

SUBJECT: Priorities Updates and Action Plans—January 2010
TO: Council Members
FROM: Sue Wilson
DATE: January XX, 2010

ADMINISTRATIVE OVERSIGHT COMMITTEE

Members: Thad Stevens (Chair), Cynthia Carrow, Jolene Chinchilli, Janet Keim, Richard Manfredi

Priorities:

1. *Identify opportunities for greater consistency (process and enforcement) among DEP regions*
2. *Work towards more appropriate use and communication of policies, guidance, regulation (literal interpretation vs. direction)*
3. *Enhance DEP effectiveness*

Key Questions:

1. *Increased Consistency: What is being done to ensure the appropriate level of consistency in terms of implementation and enforcement of this initiative?*
2. *Regulation vs. Policy vs. Guidance: Is this initiative being presented at the appropriate level or should consideration be given to utilizing a different mechanism?*

DEP Structure, Budget, Complement, Grants, Permit Fees PROJECT

Timeline

2/17/2009	Deputy Secretary Patrick McDonnell reported on DEP's proposed budget
3/2/2009	Conference call re: sewage enforcement reimbursement grants funding
3/17/2009	Sent letter re: reimbursement grants funding
5/5/2009	Conference call re: sewage enforcement grants funding
5/20/2009	Draft letters to CAC for review and consideration; letters approved and sent.
7/21/2009	DEP reports on budget status and on economic recovery.
7/24/2009	CAC sent letter to PA General Assembly re: Environmental Budget Impacts and Leasing of public lands for gas drilling
8/14/2009	Follow-up letter identified a number of budget issues, including impact on federal primacy programs. August 31 response distributed to members.

AIR COMMITTEE

Members: John Walliser, Chair; Gail Conner, Walter Heine, Jim Swistock

Priorities:

1. *Air permits and permitting procedures*
 - *Support and encourage permitting procedures that are economically and administratively efficient yet remain protective of the environment*
 - *Look for every opportunity to achieve measurable improvement in environmental quality as well as advancing economic and administrative efficiency*
2. *Emission reductions*

cherished, rich environment. DEP should identify and utilize creative and aggressive solutions to confront the ever-evolving air pollution challenges.

Timeline:

2/19/2008 CAC approved letter of support for anti-idling regulations
 3/18/2008 Discussion re: final consumer products regulation; letter sent 4/4
 4/15/2008 Conceptual discussion re: proposed adhesives regulations
 5/20/2008 Committee meeting: DEP to present draft of adhesives regulation, and report on final anti-idling regulation. On the committee's recommendation, Council voted to support proceeding to EQB with the regulatory packages. Letters sent on 6/13/2008
 10/27/2008 Conference call re: impacts of CAIR vacatur on cement kiln regulations
 11/18/2008 Draft letter regarding cement kiln regulations; letter sent on 11/21/2008
 2/17/2009 Committee meeting re: Air Quality Fees rulemaking, proposed ozone designations, air toxics around schools, mercury court decision.
 3/3/2009 Sent letter to IRRC supporting fees package
 7/21/2009 DEP to present draft regulations on: Large Appliance and Metal Furniture Coatings, Paper, Film and Foil Coatings, Flat Wood Paneling Coatings, Outdoor Wood-fired Boilers, and Non-attainment New Source Review PM2.5.
 9/15/2009 Ratified letters re: Large Appliance and Metal Furniture Coatings, Paper Film and Foil Coatings, Flat Wood Paneling Coatings, Outdoor Wood-fired Boilers, and Nonattainment New Source Review PM2.5
 12/16/2009 Conference call to discuss pending regulations
 1/19/2010 **Consider letter re: proceeding with Adhesives and Glass Melting regulations**

Recent Reports and Activities:

Pennsylvania is one of three states that failed to submit timely state implementation plans for how they will comply with EPA's national ambient air quality standard for particulate matter. This finding starts a sanctions clock that could lead to a loss of highway funding. Pennsylvania blames its delay primarily on work load but also on the fallout from the December 2008 remand of the clean air interstate rule which froze development of a cap and trade system to reduce power plant emissions of NO2 and SO2. (*Environmental Policy Alert, 12/16/2009*)

Global Warming

TRACK

Workplan:

3/21/2007 Presentation on PEC's Energy/Climate Change Center of Excellence
 8/11/2008 Governor appointed Sister Pat Lupo to Climate Change Advisory Committee
 10/21/2008 Joint CAC/CNRAC meetings re: climate change activities.
 7/21/2009 DEP presentation and update on HB 80
 2/16/2010 **Update on Act 70 Climate Plan**

Recent Reports and Activities:

EPA is pursuing two key expansions for its greenhouse gas emissions reporting registry, proposing to require GHG reporting from oil and gas operations and from underground injection of CO2. (*Environmental Policy Alert, 12/30/2009*)

ENVIRONMENTAL STANDARDS COMMITTEE

Members: Dave Strong (Chair), Joyce Hatala, Curtis Kratz, Thad Stevens and John Walliser

Mining/Reclamation/AMD Issues **PROJECT**

Priorities:

- Expedite remediation of historical problems
- Enhance the ease of reclamation of current mining

Key Question:

- Does this initiative expedite remediation and reclamation of both current and historical mining impacts?

