of DEP initiatives.

5. What changes could or should be made to enhance the value of your committee to DEP?

- We should be brought into policy issues and proposed legislation amendments at an earlier stage...before they become personal goals of staff members.
- There is a tendency for DEP to move ahead on certain issues without informing the committee; communication is very important.
- More rulemaking input from the committee would help. This would go hand-in-hand with a liaison that worked out rules and information with us (summaries, discussions, recommendations, etc.). We don't need information sent to us blindly, but with thought.
- None.
- Our committee should be consulted <u>earlier</u> in the regulatory process for future prioritizing of regulatory responses.
- Since joining this group, half the meetings were not held.
- Need someone to capture the minutes of our meetings and have them ready for approval/comment at the next meeting.
- Our only assignment is to deal with diesel issues. It could be expanded to deal with all mining-related issues relative to the underground coal mines of PA.
- I would like to have the committee develop a statewide comprehensive plan for wetland monitoring to ensure mitigation techniques are successful, ratios are valid, and/or wetlands are protected adequately via proper monitoring.
- Sometimes policies/regulations are shared with us after they are written and we are taken out of the creation process. I would like more input during the initial phases of the process.
- We have had trouble getting our purely "environmental" representatives to participate. I think the basic format is quite good and DEP really listens to our advice.
- Restructure.
- The committee should be used more in the review of current rules as well as in the development of training programs for the mining industry.

- Member appointments with broader technical or state regulations knowledge.
- Meet more than once a year.
- Earlier entry into the regulation development process.
- DEP itself needs to decide whether they want our input or not.
- Committee should be granted a more proactive, rather than just reactive, role. Committees in general should have access to objective legal counsel and advice to be able to effectively evaluate DEP's basis for claims that proposed regulations have to be one way or the other "because that's what the law/regulations say."
- More members with broad-based lab experience.
- None, excellent committee.
- All access through Secretary and the division that implements the act. Dilution and diversion is not helpful to the committee or DEP at large.
- A DEP technical representative must be made to attend all committee meetings and give regular training reports and answer questions of committee members who take the time to come from various areas of the state only to find that a DEP person cannot or does not attend our meetings.
- More emphasis on future planning of air quality initiatives.
- I don't think it's "broke," so why fix it.
- Need full-time coordinator and need to meet more often. Committee meets quarterly and loses momentum in between meetings.
- Only meets once a year because it's required by statute, so it's hard to comment on this one.
- I believe the committee would be willing to assume a more active role.
- The powers and duties of the board were established by Act 537.
- The committees would benefit from a more formal structure, e.g., meetings that are set in advance and too often changed due to department conflict. A more formal reporting/communication process would help. There should be more meetings. When the agenda is never completed, it is time to increase the number of meetings. A formal process would help for continuity also.
- Meetings are too long.
- The committee needs to be included in the initial stages of policy interpretations or other committee initiatives.
- Need to make sure senior DEP administrators and policymakers are prepared to institute changes and recommendations.
- We must have more <u>public interest</u> representatives. The committee continues to be unbalanced.
- They will call us when desired.
- This was addressed in the recent act.
- Our committee is made up of representatives of various associations and public agencies. The level of interest and participation of these representatives varies greatly – we could be of greater value if all of the members did their "homework" and actively participated in our meetings. Also, it would be useful to see DEP's proposals earlier in their development stage.
- Getting information out with adequate time to respond.
- When the comments leave us they go into the "black hole" of DEP. That nameless, faceless group who knows what is right for us. We should see their comments and hear their reactions to what we have said separately, not buried in **with a lot of** others. As part of question 1, we also provide the sounding board for DEP to know what the outside

world is thinking and it allows them to formulate their plans to counter "the other side's" ideas. We should be entitled to hearing and seeing the internal side of the issues and made a bigger part of the process going forward.

- There should not be a requirement to meet twice per year. Meetings should only be held when there are significant issues. Committee members should have input to agenda.
- What to do with the information presented. Exchange of ideas/information between meetings. Members taking more back to their respective constituency.
- Our opinion/input should be sought earlier in the process, not just to "bless" DEP proposals.

6. Describe the makeup of your membership (e.g., geographic, experience, training, etc.). Is your membership relatively inclusive and comprise a good balance of interests in relation to the issues you deal with? Do you have any suggestions for improving the balance?

- Established by law, the make-up of the board seems to be well-balanced.
- We have a very good balance dictated by statute.
- We really have a good balance on the committee – some long-term people have served since '92. No problem here that I see.
- Representatives include: mining companies, UMWA, academia (PSU), and federal government (NIOSH and MSHA). The arrangement has worked well.
- Membership is relatively inclusive and balanced. Historically, members represent their professional background, training and experience, not their employer or clients or affiliation. However, employment-affiliation can influence the experience of members.
- Consultants, governments, academia.
- Strong environment advocate representation and some industry. Good (high) level from the agency.
- I believe we have a good balance of individuals from the water and wastewater side of business.
- The committee consists of 2 members: one from the largest labor organization representing coal miners and one from the largest organization representing the mine operators. This has proven to be a perfect balance for resolving complex issues.
- Seems to be made up of mostly experience and those with jurisdictional mandates.
- Membership provides a wide variety of backgrounds and experience.
- Members reflect all areas of agriculture and are a good cross-section. Also, general farm organizations are represented and legislative agriculture experts. The board's composition is great.
- Membership includes government, non-profits, and private industry. I think it is inclusive, but we have trouble getting our purely "environmental" representatives to participate.
- The board's make-up is established in the Certification Act, but the make-up is balanced for industry, professionals and knowledgeable public memberships.
- Regulatory and resource agency personnel dominate the committee. Together with environmental groups, they stifle meaningful improvements. To improve the committee dynamics, all agency personnel should be "ex officio" with no vote.
- Members should have some technical background.
- Makeup is mandated by statute; however, it is well-balanced.
- We have statewide membership with both technical and environmental interests – as well as the regulated community represented.

- Our board members come from the southeast, central and western (Pittsburgh) areas of the state. All of our members have a scientific/engineering background in environmental science. A city or county environmental program manager could provide valuable insight into some of the issues.
- Pretty good balance geographically and in terms of expertise and perspective. Could use someone from the Erie area (NW PA). Also someone strong in health effects knowledge.
- Plant manager, DCED wastewater training and consulting experience. Provides an operations/practical point of view on how new regulations affect wastewater plants.
- Makeup geographically, educationally, experience-wise and diversity of groups represented on the board is very balanced and appropriate.
- Makeup was determined by legislation. It is broad-based, which is good. Unfortunately, that means that many members do not have the expertise needed to critique the proposed regulations.
- Members come from all parts of the state and all entities affected by DEP actions and programs. I think the committee is very well balanced.
- Very diverse membership. Very inclusive, we work well together even though we represent very different interests.
- Good balance by design. Full participation by sectors of society affected.
- Our committee is comprised of professionals who bring to the table years of experience dealing with environmental issues peculiar to oil and gas.
- Well-balanced.
- Membership comprised of academia, some government, industry and consultants. Several unfilled vacancies exist and must be filled. DEP needs to consult with the committee chair and members in a more open manner.
- The Sewage Advisory Committee is well balanced, members are knowledgeable.
- The SEO Certification Board is well balanced and members are knowledgeable in the subject area.
- Too many retired people on the committee.
- Overall good, broad representation. Could use input from public health or local government.
- Good representative membership.
- The board consists of 5 members. Act 537 establishes the representation. The DEP Secretary appoints the board members.
- The makeup is generally underground miners and management people with extensive mining experience.
- Excellent and broad balance across agencies, academia, industry.
- No balance of interests. More public interest members <u>without</u> ties to industry. More academia <u>without</u> ties to industry. More women.
- At formation, the department did a good job of identifying some key constituent groups and asking them to submit names for members. As we have grown, though, it is becoming obvious that we haven't included everyone who should have a voice. The committee should form a membership subcommittee to seek out those non-represented groups.
- 2 union, 2 industry, 1 MIOSH/MSHA, 1 university/public.
- The makeup is specified in the act and includes a balance of licensed operators, system owners, and a representative of the general public.
- Our members are representatives of various associations, agencies and interest groups, as specified in the enabling legislation. The membership is a good balance of interests,

but greater participation by the membership would be beneficial. I don't think the balance needs to be changed.

- There seems to be a good balance. Just need to make sure when thinking of improving balance that it is done within the laws governing it and participants should be serving to represent general broad interests and not there with personal agendas – also, participants that continuously benefit from contracts with DEP should not even be considered – they come with an agenda automatically.
- This committee represents one of the largest "conflict of interest" situations we've seen in a long while. Yes, the members are on it by law, but the balance and self-interest has allowed the conflict to happen.
- The committee is well balanced between industry and citizens' interests.
- Recently expanded the membership to reflect broader scope of Chesapeake Bay Program -- added builders, more local government, and forestry professionals.
- The makeup is well varied (members have diverse backgrounds).
- We have a solid committee with a very active chair, strong support.
- Good blend of technical expertise and background; could use more human health experience.

7. As a member on this committee, what sector do you feel you represent?
   a) Private citizen - **11**
   b) Special interest group - **2**
   c) Industry - **16**
   d) Other (please explain): - **15**

- Regulatory expertise and engineering experience.
- Environmental issues.
- Consultant and governments.
- Private water purveyor.
- Even though I represent industry, I also keep the safety interests of the workers in mind relative to my recommendations.
- Municipal government.
- Jurisdictional interest.
- Small rural communities.
- Member of the public with knowledge of water and wastewater issues.
- Labor.
- Certification Board for Water and Wastewater Operators.
- Local government mandated to recycle.
- I try to be as independent as possible. I have never had to "report" to anyone about my activities.
- Laboratories.
- Disinterested citizen with professional experience.
- I represent county government and the environmental health profession.
- Consulting.
- As a legislator, all interests.
- State government.
- United Mine Workers.
- University, try to maintain objective stance.

- Public health/environment.
- I am appointed as "an individual qualified to operate any sewage treatment plant."
- I represent the state Board for Certification of Water and Wastewater System Operators.
- Conservation community.
- Nonprofit-public interest.
- Technical/engineering/consulting.

8. At what point does your committee become involved in policy and regulatory issues?
   a) Development – **30**
   b) DEP-approved draft – **33**
   c) DEP-approved final – **15**
   d) Public comment period – **15**
   e) Other (please explain): - **5**

   - Recommend earlier involvement in the development phase.
   - DEP must either accept or reject our recommendations as written and cannot make changes to the recommendations.
   - Varies, I have seen the committee used for early development to that of DEP-approved final.
   - Sometimes for b, c, and d.
   - Sometimes for a, we usually start with draft documents for comment.
   - It depends.
   - In some instances for a.
   - Sometimes earlier than b, but usually at draft regulation stage.
   - We were in the past involved in draft stages - now, not at all.
   - When there is a change to be made to the act, DEP will often ask the board for its opinion regarding issues that may affect the board.
   - Sometimes we are invited to participate in the development of a policy/regulation, at other times, we are presented with a draft written by DEP. In almost all cases, the latter leads to conflict as DEP is reluctant to change something it conceived.
   - We become involved at various levels, but the overall impact is questionable.
   - When called on.
   - Implementing of our designated powers and duties.
   - Rarely involved in the development stage.
   - Often asked for input on policies – actually more programs, such as the developing tributary strategy.

