

Citizens Advisory Council

to the Department of Environmental Protection



2010 *Annual Report*

Adopted: _____

Joyce Hatala
Chair

Susan M. Wilson
Executive Director

**CITIZENS ADVISORY COUNCIL
(December 2010)**

GOVERNOR'S APPOINTMENTS

Jolene E. Chinchilli - Lancaster Co.; B.S. Biology, Chatham College; M.S.P.H., Environmental Science and Engineering, University of North Carolina; Former Executive Director, Pennsylvania Office of the Chesapeake Bay Foundation; appointed June 27, 1996; current term expires January 2012.

Gail M. Conner, Esquire - Delaware Co.; JD, Widener University School of Law; B.S., University of Wisconsin; Founder and President of G&C Environmental; appointed June 17, 2005; current term expires January 2011.

S. Pat Lupo, O.S.B. - Erie Co.; B.A. Elementary Education, Mercyhurst College; M. Ed. Science Education, Clarion State University; Director, Lake Erie Allegheny Earth Force; appointed June 29, 1988; current term expires January 2013.

Richard J. Manfredi - Bucks Co; B.S. Public Administration, Shippensburg University; M.S. Public Administration, Marywood College; President & CEO of RJM Public Affairs; appointed June 13, 2002; current term expires January 2011.

John J. Walliser, Esquire – Allegheny Co.; B.A. Political Science, University of Pittsburgh; JD, University of Pittsburgh School of Law; Allegheny Valley Conservancy Board of Directors 2004-Present; Allegheny County Bar Association, Environmental Law Section Council, 2006-present; appointed October 2008; current term expires 2013.

Peter R. Wilshusen, Ph.D. – Union Co.; B.A. Environmental Studies, University of Vermont; M.F.S. Master of Forest Science in Environmental Policy, Yale School of Forestry and Environmental Studies; Ph.D. Resource Policy and Behavior, School of Natural Resources and Environment, University of Michigan; Co-director, Bucknell University Environmental Center 2005-2009; Associate Professor of Environmental Studies 2003 - present; appointed October 2008; current term expires January 2012.

PRESIDENT PRO TEMPORE OF THE SENATE APPOINTMENTS

Cynthia Carrow - Allegheny Co.; B.S. University of Pittsburgh; Executive Vice-President of Western Pennsylvania Conservancy; President of the Board of Directors, Conservation Consultants, Inc.; appointed February 1997; current term expires January 2013.

Joyce Hatala – Lackawanna Co., B.A. Anthropology, University of Notre Dame; M.A. Anthropology, University of Minnesota; CEO of Joyce Hatala Associates; appointed June 2005; current term expires January 2011.

Walter N. Heine, P.E. - Cumberland Co.; B.S. Civil Engineering, Drexel University; M.S. Sanitary Engineering, University of Michigan; Chief Executive Officer, Walter N. Heine Associates, Inc. and Township Supervisor; former Director of the Federal Office of Surface Mining, U.S. Department of the Interior; and former Associate Deputy Secretary for Environmental Protection, PA DER; appointed August 11, 1983; current term expires January 2013.

Curtis N. Kratz – Montgomery Co.; Kellogg Rural Leadership Institute at Penn State; Consultant – Environmental and Government, elected to Board of Directors for the PA Farm Bureau, represents members from Berks, Chester, Delaware and Montgomery Counties; appointed June 2005; current term expires January 2011.

Burt A. Waite - Crawford Co.; B.A. Geology, College of William & Mary; M.S. Geology, University of Vermont; Senior Geologist in charge of environmental services for Moody & Associates; appointed November 17, 1998; current term expires January 2012.

SPEAKER OF THE HOUSE APPOINTMENTS

James Clauser – Carbon Co.; Associates Degree, Williamsport Area Community College; District Manager, Carbon County Conservation District; Certified Land Management and Water Control Erosion & Sedimentation Control Specialist; Board Member for PA Western Pocono Trout Unlimited; appointed June 2009; current term expires January 2012.

Eric R. Conrad – Cumberland Co.; B.A., Geology, New England College; M.A., Urban and Regional Planning, Penn State University; President, E. R. Conrad and Associates, LLC; appointed November 2009; current term expires January 2011.

Janet B. Keim – Lehigh Co; B.S., Elementary Education, Kutztown University. Retired Substitute Teacher; appointed August 22, 2006; current term expires January 2013.

Thaddeus Stevens - Tioga Co.; Associate Applied Science, Forestry, Paul Smith's College New York; PA Association of Realtors, Legislative Committee; Delegate to North Central Sewage Agency for Gaines Township, Tioga County; appointed April 9, 1997; current term expires January 2011.

