

SUBJECT: Priorities Updates and Action Plans—October 2010
TO: Council Members
FROM: Sue Wilson
DATE: October 13, 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

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
7/28/2010 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*
2. *Emission reductions*
 - *Look for every opportunity to further minimize air emissions, especially where health and environmental impacts can be measured and/or are strongly correlated*
 - *Promote awareness of the connection between air pollution and public health with focus on both the general public and government decision-makers*
 - *Identify and encourage private sector innovation in minimizing emissions*
 - *Identify and address the not-insignificant impacts of individuals on air quality as well as permittees (e.g., open burning, I&M, etc.) through education, public awareness, etc.*

Global Warming **TRACK**

Timeline:

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**

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.

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?

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 reported on the 5-year report and on findings at Ryerson Station

7/28/2010 Greg Shuler to provide update on the 5 year report. The 2008 Act 54 report is expected to be completed by summer 2010; report is being compiled by University of Pittsburgh staff.

11/2010 Greg Shuler to present the 5 year report.

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 diminish, 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.

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?*

PROSPECTIVE AND STRATEGIC PROJECTS COMMITTEE

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

PSP plans, coordinates, and develops the proactive, overarching work of the Council. It was created on July 28, 2010, and replaces the Integrated Projects Committee and the Strategic Planning Workgroup. Responsibilities:

- *Facilitate annual strategic planning session*
- *Draft an annual strategic plan based on priorities identified by Council*
- *Meet at least quarterly to determine progress and update/revise annual plan if necessary*
- *Address or coordinate issues that do not fit into other CAC committee structure, are overarching or involve multiple DEP programs or more than one agency, or are identified in annual plan as responsibility of the SPC*

Transition report **PRIORITY**

Priority: *Draft election year transition reports and corresponding action plans*

Workplan:

8/23/2010 Conference call re: transition report
 9/8/2010 Conference call re: transition report
 10/6/2010 Conference call re: transition report
10/19/2010 Phase 2 draft to CAC for consideration

Cumulative Impacts **PROJECT**

Priorities:

- *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, 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?*

Advisory Committee Review PROJECT

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.
- 10/19/2010 **Committee meeting regarding Watershed Implementation Plans and water well construction standards**

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.

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.

FULL COUNCIL ACTIVITIES

Joint Meetings w/ CNRAC PROJECT

- 1/19/2010 Educational session on severance tax
- 3/16/2010 CAC discussed and approved draft joint report
- 7/28/2010 Joint meeting to discuss Growing Greener, plans for a joint regional meeting in October, 2010 budget, and transition issues
- 9/21-22 Joint regional meeting in Wellsboro.
- 10/19/2010 Debriefing on joint regional meeting**
- 11/2010 Draft regional report to Council for review.**

Annual Report (Mandatory) PROJECT

Summarize Council activities over the calendar year and provide updates on ongoing issues.

Workplan:

- 1/19/2010 Council approved 2009 annual report
- 11/2010 Draft to CAC for review**