In response to past abuses, federal and state laws now require coal operators to pump and treat the polluted drainage from their mines. However, as many as 140 mine operators may be struggling to meet these demands. If they close down, there is little to stop them from abandoning their environmental obligations at 262 mines and coal waste piles across the state. Together those sites generate an estimated 28 billion gallons of acid drainage annually.

Timeline:

- 1/15/2008 Joe Pizarchik reported on reclamation fee advance notice of final rulemaking
- 8/2008 Presentation at WPCAMR AMD conference
- 9/23/2008 OSM emergency response funding letter
- 10/21/2008 Joint CAC/CNRAC meeting re: AMD on DCNR lands
- 2/17/1009 Committee meeting to follow up on AMD/AML on DCNR lands, and to discuss pending waste program changes
- 3/17/2009 Discuss regional meeting proposal re: Marcellus and AML/AMD on DCNR lands
- 7/21/2009 Council to consider draft OSM emergency funding letter; letter approved and sent

Deep Mining *(5-year Act 54 report mandatory)* **TRACK**

Priorities:

- Promote quicker resolution of surface and water impacts and ensure that the spirit and intent of the law is properly applied and enforced to result in a just balance of conflicting property uses and users.

Key Question:

- Will this initiative provide a better balance between conflicting property uses and users?

Timeline:

- 1/15/2008 DEP reported that resource constraints may affect its ability to prepare the next Act 54 report, due in 2008. CAC has agreed to discuss with DEP options for developing an in house report.
- 3/18/2008 Deputy Secretary Roberts reported on progress in implementing recommendations from the 1998-2003 report
- 4/15/2008 Director of Mining and Reclamation Joe Pizarchik reported on plans for completing the next 5-year report
- 7/15/2008 Harold Miller reported on plans for completing the next 5-year report

Workplan:

The 2008 Act 54 report is expected to be completed by summer 2010; University of Pittsburgh staff who are working on the five year report are doing an excellent job in capturing the available data and making meaningful assessments but have slipped behind schedule due to difficulties in correlating information from different sources.

Energy Plan

TRACK

Energy is a foundation of the modern economy; it fuels our industry and our transportation, and heats our homes. Our demand for energy continues to increase, while our sources of traditional fuels diminishes, and the public health and global warming impacts increase. Even global issues such as climate change and energy use should be considered as state issues, as they affect us all.

Timeline:

- 1/15/2008 Draft regional report to addresses wind power
- 5/20/2008 DEP provided overview of issues and actions regarding the gas drilling boom
- 6/17/2008 Continue discussion re: drilling issues
- 9/9/2008 Panel on Marcellus Shale at regional meeting
- 10/22/2008 Joint CAC/CNRAC meeting re: Marcellus Shale
- 11/18/2008 PPO to discuss citizen outreach re: Marcellus Shale and wind siting criteria
- 2/17/2009 PPO to continue to discuss wind siting criteria issues relevant to proposed legislation
- 2/25/2009 Staff attended meeting of the Pa. Wind and Wildlife Collaborative
- 3/17/2009 Sent letter re: gaps in Marcellus information
- 4/21/2009 WPC presentation on windmill siting study

Waste Management

PROJECT

Priorities:

- Promote a more sustainable yet still protective approach to waste management.

Key Question:

- *Does the package incorporate or promote more sustainable management of wastes?*

Timeline:

- 1/15/2008 Steve Socash et al provided update on pending changes to waste regulations
- 1/30/2008 Committee conference call re: changes to waste regulations
- 2/19/2008 Committee meeting re: letter to Deputy Secretary Fidler; Council approves letter
- 3/18/2008 Discussion with Deputy Secretary Fidler
- 4/10/2008 SWAC meeting re: waste regulations
- 5/5/2008 Committee conference call re: waste position/questions
- 11/18/2008 Draft letter re: extending the \$2/ton tipping fee and other changes to Act 101; letter send on 11/26/2008
- 3/17/2009 Committee meeting re: pending changes to waste regulations
- 4/6/2009 Committee conference call re: pending changes to waste regulations
- 4/21/2009 Draft comments for Council consideration; letter re: proposed changes to waste regulations sent.