9. a) What is your input when the meeting agenda is prepared?

   - The chair would undoubtedly accept any reasonable agenda suggestions by members.
   - My request for issues to be placed on the agenda has always been honored.
   - If I have a topic, I approach the chair and our liaison for inclusion on the agenda.
   - All members, as well as DEP, have the right to propose issues for discussion. The committee, by vote, decides the agenda.
   - Limited between meetings. Some discussion of future meeting agenda topics during meetings.

- Input for agenda for next meeting is obtained at current meeting.
- No input on agenda.
- Somewhat limited – had input into several speakers and joint meeting with another committee.
- We provide the meeting agenda to the Bureau of Deep Mine Safety.
- Initial email requesting agenda items prior to meeting.
- Agenda is reviewed by chair and is modified at his/her request. Modifications to agenda are very infrequently requested.
- Our agenda must be approved by DEP, which has caused conflict in the past. We always ask for direction from the committee in agenda formation.
- At each meeting, we are asked if we have input for the next agenda.
- None.
- Some.
- This committee creates its own agenda.
- Agenda is prepared, circulated to members and if there is something to include or change, DEP will consider it.
- Can suggest items.
- None to little.
- None – agenda set by DEP.
- Most agenda items come from DEP after seemingly careful review by in-house department controls.
- Unresolved issues from previous meetings can be carried over to the next meeting. We can request future discussions or specific DEP program personnel make presentations to clarify programs at future meetings.
- As a member, no input. When I was chair, there was pretty good opportunity for input.
- Technical.
- Personally none – believe chair has input.
- Limited.
- Very little as a member. When I held the chair, I had some input.
- Not much, but can call and change, add or delete items if I feel I should.
- Have the right to request agenda items for consideration.
- I can add to the agenda.
- Opportunity to suggest topics in advance or from the floor at meetings.
- Scientific concepts, applications, regulatory development and interface of different legislation.
- Some involvement, as necessary.
- Suggest agenda and review draft.
- Committee chair has input, not individual members.
- Nominal. Chairs do ask for discussion.
- No input into developing the agenda.
- The secretary of the board, who is a DEP employee, will contact the board members to ask what issues should be on the agenda.
- The agenda is open to the Union's suggestions.
- As much as I can offer, but staff usually manages.
- As chair, I prepare the agenda with the department liaison. Although that individual actually prepares the agenda, my input is sought.

- Assist in preparation.
- Telephone discussion with DEP staff to finalize agenda.
- Agendas are developed by the membership at the previous meeting. This includes agenda suggestions and recommendations by DEP. Agendas must then be approved by the Policy Office.
- Very little to none. DEP normally sets the agenda, which must be approved in advance by a Deputy Secretary. There is, however, opportunity at the meeting to bring up new or old business and this is the mechanism whereby committee members can influence the agenda.
- Usually send ideas to DEP in early stages. I don't personally have a lot of time to devote to agenda development.
- Agenda is sent out before meeting.

b) Based on your answer above, is your input with the agenda appropriate and/or effective? Please explain?

- I would hope I'd only suggest "appropriate" agenda items. In the few times I've urged agenda items, they were effectively discussed and acted upon.
- The input is effective; I have established a good working relationship.
- Yes. I focus on broader small business issues for agenda items – not a particular point. Working with the EPA Small Business Ombudsman and her office is a plus.
- Yes, this is effective and proper.
- Input could be more thorough and effective. Usually occurs at conclusion of meetings when time is limited and adjournment is near.
- Appropriate and effective.
- It is ok – we are DEP's "consultants" to the regulation-making process, so I am comfortable with them setting the agenda.
- Yes. There is no confusion as to what is to be acted upon or discussed at each public quarterly meeting.
- Not really. I would rather see a set agenda of items reviewed every month for updates/progress and a "new business" section for new agenda items.
- I'm comfortable with the process.
- I can think of several instances where agenda items have been vetoed, which I think is wrong.
- Yes, I think it is appropriate and effective. We have the opportunity to voice our opinion at each meeting.
- DEP staff needs to set the agenda to be sure we address issues under the act.
- Our input is more meaningful when there is work to be done. One experience chilled the group to inaction with few meetings in the last two years, and no positive input to DEP.
- This committee works on an "as needed" basis. It only acts to industry's needs; this need is what creates the agenda.
- Most of the time there is no input needed.
- Seems to be satisfactory.
- Personally, I have no problem with it.
- Very appropriate. Our committee has also, on occasion, taken the position that some items on the meeting agenda are not appropriate for us to make recommendations on.

- As chair, it was fine.
- Appropriate.
- Adequate.
- When I felt the need to have a controversial issue on the agenda, it was on the agenda.
- Yes, is effective.
- I believe that it is both appropriate and effective.
- Input is appropriate, but, as one episode confirms, DEP does not understand risk-based laws nor do they care to implement same.
- Co-chairs have good handle on members' concerns/issues.
- Not involved.
- Yes, the issues we request be placed on the agenda are so placed.
- We believe our input to be appropriate. What is done to implement them in an effective manner is questionable at times.
- I could take more time to be effective if I had time.
- No. While we are periodically requested to provide "ideas" for the agenda, content is driven by regulatory deadlines. DEP can avoid issues that are publicly difficult, when there is no regulatory deadline.
- The agenda input is fine.
- Yes, there are no problems in getting items on the agenda. There have been problems in getting agendas approved in time for planned meetings.
- Yes, our proposed agendas reflect the consensus of the committee, but they can be "censored" by the Policy Office.
- No, the DEP agenda process is slow and cumbersome. Committee members should be given the opportunity to suggest agenda items in advance of the meeting.
- Have had no problems with DEP accepting suggestions
- I very seldom have an agenda item.
- We should definitely have more input.

10. How often does your committee meet?
    a) Once a month - **0**
    b) Once every quarter - **25**
    c) Twice a year - **10**
    d) As needed - **10**
    e) Other (please explain): - **11**

- And as needed when pressing issues arise.
- By our bylaws, we meet quarterly; additional meetings as necessary or suspension of meetings at the decision of the committee.
- Every other month, approximately 6 times a year.
- About bi-monthly.
- The committee also meets quite often throughout the year with DEP, miners and equipment manufacturers on diesel-related issues.
- Generally once a quarter, sometimes less.
- Lately, almost never.
- Regular quarterly meetings with special meetings if needed.
- Every other month.

- Once a year until recently more often.
- Bi-monthly.
- Additional meetings may be scheduled if necessary.
- Once every two months is our normal schedule.
- 5-6 times a year.
- Or as needed.
- As needed if a busy time, or meet more often in workgroups on specific areas if needed.
- Once per year.
- About every other month.
- Standing committee for consistency and continuity.
- 6 times a year or more/less frequently as needed.
- Once a year.
- Once every quarter for general meeting, may be cancelled if no business and as needed, if a hearing is scheduled.
- Has dropped from every other month to 3-4 times a year.
- Not enough.
- Typically 6-10 times a year.
- Bimonthly, but DEP cancels meetings if they don't have a "full agenda."

11. Based on your answer above, how would you describe your committee's meeting schedule?
    a) Fine the way it is - **37**
    b) Doesn't meet often enough - **8**
    c) Meets too often - **1**
    d) Other (please explain): - **3**

    - Schedule is adequate, meetings could last somewhat longer to accomplish more business.
    - If it met quarterly, probably adequate; but it really depends on DEP activity.
    - We can meet more frequently if the need arises.
    - Will meet more often or as subcommittees are needed.
    - Basic schedule is okay, DEP needs to bring technical and regulatory (or policy) issues to the committee in advance and not circumvent us.
    - Once a year seems to be sufficient; based on the new leadership, I would like to see it meet more frequently.
    - The committee should be free to meet on an as-needed basis, in some years this may be less than two meetings, in some years it could be more.
    - Would entertain meeting only two times a year - perhaps longer meeting to provide more meaningful dialogue or forums.

12. What is the approximate amount of time that the average volunteer member annually devotes to this committee?

    - Guess – 30 hours per year, on average, with more for the chairs.
    - This varies depending on the meeting agenda and on issues to be considered. If the meeting is to hear updates on various issues only, about 2-3 weeks. If DEP is asking for input on a particular regulation or policy, anywhere from 8-10 weeks. Most of my time is

spent working with the various subcommittees; that is where the substance of any given issue is addressed; it requires substantial time.

- As chair, it was 8-12 hours/month. As a member, I think an average member would spend 4 days/year for meetings plus another 8-16 hours (2 days) for correspondence and communication.
- When there are issues, 10-15 days/year.
- Including review of agenda package, preparation for meetings, travel time, peripheral reading, etc., I estimate 3 days, including meeting date, or 3x6=18 days/year.
- 6 meetings x 6 hours/meeting = 36 hours, say 40 hours.
- I cannot speak for others. I spend 40+ hours, not including travel and meeting.
- Approximately 50 hours.
- In excess of 200 hours/year.
- Unless there is a committee project goal, only minimal time is devoted, i.e., attending meeting and maybe some preparation to a specific agenda item request.
- It ranges significantly. Some members devote as little as a week, while others put in substantial effort (possibly as much as a few weeks worth of time). This depends a lot on the members' other commitments.
- Usually only attending meetings. At times, subcommittees are formed that entail additional meetings. Usually reports/correspondence are accomplished by chair.
- 4 meetings w/travel = 24-32 hours. Extra committee meetings w/travel = 8-16 hours. Review documents, regulations, etc. = 8 hours. Total = 40-56 hours.
- 4-6 days.
- This is not a volunteer committee.
- 36-40 hours.
- One day per quarter.
- 1-2 meetings a year, 2 days.
- 8 hours on issues, 16 hours travel time.
- Approximately a day every 2 months.
- About 30 hours/year.
- Total of approximately 120 hours/year. Much of it made up on weekends.
- 60 hours.
- Varies – for meeting attendance only, probably 40 hours/year. If chairing a subcommittee or other comment preparation, perhaps hundreds/year.
- 6-8 days, depending on the time taken outside of committee meetings to review documents, make phone calls, send emails, etc.
- About 40 hours.
- 20 hours/year of meeting time.
- In recent years, a few hours per month.
- 20 hours or less.
- Depends on work group involvement. In a meeting month, approximately 8 hours.
- Depending on issues at hand; as much as 10-20 hours per month. Frequently, 16-18 hours per meeting.
- 4-5 full days presently (7-hour days).
- 4 full days presently (7-hour days).
- 4-6 hours per 2 months.
- 1-2 days/month perhaps.
- 4-6 days.

- 4 hours a year.
- 8-10 hours, plus or minus.
- Approximately 4 days, including travel time and preparation for meeting.
- The actual time spent in committee is not indicative of the actual time spent dealing with issues the committee is charged with. It's difficult to place a number on this.
- 4 days/year.
- I, the chair, probably spend about 5-10 % of my time on committee business. Other members spend much less.
- Between 5-9 workdays per year depending on regulatory needs or deadlines.
- The last few years have required considerable time due to processing a new act, regulations and related public meetings. On average, this has required at least 80 hours/year.
- 16-30 hours.
- In 2003, I dedicated approximately 50 hours to this committee. In years past, it has been a little less.
- 3 hours/meeting @ 4x a year + 1 hour prep time/meeting.
- I spend around 86 hours annually, including travel, meeting and review of materials.
- 30-50 hours.
- 40 hours/year.