David Strong - Jefferson Co.; B.S. Chemistry, Mansfield University; Independent Environmental Scientist; appointed October 31, 1996; current term expires January 2013.

SECRETARY OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

John Hanger - Dauphin Co.; 1979 graduate of Duke University; 1984 graduate of University of PA School of Law; 1984-1988 public advocate with Commentary Legal Services, Inc.; 1988-1993 legal counsel to PUC Commissioner Joseph Rhodes; 1993-1998 PA PUC Commissioner; 1998-August 2008 President and CEO of Penn Future; Secretary of Pennsylvania Department of Environmental Protection, August 2008 - present.

Executive Director - Susan M. Wilson

January ____, 2011

Allegheny County

Cynthia Carrow
John J. Walliser, Esquire

Bucks County

Richard J. Manfredi

Carbon County

James J. Clauser

Crawford County

Burt A. Waite

Cumberland County

Eric R. Conrad, P.G.
Walter N. Heine

Delaware County

Gail M. Conner, Esquire

Erie County

Pat Lupo, O.S.B.

Jefferson County

David L. Strong

Lackawanna County

Joyce A. Hatala

Lancaster County

Jolene E. Chinchilli

Lehigh County

Janet B. Keim

Montgomery County

Curtis N. Kratz

Tioga County

Thaddeus K. Stevens

Union County

Peter R. Wilshusen, Ph.D.

Dear Governor Corbett:

The Citizens Advisory Council (Council, CAC) to the Pennsylvania Department of Environmental Protection (DEP) is pleased to submit its *2010 Annual Report* for your review. As you know, Act 275 of 1971 established the Council, mandating among other things that the Council perform non-partisan, independent oversight of the operations, management and policy of the Department of Environmental Protection. We provide advice concerning environmental matters to DEP, the Governor, the General Assembly, and the Commonwealth's federal representatives.¹

Council members are a diverse group of citizen appointees from across Pennsylvania, who spend a substantial amount of their time in assisting and advising the DEP. In addition to attending monthly Council meetings and actively participating in committee-related responsibilities, many members also serve on program specific advisory committees and boards. Council annually elects five voting members on the Environmental Quality Board, as well.

In 2010, much of our time and effort focused on the pending transition in administrations, how to respond to the impacts of repeated budget and resource reductions on the department, and issues related to development of the Marcellus Shale.

- The first phase of our transition effort, *Key Environmental Issues for the Keystone State*, identified four major areas of critical concern to Pennsylvania's present and future environment: Environmental Protection and Community Health; Environmental funding; Energy Resources and Development; and Climate Change. The report was distributed to all gubernatorial candidates in early 2010, with the intent of focusing public dialog on these issues and recommendations.

¹ Act 275 of 1971 requires the Citizens Advisory Council to report annually to the Governor and to the General Assembly.

- The second phase of our effort, *Protecting Pennsylvania's Environment: Issues for a Challenging Time*, is a more detailed set of operational recommendations for the governor-elect and secretary-designee to consider for the official transition to a new administration. It focuses on operational and management issues related to DEP, providing the CAC's collective thinking on how to revive and sustain the agency's role and capability to protect the Commonwealth's environmental, community and economic health.
- CAC and CNRAC, our DCNR counterpart, continued to jointly address issues related to development of Marcellus Shale, including several education sessions and a regional business trip to investigate Marcellus Shale natural gas development activities and concerns in and around Sproul State Forest. This was the second consecutive year that both councils jointly met with representatives of the natural gas industry, state forest managers, and representatives of the communities being impacted by this broad industrial development activity.

These highlighted activities, in addition to many others, are discussed in the attached report on the 2010 activities, positions and recommendations of the CAC.

Council continues to welcome open communication with you, the Pennsylvania General Assembly, and the citizens of the Commonwealth with regard to issues of environmental concern to Pennsylvania. Council takes its mandate very seriously and encourages the citizens of the Commonwealth to be actively engaged in the protection of their air, soil and water.

Sincerely,

Joyce Hatala
Chair

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2010 ANNUAL REPORT

**CITIZENS ADVISORY COUNCIL
TO THE
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

COUNCIL OVERVIEW

Since its creation in 1971, the Citizens Advisory Council (Council, CAC) has been actively involved in environmental issues affecting the Commonwealth. The objective for creating the Council in 1971² was to establish a non-partisan body to represent citizen viewpoints and provide objective analyses of the Department of Environmental Protection's (DEP) performance and environmental issues in general. This legislation gave the Council three specific charges:

(a) The Citizens Advisory Council shall review all environmental laws of the Commonwealth and make appropriate suggestions for the revision, modification, and codification thereof.