INTEGRATED PROJECTS COMMITTEE

Members: Jolene Chinchilli (Chair), Gail Conner, Joyce Hatala, Pat Lupo, and Burt Waite

Priorities: Cumulative Impacts

- *Determine the status of models and procedures to determine cumulative impact.*
- *Promote consideration of cumulative impact in DEP programs and decision-making.*
- *Expand the use of biomonitoring in communities subject to exposure to pollutants from multiple sources.*

Key Question:

- *Is there a place for consideration of cumulative impact in the context of this initiative?*

Health and Environment	PROJECT
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Better understanding of the links between environmental pollutants and human health will allow us to take appropriate actions to reduce and eliminate, where possible, the negative impacts. It is critical that Pennsylvania begin to tie environmental data systems with health data systems so that the correlation of environmental and other factors with health outcomes is better understood. DEP has done much to modernize and improve the usefulness of its many data systems; they now need to be correlated with DOH and other health-related data sets.

Priorities:

- *Promote awareness of the connection between environmental quality and public health with focus on both the general public and government decision-makers.*
- *Ensure that DEP policies, programs and regulations address the connection between environment and public health.*
- *Support and encourage DEP continued participation in the Environmental Health Tracking project with the Health Dept. and encourage DEP to develop its own initiatives in this area.*

Key Question:

- *Does this regulatory package/initiative address the connection between environment and public health? Can it do more?*

Timeline:

- 1/15/2008 *Committee meeting to discuss lead issues; CAC approved comments on EPA proposal to remove lead as a criteria pollutant. Comments submitted electronically.*
- 2/19/2008 *Special Deputy Barb Sexton reported on progress in relationship building with the Department of Health*

Workplan:

- Ongoing *Advisory articles to keep the issue in front of CAC and DEP*
Evaluate what standards are health based; look into standards for children vs. adults; evaluate need to push for including synergistic and cumulative effects, precautionary principle, etc.
Evaluate the relationship between the county health departments, DOH and DEP
Monitor EJAB and PCIEP activities re: cumulative impact analysis

Recent Reports and Activities:

EPA is reportedly creating a new strategic environmental management office focusing on cross cutting emerging issues, and a new sustainable communities office. (*Environmental Policy Alert, 12/30/2009*)

EPA is citing just-released data showing widespread levels of mercury contamination in fish in the nation’s lakes as another reason for pursuing a strict mandatory limit on power plant emissions of the toxic chemical, in order to reduce deposition of mercury into waterbodies. A study released November 10 found concentrations of mercury and other toxics in fish tissues from lakes and reservoirs in nearly all 50 states, with concentrations in game fish exceeding EPA’s recommended levels at 49% of lakes and reservoirs nationwide. (*Environmental Policy Alert, 11/18/2009*)

Multi Media Approaches TRACK

Priorities:

- *Support and encourage the development of new tools to build upon and go beyond progress made under current programs.*
- *Ensure that new approaches result in measurable improvement in environmental quality and advance environmental as well as economic efficiency.*

Key Question:

- *Does this package result in measurable improvements in environmental quality and advance environmental as well as economic efficiency?*

Pollution Prevention TRACK

Priorities:

- *Identify all opportunities to make pollution prevention the norm (not just the award winning exception) in all media.*
- *Incorporate incentives for pollution prevention in all DEP regulations, policies and programs.*
- *Support the existing DEP goal of zero discharge of pollutants as a driver for adoption of pollution prevention, continuous improvement and environmental management systems by those who are subject to environmental regulation.*

Key Question:

- *Does this package promote pollution prevention and continuous improvement as key pieces of the initiative?*

PUBLIC PARTICIPATION AND OUTREACH COMMITTEE

Members: Cynthia Carrow (Chair), Jim Clauser, Gail Conner, Bernie Hoffnar, Curtis Kratz, and Pat Lupo

Public Participation in DEP Decision Making PROJECT

Priorities:

- *Seek continued improvement in DEP’s decision making at all levels*
- *Internal communication and interregional consistency*

- *External outreach, re: DEP activities (not to be confused with EE)*
- *Accountability for both*

Key Questions:

- *Does the proposal incorporate plans and mechanisms to enhance public participation in decision-making affecting its outcomes?*
- *What are the plans for both internal and external communication regarding this initiative? What outcome measures will be used to ensure that communication is effective and at least adequate?*