13. a) How does your committee encourage participation from non-members, either at your meetings or through written communication?

    - Generally, board individuals would encourage non-members to communicate directly with the board and possibly make presentations at the quarterly meetings.
    - Through mailing, email and phone calls and making sure interested parties receive the agenda.
    - Our meetings are open to the public. We have had 2-4 visitors per meeting, estimated. They are welcomed, introduced and asked to participate.
    - Non-members are welcomed and are invited to participate in discussion. Subcommittees frequently solicit non-members for expertise.
    - We encourage public attendance and participation at meetings. DEP and occasionally members invite representatives of affected interests to make presentation at meetings.
    - Non-members are permitted to view the meetings and ask questions at selected times.
    - Guests in the audience are recognized if they have questions.
    - An agenda for each meeting is posted on the Internet and other DEP required sites prior to each meeting. Quarterly meetings are open to the public. People known to have an interest in the meeting's agenda are contacted prior to the meeting.
    - Not sure this is done. I believe only those who are members are present? Occasionally, if public knows that committee is reviewing a proposed regulation, etc., comments are made known, but this is rare.
    - Through subcommittees, which are staffed mostly by folks interested in membership.
    - We have had one or two instances where folks have used the public comment period as a forum for their causes. We have allowed them to speak, but we moved the public comment period to the end of the meeting.

- We invite outside speakers on topics of interest. Non-member comments on proposed regulations are reviewed at meetings. But, no formal process in this area.
- Several non-voting advisory committees are established. Each meeting has a public input/comment time on the agenda.
- Audience participation is welcome.
- We interact with both labor and management while we are investigating for a possible recommendation.
- Both, plus email and personal contact at other meetings.
- Spread information and solicit information from constituencies that we represent.
- Allows comment from non-members at meetings.
- Meetings are open.
- Meeting attendees are allowed to provide input at meetings. An ad hoc committee was formed to assist with a controversial rule and regulation package recently.
- Board meetings and agendas are published in the *PA Bulletin*. Anyone requesting to address the board is generally allowed to do so. Board members can also solicit opinions from non-members or request them to serve on subcommittees.
- Very open meetings. Lots of opportunity for questions and comments from the audience.
- Through sharing committee information and DEP updates on regulations, plus meeting with wastewater organizations to receive their input.
- Written communication and multiple times at each meeting.
- All guests introduce themselves, can join in some discussions as chair deems appropriate, and can address committee in time allotted near end of regular meeting.
- Open discussion to all in the room.
- Significant information program exists.
- Typically, news of our meetings and its agenda are published in trade newsletters.
- Accepts both.
- Public comment period (from audience) is a part of agenda for each meeting.
- Non-voting members can (and do) attend and may comment. I share minutes of meeting with other interested individuals.
- Respond to questions via letters.
- Open meetings; encourage identification of non-member attendees and solicit their input.
- Good communications and allow participation from visitors during scheduled meetings.
- The meeting is advertised in *PA Bulletin*. It is open to the public. DEP employees, who are responsible for enforcement of the Sewage Facilities Act, are encouraged to attend.
- I don't know that it does, nor do I think it's necessary to.
- Encourages members to reach out to their constituencies.
- Not at all. The only non-members with any kind of attendance are the members of DEP, who come based on the DEP management.
- Often.
- Options to speak or write in.
- Notices of meetings and issues are posted on the DEP website. Outreach to others via contact with operator and owner associations and other DEP advisory committees.

- Each committee member confers with the membership of the group or organization they are representing.
- Each committee member has a network of contacts to discuss issues.
- Only advertised through DEP channels.
- There is an open session at the end of the meeting. For certain items, other parties are invited to participate in the decision-making process by sharing their ideas and experience both through meeting attendance and written communications.
- I really don't know.
- Meeting schedule on website; ask audience for questions/comments.

b) How is non-member participation used in your deliberations or decision-making?

- By written communications or presentations at meetings, after which the board can deliberate and determine appropriate action.
- By responding to letters on issues forwarded to the committee and, depending on value of the issues, have them address the board at a special or regular meeting.
- Since small business is a wide category, if we received comment from applicable people, we would surely include it in a decision.
- Subcommittees frequently solicit non-members for expertise.
- Members value comments and presentations at the meetings, and these comments clearly are helpful in the committee's deliberations.
- Questions and comments are taken under consideration.
- Guests in the audience are recognized if they have questions.
- Public comment results on related regulations and policies are sometimes presented by DEP.
- Through subcommittee work.
- So far, the comments have not pertained to the agenda items. Federal/state agency representatives have been treated like committee members.
- Any comments on proposed regulations are discussed and considered in our decision-making process.
- Significant input to policy/regulations through formal comment.
- Considered.
- Fact-finding.
- Their comments are received and reviewed.
- They are provided an opportunity to give input at meetings.
- We listen.
- Non-members can be appointed to committees or subcommittees established by the board. They can then participate in the committee decision-making.
- We pay pretty close attention to comments when discussing the issues at hand.
- I try to incorporate input received from non-members into my decision-making.
- Input is taken and considered on the same basis as board or DEP contributors.
- I believe their suggestions are given equal weight as to those made by the committee.
- Normally taken under advisement by members.
- They are heard, but, of course, can't vote.
- Free to attend meetings and are given time to offer opinions and comments.
- The meetings are open and non-member participation is welcomed.
- Considered and valued against experience.

- Scientific consideration availed to all rational points of view.
- Consider comments of non-members.
- We must strictly follow legal rules for procedure at hearings and in making our decisions.
- Quite effectively.
- It is definitely taken into consideration.
- Not very much.
- DEP employees are asked to bring the board up-to-date on the SEO training programs and the status of the SEO program. If other non-members attend, they are allowed to address the board with any concerns or comments they may have.
- Input from constituents is the guiding factor in the decision-making process.
- Through input from members or unsolicited correspondence.
- Not at all, unless you mean the discussion received from DEP members.
- Panel discussion members.
- Advisory.
- All comments are summarized by DEP and reviewed by the board. Such comments have caused us to change proposed regulations and policies.
- Each member decides how to present the opinion of his or her constituency. Other organizations are generally not solicited by our committee. DEP handles that.
- Non-members are always given an opportunity to talk, ask questions and participate.
- Usually invite guests to speak.
- DEP provides written communication to committee to prepare for the meeting and ensuing discussion. Verbal communication at the meeting is considered at that time by the committee.
- They present topics with illustrations for us to consider.
- Technical information from non-members is valuable.

14. a) Do your committee members have term limits? ☐ Yes – 28 ☐ No – 23

b) Do you feel that committee members should have term limits? Please explain.

- I have mixed feelings on this issue; many good persons were lost during a political change. That has not occurred recently. Term limits allow you to remove persons who do not participate, which include one person at the present time.
- Yes. Volunteers on committees must be valued. Term limits give those who may not feel valued a way out gracefully.
- No strong feelings, pro or con. If a member makes a significant contribution and indicates willingness to serve on an annual basis, that should be the determining factor.
- Too early for me to tell.
- No. Members must be "in the loop" for the duration. It is disruptive to have a key member(s) leave the process in mid-stream.
- We feel the committee should not have term limits and it should be up to the sectors represented by the committee to determine the term of the committee members. It takes years to gain knowledge and insight into issues and that experience is valuable to the process.
- Yes. I feel that some members are less likely to take their appointments for granted if they are reminded that they must be reappointed via the term limit.

- Not necessarily. Valuable members should not be required to resign or relinquish membership. Varying viewpoints are obtained via the given selection processes.
- No. We have a difficult time replacing members.
- No. I think the "universe" of committee members is fairly small. It would be hard to find good (and active) replacements.
- All committees should have term limits. There is some serious deadweight on some committees.
- Yes. Some members do not attend most meetings and new volunteers are always available, those with a knowledge of the issues.
- Since the members really serve at the pleasure of the department, term limits aren't really necessary. Committee continuity and interaction are important in its function and maintaining continuity of members produces better results.
- We have term limits and members can be reappointed by their legislative sponsor.
- We are only appointed for one year at a time. So there's no guarantee of extended membership. The system, as is, seems to work well.
- Yes, times change and people change.
- No. There is a need to keep those with the history so that when it becomes necessary, we can fluidly move on.
- Members are typically appointed by the Governor and represent all sectors impacted by industry.
- Yes, statutorily required 4-year term.
- Not necessarily. We are appointed for a period of time, but can also be reappointed to additional terms. If an individual is qualified, attends meetings and shows an interest in the work of the committee or board, they should be allowed to continue.
- The member groups and associations actually select an individual to serve on the committee.
- Theoretically they do – since the Secretary appoints each member annually. In practice, members continue serving way beyond their effectiveness (too many retired people).
- Yes. It allows the committee to be somewhat dynamic.
- In some cases, yes. For this committee perhaps not because it meets so infrequently.
- The term limits are established by the act.
- No. There is a finite group of people with a grasp of the issues. To limit them would create more problems than it would value.
- Yes, replace every 1-2 years to keep fresh.
- No, unless the term limits are established by the groups the member represents.
- Yes. Always best. At same time, active members should continue as long as they're working and available. Members should be responsible for promptly notifying DEP when they can't fulfill responsibilities and attend.
- We should have a mechanism to replace members who consistently miss meetings. It is up to each member organization to decide if their appointed representative to our committee is effective.
- Only if the law provides for it. This is a double-edged sword in that many times it takes time for a participant to fully understand and become a viable function of the committee. Term limits many times keep a committee from moving forward.
- NO! It takes time to get up to speed on how the committees work. They deal with issues that take longer than the average term and once you find a committee member who is willing to commit their time to helping, why throw them out? I'm sure there are

members that the DEP wishes would go away, but a simple request from them would get the process started. In the case of those where it is the organization on the committee, DEP can (and does) simply request a different representative be assigned to the committee. It will cause something to happen.

- Yes, all committee members should have term limits with reappointment if appropriate.
- No, having a history of the program doesn't hurt.
- Mixed feelings – term limits allow for changes and turnover in leadership and bring in new ideas –no term limits allow for individual experience and consistency to be maintained.
- Yes, give other people an opportunity to serve.
- No. Experience is helpful, and we have had trouble at times filling openings.