(b) The Council shall consider, study, and review the work of the Department of Environmental Protection and for this purpose, the Council shall have access to all books, papers, documents, and records pertaining to or belonging to the Department.

(c) The Council shall advise the Department on request, and shall make recommendations upon its initiative, for the improvement of the work of the Department.

Council is the only legislatively mandated advisory committee with the comprehensive charge to review all environmental legislation, regulations, and policies affecting the Department of Environmental Protection. In addition, the 1992 amendments to Pennsylvania's Air Pollution Control Act require DEP to consult with Council in developing state plans and regulations to implement the federal Clean Air Act. To carry out these responsibilities, Council by law³ is granted access to all DEP records. Council reports annually to the Governor, the General Assembly, DEP and the public.

Council has 19 members: 18 appointed citizen volunteers and the Secretary of the Department of Environmental Protection. The Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate each appoint six members, with no more than half from the same political party. Because the appointments originate from different authorities, Council's membership is geographically, politically and professionally diverse. Appointees must be familiar with the work of DEP and willing to commit the time and energy required. Members serve staggered 3-year terms and may serve until successors are appointed.

Council typically meets monthly, except August and December, and at the call of the chairperson. Meetings are open to the public and advertised as required by the Sunshine Act.⁴

² Act 275 of 1970

³ Section 1922-A of Act 275 of 1970

⁴ Act 84 of 1986

Each year, Council holds a regional meeting in a different part of Pennsylvania to gather input about environmental activities and concerns in that area. In 2010, Council again held several sessions in conjunction with the Conservation and Natural Resources Advisory Council (CNRAC), including a joint regional meeting in September.

Council elects five members annually to serve as the only citizen representatives to the Environmental Quality Board (EQB), a 20-member independent board that adopts all of DEP's regulations.⁵ In 2010, the EQB convened 10 times to consider 3 petitions, one petition withdrawal, 12 proposed and 22 final rulemakings.

Council elects 4 members to serve on the Mining and Reclamation Advisory Board.⁶ Council also holds seats on the Air Quality Technical Advisory Committee; Low-Level Radioactive Waste Advisory Committee; Radiation Protection Advisory Committee; and Solid Waste Advisory Committee.

Council is also represented on the Environmental Hearing Board Rules Committee⁷ and the Oil and Gas Technical Advisory Board.⁸

Council is granted the independence to hire its own staff by law.⁹ Due to the layoffs in 2009, in 2010 staff included Susan M. Wilson, Executive Director, with support provided by Ms. Toni Muhammad in the Office of Communications, and Ms. Tammey Adams in the Secretary's Office. The Council's offices are located on the 13th floor of the Rachel Carson State Office Building in Harrisburg.

For more information, you may contact the Council by using any of the following methods:

- Write: P.O. Box 8459, Harrisburg, PA 17105-8459
- Call: (717) 787-4527
- Fax: (717) 787-2878
- E-mail: epcontactcac@state.pa.us
- Website: <http://www.depweb.state.pa.us/cac>

2010 PRIORITIES

Much of our time and effort over the course of 2010 focused on the pending transition to a new administration, how to respond to the impacts of repeated budget and resource reductions on the agency, and issues related to development of the Marcellus Shale; these issues are highlighted in the following report on the activities, positions and recommendations of the Citizens Advisory Council, pursuant to its mandates, from January 1 - December 31, 2010.

⁵ Sections 471 and 1920-A of Act 275 of 1970

⁶ Section 18 of Act 181 of 1984

⁷ Section 5 of Act 94 of 1988

⁸ Section 216 of Act 223 of 1984

⁹ Section 448 of Act 275 of 1970

TRANSITION

Council's Strategic Planning Workgroup formally began working on transition issues in early 2009. After numerous conference calls, workgroup meetings and full Council deliberations, Council approved the first phase of its transition effort, *Key Environmental Issues for the Keystone State: A Transition Statement Regarding the Department of Environmental Protection* on January 19, 2010.

Key Environmental Issues for the Keystone State identified four major areas that Council felt were of critical concern to Pennsylvania's present and future environment: Environmental Protection and Community Health; Environmental Funding; Energy Resources and Development; and Climate Change. The report identified recommendations to address these challenges in innovative and holistic ways, that augment traditional tools and concepts.