Timeline:

10/6/2008 Attended interagency meeting re: Marcellus Shale outreach and education
 11/3/2008 Attended interagency meeting re: Marcellus Shale outreach and education
 11/18/2008 Committee meeting to discuss wind siting criteria (presentation by WPC) and Marcellus outreach
 1/6/2009 Conference call re: wind power siting criteria issues
 2/17/2009 Committee meeting re: wind siting issues; draft letter to CAC for consideration
 2/25/2009 Staff attended meeting of the Pa. Wind and Wildlife Collaborative
 3/17/2009 Sent letter re: gaps in Marcellus information
 3/25/2009 Pa. Wind and Wildlife Collaborative meeting
 4/21/2009 WPC presentation on siting study

Advisory Committee Review PROJECT

Timeline:

3/18/2008 CAC identified empowering DEP advisory committees as a top priority
 6/4/2008 Participated in Policy Office meeting with DEP staff re: advisory committees. Staff to follow up on specific concerns raised at the meeting.
 9/2008 DEP proposed changes to SWAC and RFAC bylaws
 1/6/2009 Conference call re: SAC issues
 2/17/2009 Draft letter to CAC for consideration; letter sent February 19, 2009
 9/11/2009 DEP convening a meeting of advisory committee liaisons to discuss protocols related to Advisory Committees and procedures such as submission of PA Bulletin Notices.

Workplan:

Ongoing Work with Policy Office re: improving collaboration with and coordination of advisory committee input on departmental initiatives

Environmental Education and Stewardship PROJECT

Priorities:

- *Elevate the role of environmental education within the department and to improve cooperation among resource agencies.*
- *Increase community/grass roots awareness, knowledge, skill and involvement in achieving and maintaining desired environmental quality and quality of life utilizing environmental education as one of the primary tools.*

Key Question:

- *What does the proposal do to enhance education and environmental stewardship relevant to its intended environmental outcomes?*

Timeline:

The Conservation Directory is available and updateable on line.

Environmental Justice

TRACK

In June 2000, the EJ Work Group made recommendations for addressing environmental equity; one of the most significant remaining tasks is to deliberate the best means to implement cumulative and disparate impacts analyses.

Priority:

- *Monitor and aid Environmental Justice staff and the Environmental Justice Advisory Board in improving how the department addresses these issues.*

Key Question:

- *How does this proposal address environmental justice and related issues?*

WATER COMMITTEE

Members: Burt Waite (Chair), Cynthia Carrow, Jolene Chinchilli, Jim Clauser, Gail Conner, Joyce Hatala, Walter Heine, Jan Keim, Curtis Kratz, Pat Lupo, Richard Manfredi, Thad Stevens, Dave Strong

Priorities:

1. *Quantity*
 - a. *Advocate for implementation of a comprehensive and integrated system of water resource management.*
 - b. *Watershed protection: ensure adequate flow to maintain designated uses and the integrity of the hydrologic cycle*
2. *Quality*
 - a. *All Pennsylvanians have access to safe drinking water*
 - b. *All waters meet or exceed designated use/maintain integrity of hydrologic cycle*
 - c. *Minimize pollution entering the Commonwealth's waters and ensure they don't alter the designated use*

Key Questions:

1. *Quantity: Does this initiative incorporate plans and mechanisms to protect and enhance water quantity including maintaining the integrity of the hydrologic cycle?*
2. *Quality: Does this initiative incorporate plans and mechanisms to protect and enhance water quality including minimizing pollution entering the Commonwealth's waters?*

Trib Strategy and Nutrient Trading

TRACK

While soundly designed water quality trading programs may provide a very effective and efficient means to further improve water quality, they should also include parameters as safeguards within which such trading may operate.

Timeline:

1/15/2008 Committee meeting re: REAP implementation and trib strategy concerns

- 3/18/2008 Bay Workgroup formed
- 4/14/2008 Bay workgroup meeting
- 4/15/2008 Water committee meeting re: monitoring and water quality trends in the Susquehanna
- 5/20/2008 Water committee meeting re: Chesapeake Bay modeling
- 7/15/2008 Bay Workgroup meeting
- 11/17/2009 Draft trading regulations to be considered by EQB**

Recent Reports and Activities:

The states sharing the Chesapeake Bay watershed will receive \$11.2 million in FY2010 for bay watershed pollution reduction efforts, double the amount granted in 2009. *Daily Environment Report, 12/30/2009*

Industry officials are calling on EPA to withdraw a series of controversial TMDLs for streams in Pennsylvania because a recently issued draft Science Advisory Board report says the method used to derive the TMDLs is neither defensible nor adequate. *(Environmental Policy Alert, 12/16/2009)*

Water and wastewater infrastructure needs PROJECT

Pennsylvania ranks high on EPA's National Needs Survey--6th in 1996 with a total of \$6.1 billion in anticipated needs to build, upgrade and maintain publicly owned sewage treatment plants. Almost \$4 billion of that is for Combined Sewer Overflows (CSO), where sewers and storm drains have been combined.