15. a) Describe your committee's mission:

- To oversee DEP's surface mining program and AML reclamation efforts and provide guidance and advice on program initiatives.
- To allow mining in an environmentally safe manner, clean up refuse piles, clean up our streams and open pits, encourage the use of one of PA's largest natural resources and thereby reclaim the previous scars created by past mining.
- We have a mission statement. We follow Section 507 of the Clean Air Act Amendments of 1990 to be a part of the Small Business Assistance Program, along with the Ombudsman.
- To provide a forum for the underground bituminous coal industry to provide technical assistance on mining health and safety issues to the PA Bureau of Deep Mine Safety.
- Provide input to development of DEP's Stormwater Manual and eventual policy.
- Rule and policy discussion and development.
- Provide input to DEP on key topics in the Operator Certification regulation.
- Our mission is to advise the Secretary regarding implementation of Act 182 of 1996, which is the PA Diesel Law for Underground Coal Mining, and to evaluate technology or methods for meeting the requirements of the PA diesel law.
- Recommend to the Secretary the adoption, amendment, or repeal of legislative rules, regulations, standards, criteria and procedures as necessary and advise on effective management of state wetland resources.
- Provide scientific support to DEP in its efforts to develop guidance, rules and regulations pertinent to PA's Land Recycling Program.
- To assist DEP on agriculture issues as they relate to environmental laws, regulations and policies.
- To advise DEP on issues affecting small water systems, including proposed rules and regulations.
- Implement the requirements of the PA Certificate Act.
- "There is hereby created a Technical Advisory Committee on Diesel-Powered Equipment for the purpose of advising the secretary regarding implementation of this article and evaluation of alternative technology or methods for meeting the requirements for diesel-powered equipment as set forth in this article. Any alternative technology or methods recommended by the advisory committee and/or approved by

the Secretary shall not reduce or compromise the level of health and safety protection afforded by this article."

- SWAC: review and provide input when new regulations/policies and amendments are proposed.
- Provide advice to DEP to produce good quality water from small systems.
- Advise DEP on spending of recycling funds.
- To provide technical advice to BOGM on matters related to oil and gas.
- Primarily to provide advice to the department on rules and regulations. Our recommendations are also provided to the EQB.
- To recommend cleanup standards for Act 2 to the DEP and to provide recommendations for the development of the corresponding regulations.
- Review and comment on technical issues associated with air quality regulations and related programs.
- To provide input to the PADEP in drafting of the regulations.
- Provide technical comment and input into proposed regulations.
- Provide advice and counsel to DEP relating to their new lab accreditation; help review draft documents.
- To assist DEP through advice and approval of regulations, policies and program budgets.
- To help as a sounding board and resource for DEP's storage tank department to help them develop environmentally responsible and practical regulations for industry and the citizens of the Commonwealth.
- Provide guidance and input to DEP for the design, operation of a LLW site, including its location.
- Provide technical advice to oil and gas management.
- Recommend action to Secretary/DEP regarding rules/regulations/standards with respect to SWM Act and SWM Plan.
- Advise DEP Secretary, staff and EQB on all matters affecting concepts, scientific considerations, policy and regulations, regarding implementation of Act 2.
- To advise DEP in the development of laws, regulations and policies that relate to the permitting and management of on-lot sewage systems.
- To hear appeals of SEO's following an action by DEP to revoke or suspend an individual's SEO certification.
- To provide DEP with guidance in air quality technical issues of regulations, policy and implementation.
- Assist in the development and implementation of Act 2.
- To guide and comment on policies and regulations.
- Review draft regulations under the LLRW Act. Advise the department regarding policies and issues related to implementation of the act.
- Advise department on issues related to Chesapeake Bay Program and keep membership informed.
- To fulfill the powers and duties established by Act 537.
- The health and safety of PA's miners.
- Address and discuss wetlands protection issues.
- To help DEP/BAQ fashion a workable strategy for air pollution reduction to protect public health. Public good first, not economics.
- Advisory to PA BDMS.

- To administer an operator certification and licensing program.
- Our mission is to provide DEP input on the effect of proposed programs, rules and regulations on a wide range of interests associated with ownership and operation of small water and wastewater systems.
- Assist the department in control of the oil and gas industry.
- To provide guidance to DEP regarding PA's work on its commitments contained in the Chesapeake 2000 Agreement and to provide guidance to the State Conservation Commission on matters pertaining to agriculture.
- To recommend the adoption, revisions, etc., of rules, regulations, standards, etc. for the act.
- Represent small business perspectives to DEP and DCED.
- RFAC: provide input to recycling budget and programs.
- Provide technical review and assistance to DEP on developing water regulations initiatives.

b) Do you feel your committee's mission is:

1. Too narrow – **7**
2. Too broad – **0**
3. Satisfactory – **44**
4. Other (please explain): - **1**

- There is always room for improvement in any committee and I strive to accept new ideas and concepts which is working and our attendance by non-members reflects same.
- Our mission is being served under our existing structure, a statutorily authorized committee with various subcommittees, adding committees as the need arises.
- Would add more participation in the planning process.
- I believe we could provide a broader perspective, not just technical.
- Mission is satisfactory, but DEP needs to use the committee more fully in its decision-making process.
- Mission was established by legislation.
- We need to be proactive and point out "future" problems not yet being dealt with.

c) Would your committee's mission be better served by a:

1. Standing committee – **27**
2. Series of ad hoc committees – **1**
3. Other (please explain): - **8**

- Standing board by statute.
- We're ok on mission, I believe.
- AQTAC has successfully utilized ad hoc committees and should continue to do so for specialized issues.
- But can always be improved.
- I think it is good the way it is (standing).
- Our mission has been successfully accomplished for the past seven years through the use of a 2-member committee.
- Current structure works fine and is appropriate (standing).
- This needs to remain a board of professionals as required by the act.

- Standing, with ad hoc when needed.
- Fine with current setup (standing).
- Board serves as a standing committee and utilizes ad hoc committees.
- A blend is helpful when special expertise is needed.
- The board has utilized standing committees and ad hoc committees when the situation requires them, we're very flexible in our organization makeup.
- I don't see a need for structural change.
- We do have a number of ad-hoc committees – bylaws, regulations.
- No, good the way it is (standing).
- Basically we are a standing committee because of the law; not applicable.
- Current structure is satisfactory (standing); however, DEP needs to listen and implement advice provided (in full).
- Ok as established (standing).
- We have ad hoc committees as needed – this seems to be quite effective.
- No (standing).
- Standing committee would need full-time coordinator to guide and arrange meetings.
- It is required by law, so without changing the act, it will have to stay in place (standing).
- It meets the requirements of the law as established (standing).
- Seems good as is (standing), we form subcommittees as needed.
- We use ad hoc committees when necessary to lessen burden for full committee; no ad hoc should be convened if not balanced.
- Will call us when desired.
- The format is fine (as needed); we just need greater participation from some members.
- In working with members of the committee, it is my understanding that they do in fact function positively and satisfactorily.
- We function well now and there is no need to change anything. In our by-laws we have a "Conflict of Interest" statement and it would be a good idea for all committees to have one.
- We have the option to use subcommittees to address specific issues.

e) Do you feel your committee's mission has been accomplished (excluding ongoing monitoring)?
   1. Yes - **30**
   2. No - **13**
   3. Other (please explain): - **7**

- Have we reached all PA small businesses and let them know that DEP offers free, confidential compliance assistance, site visits, etc.? Not yet.
- So far, but not done yet.
- Apparently due to certain policy concerns; half the meetings in 2003 were cancelled.
- All topics not yet covered.
- Our committee exists to provide technical advice and recommendations on diesel issues and the health and safety of miners relative to those issues; it is an ongoing mission.

- Initially the committee seemed focused and accomplished its intent of review and recommendations to the regulations; however, it now seems non-productive, not used to its full extent, and lacking vision.
- Past assignments have been accomplished, but future assignments will materialize and should be addressed under the current structure.
- Yes, much better in recent years; more organized at DEP level.
- Somewhat, although we have voted against one initiative to no avail.
- The mission will only be accomplished when there are no more rules to review!
- It's ongoing in that standards are still being revised by DEP.
- No, DEP is too controlling and rigid in its use of the committee; there is always more to do; we have very little influence, if any, on certain issues.
- No, the act continues to evolve.
- Yes, committee is doing good, but could do better with more coordination.
- New issues likely to arise.
- Ongoing.
- Ongoing. Committee has evolved from one that directly developed PA's program with predominant agenda makeup to committee that is very diverse and more interested in receiving information.

16.a) What services does DEP staff or the DEP liaison currently provide to your committee?

- Administrative and clerical staff is provided as well as adequate attendance and communications with the Mining Deputate and bureaus.
- Issue briefings and updates on the regulatory process and provide expertise on a particular issue.
- Administrative help. They get the agenda approved. As a member, I know they're always available.
- Meeting facilitation, clerical, research.
- Planning, meetings, agenda preparation, coordination of all of the above services and functions.
- Scheduling, agenda, meeting, minutes, run meeting.
- DEP staff provides clerical assistance on a limited basis as needed.
- Facilitate and present known regulatory proposals.
- Significant support.
- Meeting facilitation, correspondence, etc.
- Coordinating meetings, providing agenda items and overall direction and providing additional information on topics as requested.
- Clerical, agenda support, presentation.
- When there's work to do, they are very helpful in providing information and helping steer the discussions.
- Clerical support.
- Clarification and direction
- Secretarial, meeting arrangements, guidance.
- Information.
- They provide all the review materials for the meetings as well as scheduling of the meetings – they do a good job.

- Keeps members up-to-date with committee business. Staff is responsive to questions and issues raised by the committee.
- The DEP staff provides the board with the resources the board requests.
- Logistics, minute-taking, distribution of meeting material. DEP staff has been big help.
- Provide administrative duties, legal and help facilitate meetings.
- Review of technical standards or requirements of proposed regulations or requested regulation proposals.
- Minutes, agenda, all material, lunch at meetings.
- Secretarial, mailings, special reports as requested.
- Scheduling, secretary/minutes, help with remembering by-laws (quorum, etc.).
- Facilities, support for meetings and provision of data and information.
- Beyond meeting arrangements and keeping us up-to-date, nothing.
- Information and reporting.
- Sets up meetings, agendas, logistics and time/dates. Too controlling to be truly effective.
- DEP staff provide overall good liaison to our committee.
- DEP staff is presently <u>not</u> providing any liaison to the committee despite having done so for many years in the past.
- Technical input, background research, optional description of regulatory issues.
- Very helpful in pre/post meeting communications and meeting facilitation.
- Not much.
- Sending out meeting materials, developing the agenda, running the meetings.
- The DEP provides the personnel including secretarial, clerical, administrative and legal to administer the act and the duties that the committee is responsible for.
- Technical information and health and safety experts.
- Organize, schedule and help facilitate meetings, answer technical questions, implement recommendations.
- Minutes, data, data analyses, staff discussion, out-of-meeting staff time.
- Will call us when desired.
- The act prescribes specific powers and duties to DEP. In addition, DEP staff administers the decisions of the board and provides administrative services for our meetings.
- DEP coordinates the meetings, the presentations at the meetings, prepares minutes, and handles ongoing communications with members.
- Secretarial services to prepare and take minutes. Background and information on agenda items.
- Takes care of meeting logistics and notification, meeting minutes, helping to arrange speakers.
- Copies and material for review and decision-making; technical assistance and guidance as necessary.
- We are included in the development of new or changed rules. Each meeting, a DEP person speaks to us.
- The DEP liaison and staff have been great at providing needed information, answering questions, etc.

b) What additional services or support do you believe DEP staff should be providing to the committee?

