

SUBJECT: Priorities Updates and Action Plans—June 2010
TO: Council Members
FROM: Sue Wilson
DATE: June 4, 2010

ADMINISTRATIVE OVERSIGHT COMMITTEE

Members: Eric Conrad (Chair), Cynthia Carrow, Jolene Chinchilli, Jan Keim, Richard Manfredi, Thad Stevens

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.
3/16/2010 Budget overview by Deputy Secretary Patrick McDonnell
4/20/2010 Budget follow-up with Dep. Sec. Patrick McDonnell
6/15/2010 Budget follow-up with Dep. Sec. Patrick McDonnell

AIR COMMITTEE

Members: John Walliser (Chair); Gail Conner, Walter Heine, Dave Strong

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*

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 Non-attainment New Source Review PM2.5
12/16/2009	Conference call to discuss pending regulations
1/19/2010	Approved letter re: proceeding with Adhesives and Glass Melting regulations
2/16/2010	Committee meeting w/ BAQ to discuss pending regulations and air issues
3/16/2010	Committee meeting to discuss comments received on Outdoor Wood Burner regulations
4/15/2010	Committee conference call re: OWB letter
4/20/2010	Draft letter for Council consideration; approved and sent
5/6/2010	Committee conference call re: final OWB regulations
6/15/2010	Draft letter for Council consideration

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

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:

2/17/1009	Committee meeting to follow up on AMD/AML on DCNR lands, and to discuss pending waste program changes
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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
4/20/2010 Harold Miller to provide update on the 5-year report and on findings at Ryerson Station (see report below)

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:

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:

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

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?*

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

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:

- 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:

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

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.

Workplan:

4/27/2010 **Committee call w/ Dep. Sec. John Hines for updates on recent water initiatives, including a report on the nutrient credit exchange and auction to be operated by PennVest and CCX; Chesapeake Bay activities; regulatory updates.**

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

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.

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:

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:

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 and sent 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 with nonprofit organizations to advance certain priorities. It may consider these matters independently of the others and make recommendations for consideration of the full Council as it concludes each portion of its charge.*