Timeline:

- Ongoing Compile available information regarding infrastructure needs
Discuss water conservation initiative
- 2/19/2008 Committee meeting to discuss infrastructure costs related to the trib strategy
Council approved position statement re: funding for infrastructure needs
- 5/20/2008 DEP provided update on Sustainable Water Infrastructure Task Force
- 5/29/2008 Committee conference call to provide input to the SWITF; comments summarized and submitted along with CAC's "Position Statement Re: Sewage Infrastructure Needs" and CAC's white paper "Pennsylvania's Approach to Integrated Wastewater Management: A New Paradigm."
- 9/23/2008 Infrastructure funding needs letter sent

Wastewater Management (Centralized and On-Lot) ACTIVELY TRACK

One-quarter of Pennsylvania residents depend on septic systems for sewage treatment. While we continue to research and develop new technologies to expand the choices available to property owners, it appears that there are significant barriers to utilizing anything other than conventional systems, which are soil-dependant and therefore have siting limitations. It also appears that there are significant concerns about the long-term performance of any of the systems, especially given the lack of knowledge exhibited by much of the public who use them.

Timeline:

- 1/15/2008 Committee meeting to finalize white paper, discuss REAP and trading
CAC approved white paper and cover letter
- 11/18/2008 Program staff response to CAC white paper and sewage management issues

Water Resources Management **TRACK**

Council's March 2000 position formed the basis for many aspects of DEP's proposal. Council supports a stronger, more comprehensive approach to both water management and well construction standards than is captured in Act 220, but supports the Act as a step forward.

Timeline:

- 3/2008 State Water Plan due to be issued
- 5/20/2008 DEP provided update on status of State Water Plan
- 4/21/2009 State Water Atlas provided to Council

Water Quality **TRACK**

Water resources that become polluted are of limited human or ecological value. We must protect these resources not just for human consumption and recreation, but also for their even more important ecological values. The setting of Total Maximum Daily Loads (TMDLs) for those waters that are impaired must remain of high priority in order to protect both the human and ecological values of this critical resource.

Timeline:

- 4/17/2007 Briefing on proposed regulatory changes to Chapter 102 (E&S Control)
- 11/2007 DEP working on draft 102 revisions; DEP plans on presenting this to advisory committees between November 2007 and January 2008.
- 3/17/2009 Briefing on proposed Permit-by-Rule, Chapter 102
- 4/3/2009 Conference call re: proposed Permit-by-Rule
- 4/21/2009 Draft letter re: PBR to CAC for consideration; letter approved and sent.
- 4/21/2009 Dep. Sec. Scott Roberts & Ron Furlan met with CAC to discuss changes in Marcellus Shale permitting updates.
- 4/21/2009 Water Committee met the department to discuss the recently proposed Total Dissolved Solids regulatory updates.
- 5/20/2009 Water Committee to follow up on PBR and TDS
- 6/10/2009 Conference Call to discuss PBR & TDS
- 7/21/2009 Committee met to discuss proposed PBR & TDS
- 11/9/2009 Committee conference call to discuss PBR comments**
- 11/17/2009 Comments approved by CAC**

STRATEGIC PLANNING WORKGROUP

Members: Jolene Chinchilli (Chair); Cynthia Carrow; Jan Keim; Rich Manfredi; Thad Stevens; Burt Waite, John Walliser

Charge: *The Strategic Planning Workgroup will address obtaining information from the department in a timely manner; assessing the need for outreach to the legislature, agency personnel, and the general public to increase awareness of Council's mandate; and partnering*

Workplan:

11/2009 Draft to CAC for review
 1/2010 **Final draft to Council for approval**

Outreach **ONGOING**

Upcoming Meetings/Events

Date	Meeting
JANUARY 7	MRAB
JANUARY 12	CCAC
JANUARY 19	EQB— CANCELLED
JANUARY 19	CAC
JANUARY 20	CNRAC
FEBRUARY 2	EJAB
FEBRUARY 10	WRAC
FEBRUARY 16	EQB/CAC

Next Meeting **February 16, 2010**

Expected agenda items:

- MRAB election
- Climate Change Action Plan update