- Adequate, at present.
- Additional staffing. Since Secretary McGinty has come aboard, the support has been great. I look forward to the continued support.
- None.
- DEP staff should facilitate participation of our committee earlier in the planning process of reviewing and selecting future regulations.
- Capture of the meeting minutes.
- The DEP staff provides any support requested by the committee, but, for the most part, the committee is self-sufficient and can perform 100% of its functions by its own volition.
- Facilitate development of new policy based on implementation of BMPs and use group's expertise to evaluate regulations' adequacy and make suggestions as to how to better protect, conserve and manage the state's resources.
- Fine as it stands.
- I can't think of anything at this time.
- More thorough follow-through and continuity on tasks and issues raised by the committee.
- Updates on development at federal, state and county levels that impact the mission of the committee.
- Much better preparation for substantive discussion of proposed rules.
- Ok as is.
- None, they're excellent.
- Remain available and receptive to comments.
- Provide meals for members when in Harrisburg. Consult with and receive concurrence of chair prior to setting (or canceling) meetings.
- Must provide active liaison to the committee at each and every meeting to answer questions and address agenda items. If this is not accomplished soon, I intend to resign from the committee. Committee should at least have the opportunity to ask questions about components of the DEP program and provide suggestions to DEP.
- More thorough background research. This would put the regulations in a better perspective.
- Good as is.
- Coordinator full time.
- Current support is sufficient.
- More meetings, agenda packets 10 days before meeting, one field trip per year optional.
- Will call us when needed.
- DEP's level of service is fine; however, some new policies are puzzling: 1) DEP staff are no longer permitted to eat lunch with committee members. This means we can't work through lunch and it extends the meetings. 2) Committee members are now required to provide bank account transfer information for direct deposit of expense payments. Many members prefer checks, and since we only meet once or twice a year, the use of checks would be a reasonable accommodation. We are all volunteers!

- Here come those accountants and salespeople again. The latest decree from somewhere "above" is that expense checks will not be mailed out, but wired directly to our bank accounts. We are volunteers, the majority with full-time positions elsewhere. There are a few simple courtesies that could be extended to us. One in particular is expenses. A simple signed letter with mileage and receipts for other expenses attached should suffice and the DEP mailing a check back should be adequate. With "cookies" and the rest of the technological "spies" that exist and are being developed, I'm not about to let anyone into my bank accounts, let alone the government.
- Services and support are adequate.

17. Do you have any comments or suggestions on how DEP's advisory committee and public participation process could be improved?

- Not really...but I can't speak to the advisory committees not created by statute, between the diverse membership of the committees, public notices and Internet accesses, I believe public participation has improved greatly in the last 10 or so years.
- As long as the department continues to value the input of the advisory committee and does not pay lip service, the process works. I see a great improvement in this area.
- I want to be assured that small business assistance in PA will be supported on a continuum. The PA Small Business Program is one of the best in the country. We need to maintain and build on that, no matter what internal changes occur in administration or funding.
- Following a specific incident, a special committee was formed to investigate and recommend action. While I feel that the special committee was very well staffed and performed adequately, I feel that our committee should have been consulted or involved. The exclusion of this committee was, in effect, a show of no confidence by DEP.
- Increased interaction between DEP committees and other departments.
- Good process already – no comments.
- The process works quite well. There are no major changes required to enhance either the efficiency of the process or public participation.
- You've started with this survey. I suggest the jurisdictional committee members meet prior to the scheduled committee meetings to develop the agenda's old business items that have been left unresolved and need updated to other members and prepare new business agenda items based on their known jurisdictional regulation changes, BMPs, policies, etc. Send these draft agendas out to all members and have at least one committee project goal per year.
- We should be allowed to discuss all agricultural/environmental issues.
- It is hard for me to comment on the overall process, but I believe that this committee generally works well and that our input is valued by DEP.
- DEP should maintain the high level of commitment it gives the advisory committees. If they are taken seriously, they'll deliver what DEP needs. Care needs to be taken, however, to ensure meaningful balance on the committees, i.e., not just "representation" of groups with interests, but a selection of representatives who can articulate a position and debate the merits.
- Information to committee members should be sent on a regular basis instead of a few days prior to a committee meeting – too much information in too little time.
- Fewer committees. Pay more attention to the ones you have.

- Committees in general should have access to objective legal counsel and advice to be able to effectively evaluate DEP's basis for claims that proposed regulations have to be one way or the other "because that's what the law/regulations say." Believe experience shows DEP staff has, at times, applied subjective interpretations to regulations and laws and demanded committee input conform to these legal interpretations, even in face of reasonable argument that DEP's interpretation can be questioned or may, in fact, be wrong.
- Keep supporting them. All of us (we industry folks too) care about the environment and really want to help DEP in their mission in a practical way. Nobody is smarter than all of us together. The advisory committees are a win/win/win. DEP wins, industry wins, the citizens win. Actually the state wins too in many ways by their existence. Keep supporting them. Thanks.
- It is vital that DEP follow, in full measure, the committee's advice provided regarding scientific issues, policy development, and regulatory packages. "Culling" or "cherry picking" what advice it will or will not take is detrimental to all parties.
- Emailing agenda and agenda item background information well ahead of the meeting. Always being mindful of the big picture rather than getting bogged down in minutia.
- It appears to be working very well.
- Doing good, but not able to follow through because of staff shortage.
- Not at this time. Most of the ones I serve on, and there are many, seem to be run pretty well.
- Add enough public interest members (without ties to any industry regulated under the acts) to become majority.
- We utilize other advisory committees to comment on our proposed regulations and policies, and the process seems to be working.
- At times, the agenda approval process limits discussion or delays discussion of important issues. Providing the committees more latitude in agenda issues would be beneficial.
- Just making sure the playing field is level and that the committee is well balanced. For openers, you can create a level playing field starting with the registration of DEP lobbyists. While non-state employee lobbyists have to be registered, the ones DEP has do not have to be and one needs a scorecard to tell the players. Get them registered.
- At times it's comical seeing the people from other departments coming in for a presentation, with their lawyer at their side and then before responding to a question, having to confer with him/her. And it's going to be an honest discussion? Yeah! Right! Be honest and forthright. While different departments in DEP cause mere mortals to jump to attention and run scared (one of DEP's hammers), it appears that their employees live under the same fear. Clean it up!
- DEP must change their "one size fits all" approach. The main DEP personnel working with the committee understand the problem and clearly showed it with the innovative program they are instituting, but we're not sure if the "black hole" people or other committees understand it yet. The mentality has surfaced in the process and may be part of the problem.
- Make the number of meetings flexible to meet the needs of the department and the interested parties. Solicit, or at least allow, input from the committee on agenda items in advance of the meetings.
- Agendas go out very late, sometimes a few days before meeting.

- The process works well as is.
- Allow more initiative on part of the committees.

APPENDIX E

Survey and Compilation for DEP's Advisory Liaisons

SURVEY – DEP COMMITTEE LIAISONS

Committee Name:_____

Liaison Name **(Optional)**:_____

Date:_____

1. What is the primary role/responsibility of your committee? (Circle all that apply)
   a) Provide a forum to discuss and exchange information on DEP initiatives.
   b) Provide guidance/technical assistance to DEP.
   c) Review and make recommendations/comments on DEP rules, regulations and policies.
   d) Assist in the development and review of DEP rules, regulations and policies.
   e) Assist in preparing and updating DEP program plans.
   f) Assist DEP with expending funds for specific programs.
   g) If your role is not listed above or is a variation of what is listed above, please clarify:

   _____

   _____

   _____

2. What is your committee's level of involvement in DEP's decision-making? (Circle all that apply)
   a) We keep them informed.
   b) We obtain their feedback.
   c) We involve them in decision-making by listening to and acknowledging their concerns.
   d) We collaborate with them during each phase of the decision-making process, solicit their advice and recommendations.
   e) We empower them by placing decision-making in their hands.
   f) Other (please explain):_____

   _____

   _____

3. How much does DEP value your committee's input?
   a) Very
   b) Somewhat
   c) Not at all
   d) Other (please explain):_____

   _____

   _____

4. Describe the makeup of your membership (e.g., geographic, experience, training, etc.). Is your membership relatively inclusive and comprise a good balance of interests in relation to the issues you deal with?

_____

_____

_____

5. What is the approximate amount of money annually spent for your committee? This would include hotel, mileage, parking, lunches, etc.

_____

_____

_____

6. What is the approximate amount of time that DEP staff annually devotes to this committee?

_____

_____

_____

7. a) How does your committee encourage participation from non-members, either at your meetings or through written communication?

_____

_____

_____

b) How is non-member participation used in your deliberations or decision-making?

_____

_____

_____

8. a) Do your committee members have term limits? ☐ Yes ☐ No

b) Do you feel that committee members should have term limits? Please explain.

_____

_____

_____

_____

9. a) Describe your committee's mission:_____

_____

_____

_____

b) Do you feel your committee's mission is:
1. Too narrow
2. Too broad
3. Satisfactory
4. Other (please explain):_____

_____

_____

c) Would your committee's mission be better served by a:
1. Standing committee
2. Series of ad hoc committees
3. Other (please explain):_____

_____

_____

d) Do you feel your committee's mission has been accomplished (excluding ongoing monitoring)?
1. Yes
2. No
3. Other (please explain):_____

_____

_____

10. a) During your meetings, what is the function or contribution of the Policy Office Liaison?

_____

_____

_____

_____

b) In what way can the Policy Office Liaison be used more effectively?

_____

_____

_____

_____

11. Do you have any comments or suggestions on how DEP's advisory committee and public participation process could be improved?

_____

_____

_____

_____

_____

_____

Thank you for your cooperation.

DEP COMMITTEE LIAISONS –SURVEY RESULTS

(Note: For some questions, respondents selected more than one answer. Also, some respondents did not answer all questions. In some cases, identifiers and comments were edited to ensure confidentiality.)

1. What is the primary role/responsibility of your committee? (Circle all that apply)
   a) Provide a forum to discuss and exchange information on DEP initiatives -**16**
   b) Provide guidance/technical assistance to DEP - **14**
   c) Review and make recommendations/comments on DEP rules, regulations and policies - **18**
   d) Assist in the development and review of DEP rules, regulations and policies -**14**
   e) Assist in preparing and updating DEP program plans - **2**
   f) Assist DEP with expending funds for specific programs - **3**
   g) If your role is not listed above or is a variation of what is listed above, please clarify: -**1**

   Comments:
   - Provided advice and recommendation.
   - Ad hoc that provides advice to program director.
   - Specified by legislation to provide technical assistance.
   - This committee is mandated to administer the fund. Duties include setting premium rates and coverage limits, establishing provisions of coverage, reimbursing DEP for the costs of running the program, paying claims and promulgating regulations.
   - The role of the committee is clearly spelled out in the act.
   - The role has changed considerably over the past 10 years from one of close involvement in the development of policies and regulations to a more formal role of approval.
   - To provide advice and expertise to the DEP secretary on committee issues.

2. What is your committee's level of involvement in DEP's decision-making? (Circle all that apply)
   a) We keep them informed - **17**
   b) We obtain their feedback - **15**
   c) We involve them in decision-making by listening to and acknowledging their concerns - **14**
   d) We collaborate with them during each phase of the decision-making process, solicit their advice and recommendations - **9**
   e) We empower them by placing decision-making in their hands - **3**
   f) Other (please explain):

   Comments:
   - No level of involvement, technical advisory committee only.
   - Solicit advice/recommendations during development of regulations, technical guidance documents, etc. Minimum involvement during critical points in development process (prior to final packages submitted to EQB).

- Committee is not legislatively mandated. Members aren't compensated, difficulty getting quorum.
- Formal response documents are prepared to address committee's recommendations specific to draft regulations and policies.
- DEP administers the program. The committee administers the fund, it sets policy for the fund and program and, at its discretion, reimburses DEP for the costs associated with the program.
- The legislation that created the committee requires that any comments from the committee on regulatory proposals must be included in DEP's rulemaking package when it goes to the EQB.
- Legislation requires their approval of the spending plan.

3. How much does DEP value your committee's input?
   a) Very - **15**
   b) Somewhat- **7**
   b) Not at all – **1**
   c) Other –**2**

   Comments:
   - While implementing our mission, DEP valued the committee's input very much.
   - Depends on who's listening!
   - The department's position has not been voiced.

4. Describe the makeup of your membership (e.g., geographic, experience, training, etc.). Is your membership relatively inclusive and comprise a good balance of interests in relation to the issues you deal with? Do you have any suggestions for improving the balance?

   - 1 academia, 1 research, 1 federal Mine Safety and Health Administration, 2 United Mine Workers, 2 PA Coal Association.
   - Defined by statute: 3 petroleum engineers, petroleum geologists or experienced driller representatives w/3 years experience in PA; 1 mining engineer from each industry w/3 years experience in PA; and 1 geologist or petroleum engineer w/3 years experience in PA recommended by CAC – all approved by Governor.
   - Engineers, biologists, regulatory, constituents; geographically balanced; committee is "so well balanced," that consensus is difficult to achieve.
   - Membership is defined in Executive Order; members are from the following state agencies: DEP, DCED, DCNR, Governor's office, PennDOT, PFBC, PGC, PHMC and PUC; membership seems balanced, but we are considering changes to improve the balance.
   - Engineers, planners and other professionals who work in the area of stormwater management.
   - Members from across state; most with various technical expertise (hydrogeologist, engineer, biologist, lawyer, etc); most from regulated community; most give good scientific/technical input; less focus on environmental community, but we are most often technical input.
   - Membership is set by organizations listed in the act; new members have been added by statute amendment and Secretary's discretion; organizations appoint representatives on committee; organization balance is duplicative; committee is too large; efforts to refuse requests for new organizations are often overridden.

- Membership is made up of private citizens of low-income and minority communities, regulated entities, local governments, environmentalists, and representatives from industry; the balance of the group could be improved geographically.
- Make-up prescribed by the act; members represent a variety of interests; one of the members from the public should be more representative of the interests of the environment and the citizens who are affected by poor quality data (data users).
- Membership is established by statute: 2 licensed bituminous surface mine operators, 1 licensed anthracite surface mine operator, 4 CAC members; 1 licensed professional engineer, 1 staff person from county conservation district (appointed by State Conservation District Commission), and 4 members of the General Assembly (2 each from House and Senate).
- Make-up is specified in the 1988 Act; 23 members, 19 of whom represent local government, environment, health, engineering, business, academia and public interest groups, and 4 from the General Assembly; it is very diversified.
- Per the act with industry-related organizations.
- The Committee has both water and wastewater certified operators from large and small systems and from public and private systems; it is a good mix.
- The bylaws require substantially equivalent proportions of private citizens, public interest groups, public officials (municipal) and economic interests.
- We have a good balance of public members and lobby groups. No problems here.
- Law mandates membership. The members usually delegate their authority to members of their staff. The program director now serves as the chair.
- The committee is comprised of 11 members: 3 are government officials (DEP and DCED) and 1 represents an environmental group. The remaining 7 members are small business owners or involved in the business community (e.g., trade groups).
- 24 members: the Governor appoints 10 members to 3-year terms. The remaining 14 members are appointed to an annual term by the organization or agency they represent. Agency representatives must be deputy secretary level. Too much emphasis on one group in committee membership.
- It is a good balance of interests. It has some private sector representation, and many government agencies and non-profit/volunteer groups.
- Members have highly technical backgrounds in fields of hydrogeology, environmental engineering, risk assessment, lab analytical methods, predictive modeling and statistical analysis. Members represent consulting community, business, academia and are geographically distributed. Have been trying to have a local public health official appointed for additional balance.
- The bylaws and statute require equal representation from private citizens, public interest groups, public officials, municipal, economic interest and the general assembly.
- Membership is professionals from medical, industrial, and academic groups. The issues and membership are urban-oriented. No one specifically represents the interests of the general public.
- The committee is made up primarily of representatives of the business and industrial community. There is fairly broad geographical representation. The committee would benefit from more representation from the environmental community and from academia.

5. What is the approximate amount of money annually spent for your committee? This would include hotel, mileage, parking, lunches, etc.

- Approximately $7,000.
- <$2,000.
- $4,500 - $5,000.
- Approximately $2,200.
- $4,400.
- Approximately $5,700.
- No clue. For at least two members, there is roundtrip airfare from western PA, range $300- $600/meeting.
- Approximately $3,000.
- Estimated $2,500.
- Committee members are state employees in Harrisburg. We discontinued serving coffee and refreshments.
- 30 meetings from 1996-2003 = $34,357.33 = $1,145.24/meeting.
- There are at least 2 meetings per year. Average cost is $930 per meeting, so this cost is at least $1,860 per year.
- The only funds used are to comply with the Sunshine Act. Public notification in local newspapers is less than $200 per year.
- 0.
- $5,000.
- $2,000 - $2,500.
- Catering = $1,956. TEV's (2002) = $4,047.87 (mileage, hotel, parking, tolls, etc.) (NOTE: these figures apply to two committees).
- We were spending about $1,800 a year on catering for coffee and lunch (6 meetings a year). With new requirements to justify catered meals, etc., we may not do that anymore. About 10 – 12 members claim reimbursement of travel expenses. This costs about $1,050 per meeting.
- Less than $1,000.
- $1,500.
- Two one-day meetings per year = $1,000. Worst case potential cost = $7,500 for two meetings.
- Approximately $10,000 per year.

6. What is the approximate amount of time that DEP staff annually devotes to this committee?

- Since the committee has not been able to agree to meeting dates or agenda items, support by DEP staff is minimal.
- 25 – 30 days effort per year.
- 21 – 25 days depending on number of issues per year.
- Two 3-hour meetings = 6 hours x 4 DEP attendees = 24 hours. Prep time = 16 hours. Total = 40 hours.
- 25 days annually for administration, agenda, coordination, etc.
- Approximately 2 days per meeting in prep x 6 meetings per year (12 days). This does not include individual development of materials for presentation to members.
- Normal year with no regulations pending = 20 – 40 hours. Regulatory interaction year = 10 days.
- Various staff members devote between 80 – 120 hours annually.

- About 3 days per meeting x 6 meetings = 18 days. This does not include participation of Reg. Counsel and Policy Office or time other section staff spend attending meeting or other program time. If including all of above, it would be 15 days per meeting or 90 days per year.
- Approximately 400 hours of DEP staff time annually is spent in support of the committee. This includes staff time from the Deputate in providing administrative, technical and clerical support. In addition, staff from other DEP deputates periodically attend the meetings to make presentations on their program initiatives that may impact or relate to the committee's activities.
- The program devotes about 150 hours annually, mainly to support activities related to the committee meeting.
- All staff time probably exceeds 3,500 hours.
- I spend approximately 12 hours a month on committee business.
- Taking and transcribing minutes, copying, arranging meetings = 200 hours; technical staff time for preparation, presentations = 560 hours; management time for preparation, attendance and follow-up = 225 hours. Total = 1,000 hours/year.
- Approximately 1/10 of a year.
- 0.5 FTE.
- One month.
- Varies by time of year, but generally 40–50% of my time can be devoted to this committee.
- 60-80 hours.
- 200 workhours.
- Taking and transcribing minutes, copying, arranging meetings = 200 hours. Technical staff time for preparation, presentations = 560 hours. Management time for preparation attendance and follow-up = 225 hours. Total = 1,000 hours/year.
- 25 to 30 days.
- Approximately 30 to 40 workdays.

7. a) How does your committee encourage participation from non-members, either at your meetings or through written communication?

    - The meetings are public and guests attend every meeting. We have also held a lot of public meetings during the last 8 – 9 years.
    - *PA Bulletin* and public comment meetings.
    - The meetings are always Sunshined and are published in the *PA Bulletin.* Additionally, each meeting agenda includes an item for "Public Comment." In the past, non-members or stakeholders (i.e., industry reps) have been encouraged to provide input prior, during and after the committee meetings.
    - An "open time" agenda item is included on each meeting agenda to allow for questions or comments from non-members. In addition, non-members may make a written request to the chair in advance of the meeting for time on the agenda to make a formal presentation.
    - Time is given at each meeting and on each topic for non-member participation. Very open discussion process. Written communications shared (verbally) at meetings, where appropriate.
    - The committee encourages community participation both in writing and at meetings. Time is allotted at each meeting for comments from the public. The committee has also developed a protocol to respond to comments received.

- Usually ask "visitors" to introduce themselves and allow for comments/input from visitors. Some provide updates of the committee's actions to others in the member organizations or to newsletters.
- Provide public comment period during meeting.
- Audience recognized when they have input (after member discussion); may lead to further considerations. On occasion, individuals have contacted us and asked for time to address committee on some issue.
- Standard Bulletin notices, Sunshine notices. We also have two non-voting members.
- Industry associations are sent meeting announcements, which they publish in newsletters. Standard public notice provisions apply. At each meeting there is time on the agenda for public comments.
- In the past, committee members have brought in outside experts.
- Policyholders provide input as do insurance producers, who are agents that submit insurance applications and are then paid commissions for those applications that become policies.
- The chair often refers other small business people to the committee and vice versa. The agenda is emailed to non-members on a distribution list.
- It's passive – *PA Bulletin* and Division web site.
- Time is scheduled for non-member participation at each mtg. Non-members are recognized during the meeting and may speak. An email distribution list is maintained for notification of committee activities. Meetings are Sunshined and placed in the DEP weekly and posted to DEP website.
- After some critical remarks about a hot issue were made during the public comment period, the committee moved the open discussion time to the end of the meeting. The DEP legal counsel has stated that the committee has no legal requirement to have a public comment period.
- Several non-members receive our mailings. Non-members are not barred from our meetings, but none have come to the 3 meetings I've attended.
- Interested persons are regularly provided information on program issues via email. They are also involved in meeting discussion of issues.
- Members are nominated by a constituency such as a professional organization. Non-members may address the committee, but none have and they are not sought out. There is no out-reach program.
- Non-members attending meetings are permitted to provide oral or written comments during discussion of agenda items.

b) How is non-member participation used in your deliberations or decision-making?

- Not much has been happening for the last 5 years with the members. The committee is stagnant.
- It is discussed/considered by both the committee and the program. Sometimes non-member subcommittees are formed to utilize expertise of others.
- Members hear comments; comments are included in record.
- We listen and factor their input into our decisions.
- Only if a member takes up the cause.
- Same importance as member participation and comments.
- All documents (rules, regulations, policies, procedures) reviewed by committee are also subject to public comment. We consider all comments regardless of source.

- Non-member participation is discussed at meetings, but has not affected decision-making to this point.
- Non-member comments given a lot of consideration.
- Participation by non-members is taken into consideration during deliberations or decision- making in much the same manner as member's participation except that non-members do not participate in the voting.
- At the discretion of the committee chair and in consultation with the department, comments from non-members may be considered in the decision-making process.
- Reviewed and incorporated as appropriate.
- Comments are recorded and discussed further by the committee and the department.
- It is heard by DEP staff and committee members at the meetings and seriously considered in draft rulemaking.
- Although there is very little non-member participation, the agenda does provide opportunity for open discussion and other times during the meeting at the discretion of the chair.
- The policyholders influence coverage limits, premium rates and conditions of coverage. The insurance producers influence commission rates and the application processes.
- Ignored or criticized. The committee wants DEP to listen to them, but is unwilling to listen to others.
- It's not.
- We maintain an "interested persons list" for non-members that participate in the committee's issues. Non-members attending scheduled meetings may not vote, but may express comments and engage in discussion.
- Non-members can influence members. Less frequently, non-members have been invited to participate in subcommittee meetings because of their expertise.
- Any non-member participation would most likely be handled through the subcommittee process, initiated by the chair as needed.
- Input from non-members is considered by the department and the committee in determining final recommendations and actions.

8. a) Do your committee members have term limits? ☐ Yes - 13 ☐ No - 10

b) Do you feel that committee members should have term limits? Please explain.

- Yes, the work is intense. Perhaps a member would like to gracefully leave the committee and this is a way out.
- Yes, some have stopped attending and do not respond to requests for replacements.
- Yes, and we (DEP in conjunction with the committee) are amending the bylaws to require term-limits. However, some members are concerned about the loss of institutional memory and they have proposed a staggered term-limit for the committee members. Term-limits provide the department with the option of removing a member (or a particular organization) from the committee if they are not proactive in providing advice to the department or if the members are opinionated to a point that their participation and advice is no longer beneficial to the department.
- Yes, the members have a term limit of 2 years, as established by the act.
- Perhaps. At this time, we have a lot of interested people. May keep them active.
- No, I feel as though it's important to maintain a dedicated group of people on the committee.

- No choice. Set at 2 years by act. It would provide much more stability and reduce administrative burdens if terms did not expire so frequently.
- N/A, 18-month project; committee will terminate.
- Current term is 2 years, but members are always renewed. Term limits should be longer (5 years?), then really evaluated for renewal.
- No, doesn't seem that there is a need, members give good, constant input.
- Yes. Gives opportunity to infuse new blood.
- No. Institutional memory would be lost. When there have been vacancies in the past, it has sometimes been difficult to recruit new nominees.
- The organizations are donating their time and get no reimbursement. Setting term limits on these folks is not recommended.
- No, the law mandates the membership.
- The term limits are defined by statute and is 4 years. When a member's term expires, he/she is usually reappointed. There are not a lot of people waiting to be members of this committee.
- Yes, at the end of a term, a committee member must make a conscious decision to apply for re-appointment to the committee. Otherwise, the member would/could continue for an indefinite period of time, even if interest is lost in the committee.
- Yes, however, "cleaning the membership slate" causes a loss of institutional knowledge when dealing with long-term issues (NOTE: this response applied to two committees).
- Yes. This provides opportunity for replacement if needed. Sometimes fresh members are needed to keep committee from becoming complacent.
- Yes. Otherwise the members would become complacent and there would be no new members bringing fresh perspectives and enthusiasm.
- Yes, although having current members re-appointed or new members appointed to vacancies by legislative leaders has been excruciatingly difficult and slow.
- The committee itself should have a sunset provision. Individuals should not be limited, but there needs to be periodic re-appointment. That way, both the Secretary and the nominating constituency will periodically review the members' overall value.
- Because the Secretary appoints the members and may choose to not appoint a member following the member's term, there are *de facto* term limits. This seems to work acceptably.

9. a) Describe your committee's mission:

- To provide advice to the bureau director on safety and health issues related to bituminous underground mines only.
- To provide consultation in the formulation, drafting and presentation stages of all regulations of a technical nature promulgated under the act.
- The mission of the committee is to assist the department in the development and review of legislation, regulations, policies and other initiatives affecting the Commonwealth's wetland resources.
- Ensure projects or activities proposed for coastal zone funding are in concert with state activities, and to participate in the continuing review of the Coastal Zone Program.
- Provide expertise and comment on issues (mostly regulations) before the department. To provide letters of approval to proceed with rulemaking to EQB. (That's my interpretation).

- Stormwater BMP Manual.
- To oversee the implementation of DEP's environmental justice policy. The committee provides a forum for protecting the health of communities, especially communities with the greatest concentration of environmental risks. The committee shall review and advise DEP management on existing and proposed regulations that impact the environmental health of communities.
- Provide technical assistance; recommend adoption, amendment, or repeal of rules, regulations, standards, criteria and procedures that are necessary and advisable for implementation of a laboratory accreditation program.
- The committee's mission is to assist the Secretary of DEP in expending reclamation funds provided by the Surface Mining Conservation and Reclamation Act and to advise the Secretary on all matters pertaining to surface coal mining and reclamation and the reclamation of abandoned mined lands.
- The committee's mission is to review and advise the department on any draft regulations (currently none), review and comment on operator/developer selection (this was accomplished in late 80's and early 90's), and advise the department regarding policies and issues related to the implementation of the act.
- It WAS to assist with specific grants for which funding has been eliminated.
- To advise the Secretary on the waste management programs. They are specifically required to advise on regulations and plans, such as the hazardous waste facilities plan.
- To assist the Storage Tank Program in the drafting and presentation of regulations, which will affect the regulated community.
- "The purpose of the committee is to advise the Small Business Assistance Program and Ombudsman; to review proposed and existing regulations as they affect small businesses; to assure such regulations are written in understandable, clear laymen's terms; and to advise the department of the small business perspective on air quality issues." – Bylaws.
- To administer the MSI (Mine Subsidence Insurance) Fund.
- To review and provide comments on DEP policies, rules and regulations that regulate or have a potential impact on agriculture or the agricultural community. The committee may also provide comments on existing DEP regulations or policies, and any regulatory proposal that may affect agriculture.
- To provide guidance to DEP on its commitments regarding the Chesapeake Bay 2000 Agreement. Also guidance on agriculture.
- To provide technical advice and assistance in the development and review of cleanup standards, as well as all technical procedures associated with site assessment/remediation under the Land Recycling Program.
- To monitor spending of Recycling Fund and advise the department on the administration of the recycling program.
- To review proposed regulations and guidance and provide general advice on matters relating to the safety of radiation sources.
- "The committee, at the request of the department, may be utilized to provide technical advice on department policies, guidance and recommendations needed to implement the Clean Air Act. The committee may also request to review department policy, guidance or regulation needed to implement the Clean Air Act."

b) Do you feel your committee's mission is:
   1. Too narrow - **1**
   2. Too broad - **0**
   3. Satisfactory - **20**
   4. Other - **1**

   Comments:
   - No longer existent as stated in the original act.
   - The committee should be addressing all regulations affecting our mission's constituents.

c) Would your committee's mission be better served by a:
   1. Standing committee - **8**
   2. Series of ad hoc committees - **2**
   3. Other - **8**

   Comments:
   - We are okay with the committee as organized.
   - Can be useful as a standing committee if the original mission is ever restarted.
   - Mission is established by statute.
   - Problem is not the mission, rather committee members are reluctant to go on record or else have limitations from their organizations.
   - No.
   - The committee serves well as is.
   - No position on this.
   - The present structure satisfies needs. The committee and DEP work together when special needs arise to appoint ad hoc committees to investigate and report to full committee. Ad hoc committee members include individuals who are not members of the committee.
   - There have not been a lot of new regulations or regulatory proposals to look at lately, so some meetings are cancelled due to lack of agenda items. The concept of the committee is a good one, but members often state that their issues should be exempt from everything.

d) Do you feel your committee's mission has been accomplished (excluding ongoing monitoring)?
   1. Yes - **16**
   2. No - **1**
   3. Other - **4**

   Comments:
   - Except for infrequent regulation changes.
   - Just started this effort in late '03.
   - Since suspension of our mission, committee is not serving any useful purpose.
   - First 6–8 years, committee provided forum for exchange of issues. Committee is not making any progress.
   - Not yet because program is in a development phase.
   - Not sure what you mean by "excluding ongoing monitoring" .
   - As it pertains to focusing on our issues.

- It's an ongoing process. The committee has helped to open lines of communication between DEP and a specific sector of the public.

10. a) During your meetings, what is the function or contribution of the Policy Office Liaison?

- To listen to discussions and advise from the department's perspective.
- Note-taking and assuring meeting is setup.
- The Policy Office Liaison answers questions that involve any policy issues or provides additional information, as needed.
- The Policy Office Liaison assists with the framing of issues from a DEP-wide perspective.
- Provide answers (serve as a resource) concerning DEP policies, procedures and processes.
- During meetings, the Policy Office Liaison contributes as an active member of the audience. The liaison provides advice to the committee on policy decisions and participates in relevant discussions. At the upcoming meeting, the liaison will make a presentation to the committee on our public participation policy.
- Nod knowingly.
- Observe and report back to Policy Office.
- Not sure, usually silent. Frankly, seems to be there to report on what occurred. We get feedback when there was a "problem."
- Discuss DEP policy, if issues arise.
- To observe and periodically inform of other related items.
- The Policy Office Liaison has provided advice and guidance on how to set up, document, and publish the committee's meeting minutes.
- To observe.
- When in attendance, the P.O. Liaison has provided official Policy Office guidance when needed (which has been infrequent).
- In the several years I have been involved in meetings, the Policy Office has had a liaison at the meetings, but not said anything. I assume their function is to monitor what is said at the meetings.
- To occasionally clarify a point regarding the rulemaking or technical guidance or provide comment on a department initiative.
- Mostly just sits on the side and says little and does nothing.
- Monitor the discussion of program regulations/policy to ensure appropriate coordination with related, and possibly affected, program areas of the department.
- Explain regulatory process and development of policy.
- Observer. Occasionally answer questions on general department policy.
- The Policy Office liaison generally only observes meetings.

b) In what way can the Policy Office Liaison be used more effectively?

- This committee is not functioning and there appears to be little desire by the organizations to participate.
- Seems to be working okay.
- Perhaps to <u>be</u> the committee liaison to ensure more objective consideration of the issues. Program staff could focus on their specific issues.
- No suggestions.
- Not sure.

- It would be helpful if the Policy Office Liaison could provide the Policy Office's recommendations for meeting agenda items prior to the 3-week deadline for the draft agenda to be submitted to the Policy Office. This would better facilitate finalizing the agenda and would allow for the agenda to be approved sooner and sent out to the members earlier, giving the members the most amount of time possible to review the meeting agenda package/materials prior to the meeting.
- The function of the Policy Office Liaison should be to address any policy issues and provide support to the programs, as needed. The Policy Office Liaison should also make every reasonable effort to expedite the internal review of various documents (i.e., draft regulations, guidance documents, minutes, etc.) for the purpose of presenting to the committee and obtaining their input in a timely manner.
- To shepherd difficult issues/processes through the system. A package takes way too long, 1-½ months, with only 3 months between meetings. It's insane. Too many people are involved in the process.
- Provide clear, consistent guidance and instruction.
- Its current role is effective and sufficient.
- I believe the staff of the DEP Policy Office should be the liaisons to the committees. They do little more than call to pester you whether there will be handouts at the meeting.
- They could serve as liaison to the committee.
- They do a great job; however, certain purely technical work products do not need the same amount of deputate/policy review as policy documents do.

11. Do you have any comments or suggestions on how DEP's advisory committee and public participation process could be improved?

- Review necessity of all committees. Eliminate or combine and reduce the total number
- The individual programs should exercise more authority over the selection of the committee members, the need for an advisory committee and the frequency of the meetings. Considering the cost of maintaining an advisory committee, including staff support, the department should re-evaluate the need for its advisory committees and establish a mechanism to measure their effectiveness.
- It would be helpful if the DEP procedures for review and approval of meeting agenda packages were modified for circumstances when a meeting speaker/presenter is providing a status report on a project or activity (especially when the status may change from week to week or even day to day) **using handouts**. Under current DEP procedures, such speakers/presenters must have their **handout** prepared at the very minimum 3 weeks prior to the meeting to conform to the 3-week timeframe for meeting agenda packages (that must include the **handouts** the speakers/presenters will be distributing at the meeting) to be submitted to the Policy Office for review and approval. In actuality, it is more like 4 weeks prior to the meeting that such speakers/presenters must have their handouts prepared, considering the time required for the committee liaison to coordinate with the committee chair and get the transmittal memo (for forwarding the meeting agenda package) from the Bureau Director and through the Deputy Secretary and to the Policy Office to meet the 3-week timeframe. The end result under such circumstances is that the speaker/presenter can at best reflect the status of the project or activity on their **handout** as of approximately 3 – 4 weeks before the meeting.
- Eliminate/not allow or encourage discussion by multiple advisory committees on same issue. Designate a primary committee for a particular issue. If other committees or

individual committee members desire to have input, they would need to attend primary committee meeting. Occasionally a joint meeting may be appropriate.

- More active discussions, less "FYI" presentations.
- Involve fewer people and control less at the top. We have been trying to discuss an issue for 2 years now with our committee.
- Make clear DEP's expectations of members and committee. My committee likes to tell DEP what they'd like to do and, although not a bad idea, hard to fit in. If we have time on agenda, we have not prioritized the issue and are not prepared to take it to them.
- Continue to automate all processes that can be automated and then continue to provide links to the automated processes on the advisory committee web page that the Office of Policy manages. For example, eliminate CDs and disks and use the computer network in their place, and provide a single data entry form that facilitates the submission of Sunshine Act, *PA Bulletin* and *Update* notices.
- This committee is not required by any statute. My recommendation is to eliminate this non-functioning committee. New legislation being proposed should consider a "new" committee with incentives to participate, such as per diem, travel expenses, etc.
- In the past, the DEP representative member has not contributed. Secretary McGinty has appointed a new representative to the committee. It is very important that this new representative attend the meetings regularly to provide the department's perspective and hear firsthand our perspective.
- Our internal approval process has become cumbersome and lengthy (though less so with our current liaison). Although I'm certain our mailings look more polished, I wonder whether we're getting the most out of our committees when we send everything as "final." On the other hand, I've seen other committees make some pretty off-the-wall (and/or self-serving) recommendations, so I do have mixed feelings about it!
- My predecessor and I handled the committee independently for a combined total of 24 years. There were no incidents that I recall to justify the overly cautious approach currently in place. There must be some middle ground that could provide the flexibility we need to make these groups less of a burden.
- DEP needs to eliminate the convoluted and time-consuming process of submitting meeting agendas to several different offices to be "blessed" before we can mail them out. Agenda packages are sometimes approved too late to mail. When we ask outside speakers to speak at a meeting, it is ridiculous to have them submit a copy of their presentation and any handouts for approval. What is that...censorship? Agenda packages sent to 16th floor often appear to be lost or forgotten. Sometimes nobody seems to know where they are.
- No.
- Eliminate as many steps in internal process as possible. Most of the steps do not add value. Program managers should identify controversial issue to Policy Office for discussion. Why does this need to go beyond program and Policy Office?
- The best way to improve public participation is to approve and make public the meeting materials earlier and to have available a layman's description of the issues to be discussed. Perhaps also to have in addition to the committee's yearly schedule, a brief description of what topics will be discussed at each scheduled meeting.
- No.

APPENDIX F

Focus Group Recommendations

- Be true to level of commitment → explain up front and follow through
- Evaluate effectiveness, measure and act

ADVISORY GROUP'S ROLE:

- Educate themselves and assure whole group (all interests) are engaged and understand any decisions or recommendations made
- Members need to represent constituency or self as identified (responsible to raise conflict if one exists)
- Collaborate with DEP/Convener on mission
- Resource to general public

Other ideas and recommendations:

- DEP/Convener must communicate level of commitment, responsiveness, and decision-making role up front and follow through (reiterate with each new issue!)
    - Outline the "Givens"
    - Stick to original commitment or clearly and timely explain change

- DEP/Convener should allow/encourage more committee input on agenda - not just Chair.

- DEP/Convener should ensure Chair is acting objectively.

- DEP/Convener should show more support, direction -- Goals, Objectives.

- DEP/Convener should clarify "Voice" needed at table and ensure those voices/interests are present, engaged, educated, and knowledgeable.

- DEP/Convener should clarify purpose (goals, objectives) of committee - distinguish between technical/science and "policy."

- The Secretary or Convener should reply to a committee's comments submitted in writing (even if not RE: regulation). Secretary responses should be discussed with program and liaison prior to committee.

- DEP/Convener should do relationship/trust building between DEP and other interests, between economic interests and other interests. (avoid creating mistrust)

- Committees should promote themselves as a resource to general public.
    - More visible to outside world – written and oral communication
    - Location of meetings should be access friendly
    - Multiple access points – web, mailings, etc.

- Committees need to maintain continuity and info sharing between meetings.
    - List serve
    - Chat room
    - Other correspondence

FOCUS GROUP RECOMMENDATIONS

Committee Purpose / Scope

- Agency–wide communication regarding existing advisory groups, their purpose and representative interests. (post on web)
- Do not go to committees with something that will not be readily changed or changed at all. Advisory committees should be used by DEP to provide input and advice. If something is "information only" – please be clear about it.
- If rulemaking is EPA driven, perhaps committee's comments should go to EPA.
- Use committees to provide input regarding the impact of rulemaking on constituency or discuss ideas for effective implementation.
- Don't create/use committees for hidden motives or for show.
- Don't use advisory committees to substitute for department staff --because of lack of resources in-house, hiring/staff issues, etc.
- Do not discuss an issue (policy, technical, etc.) when representative balance isn't present.
- Annually review effectiveness of each committee – is purpose being accomplished?
- Advisory committees should be more autonomous.
- Look at legislatively mandated committees and reconcile need, function, etc.
- Meet only when there are substantive issues requiring advice, input from committee – Don't convene meetings when DEP is not interested in obtaining advice or input from the committee, or the committee has no substantive addenda items.
- Meet only when Advisory Groups can be utilized as relationship/trust building among varied interests – economic, regulated, environmental, public, etc.
- Should the legislature be held accountable for the committees it creates? If so, HOW?
  - Seek change in legislation if needed.

DEP and Committee: Level of Involvement / Roles / Communication

DEP/CONVENERS ROLE:

- ID committee's purpose/goals/objectives
- ID "voices" or interests needed
- Ensure those voices are there, engaged, and heard
- Ensure balance of representation meets purpose/goal
- Clarify member role: are they representing self or a constituency

Committee Membership

- Ensure true balance of representation/interests on committee.
  - By-Laws should create and enforce appropriate balance and involvement of representatives.
  - DEP/Convener and Chair should take interest and be active in ensuring diverse, appropriate balance of representatives.
  - Ensure balance is of ***interests*** not just representatives.
  - Don't assume that diverse interests present means balanced interests in number
    - Example: 1 "environmental" or public voice and many industry voices around table

- DEP/Convener should make sure the representation matches the goals, objectives.

- DEP/Convener should take active role in assuring that Governor appointments are timely and appropriate.

- DEP/Convener and committee members should recognize/appreciate when one voice is representing a larger constituency.

- Each advisory group should be required to include one representative of the Environmental Justice Advisory Board or appropriate alternative.

- Look at and strive for diversity within advisory (and stakeholder) groups (ethnic, race, socio-economic, etc.)

- Do not allow members and alternates (2 voices) to skew balance.

- Enforce by-laws when necessary (membership, balance, diversity, leadership objectivity, etc.)

Committee Structure/Operating Practices at DEP

- Convener (DEP, Deputy, BD, Program) should be responsible/accountable for own advisory committee.

- DEP should have standard/semi-standard by-laws to guide each committee.
  OPTIONS:
  - DEP drafts and gets committee's validation (DEP lead)
  - DEP provides format and committee generates (Committee lead)
  - DEP/Committee collaborate on by-laws/mission (no specific lead)

- Before creating new committee = see what/who exists to provide needed input and/or feedback.

- Need leadership from DEP regarding how committee's (committee chairs) handle public involvement at committee meetings. Perhaps ensure consistency among committees.

- DEP must consider and reconcile issues related to central office decisions made and communicated to advisory groups (with their input), which are not consistently or appropriately implemented in the regional offices.

- DEP commitment or lack thereof is evidenced in DEP attendance and engagement at committee meetings. Be specific about who attends for DEP and how they contribute.

- Reduce duplication of effort or collaborate based on knowledge of existing groups.
  - Policy or Regulatory Counsel should have oversight of all committees and facilitate collaboration, mitigate duplication of effort
  - One point of contact for all liaisons to go to regarding above
  - Eliminate overlap of committees (merge or one becomes sub committee of another, or remove)
  - Promote interaction between committees or boards with similar issues or interest

- All committees should have mission statement and by-laws that contain:
  - Purpose/goals/tasks
  - Membership issues
  - Attendance
  - "Voting"/decision-making rule

- Utilize more informal work groups focused around a specific topic or issue.

- Look at DEP's internal "Sunshine" Policy – to encourage more stakeholder involvement (smaller scale, informal, etc.).

- Enable and encourage DEP leaders to collaborate and utilize stakeholder involvement in "daily practice."
  - Keep appropriate advisory committees in the loop
  - Timeliness/freedom to work w/ committees or stakeholders in "real time"

- Utilize DEP/DCNR/etc. retirees as advisory committee members (public voice, environmental voice, etc.)

- DEP should be open to different processes that achieve the desired results – be results focused instead of process focused.
  - Training may / will be needed to accomplish this.