Key Environmental Issues for the Keystone State was distributed to all gubernatorial candidates in early 2010, with the intent of focusing public dialog on these issues and ensuring that they were addressed in the candidates' political platforms. On April 20, 2010 representatives from both CAC and CNRAC, were invited to meet with Attorney General Corbett's campaign staff to discuss key issues.

Once this first phase was in play, Council continued to pursue the second stage of the transition effort, a more detailed set of operational recommendations for the governor-elect and secretary-designee to consider for the official transition to a new administration. Again, after numerous conference calls, budget reports and discussions with the department and workgroup and full Council meetings, on October 19, 2010 Council approved *Protecting Pennsylvania's Environment: Issues for a Challenging Time*. This report focuses on operational and management issues related to DEP, providing the CAC's collective thinking on how to revive and sustain the agency's role and capability to protect the Commonwealth's environmental, community and economic health.

Issues for a Challenging Time was sent to Governor-elect Corbett on November 3, 2010, along with a request for an opportunity to meet with his transition team to discuss operational and management issues and recommendations. On December 8, Council's Executive Director was invited to meet with representatives of the Energy and Environment Committee of the Transition Team, to discuss the issues identified in our reports.

BUDGET ISSUES

As noted above, Council held numerous discussions with the department regarding budget and resources issues, including monthly reports from DEP's Deputy Secretary for Administration, Patrick McDonnell. Budget and funding data were evaluated, with discussions focused on the Department's workload and resource shortfalls in its various programs and regions. These dialogs formed the basis for the transition discussion. In addition, on receiving news that further cuts to environmental funds were under consideration, Council issued a June 24, 2010 *Statement of Concern Regarding further Cutting of Environmental Funds* to members of the General Assembly.

MARCELLUS ISSUES



As part of the joint effort to encourage coordination between Pennsylvania's two sister natural resource agencies, CAC and CNRAC continued to jointly address issues related to development of Marcellus Shale. In addition to discussions at virtually every Council meeting, on January 19, 2010, the Councils held a joint educational forum on severance taxes. Invited presenters included:

- Michael Wood, Research Director of the Pennsylvania Budget and Policy Center
- Mark Morton, Director of the West Virginia Tax Department's Legal Division
- Dan Hassell, Acting Secretary, Pennsylvania Department of Revenue



In March, both councils approved the *Joint North Central Regional Business Trip Report*. This field trip focused on two areas of mutual interest—Marcellus Shale development, and Abandoned Mine Drainage (AMD) issues on state forest lands.



In June, DEP's Bureau of Air Quality gave presentations on air quality issues applicable to Marcellus Shale gas extraction activities, and on the Marcellus Shale air sampling project, a sampling protocol for emissions such as VOC, CO and NOx.

In July, CAC and CNRAC convened another joint session to continue to discuss issues of common concern. Invited speakers for this session included:

- Carl Carlson, Director of Government Affairs, Range Resources, and Bruce Snyder, Senior Environmental Resource Specialist, Range Resources, regarding the company's drilling activities and concerns
- Andrew Heath, Executive Director of Renew Growing Greener
- Scott Perry, Director, Bureau of Oil and Gas Management, re: Marcellus emergencies.



Photos courtesy of Burt Waite



In September, the two councils held another joint regional field trip, to investigate Marcellus Shale natural gas development activities and concerns in and around Sproul State Forest. This is the second consecutive year that both councils jointly met with representatives of the natural gas industry, state forest managers, and representatives of the communities being impacted by this broad industrial development activity. In November, both councils approved the report on this trip, the *Joint Northcentral Regional Business Trip Report, September 21-22, 2010*.

COMMITTEE AND WORKGROUP ACTIVITIES

AIR COMMITTEE

Pennsylvania's air quality has continued to improve and considerable progress has been made. However, the Commonwealth continues to face new challenges. At times, these challenges require innovative, aggressive action to protect Pennsylvania citizens and the environment. The department must be poised to identify these challenges and be prepared to utilize creative solutions to meet the demands of Pennsylvania's ever-changing air pollution issues.

Rulemakings

The Air committee held a number of meetings and conference calls to consider rulemaking packages being developed by the Bureau of Air Quality. On the committee's recommendation, Council approved the following:

- Concurrence letter: final Adhesives, Sealants and Primers rulemaking, and Glass Melting Furnaces rulemaking (1/19/2010)
- Concurrence letter: proposed Sulfur Limits in Fuel Oil rulemaking (3/16/2010)
- Letter to Joyce Epps regarding the need to be sure that the Outdoor Woodburner regulations are protective of public health (4/20/2010)
- Comment letter regarding final Outdoor Woodburner rulemaking (6/15/2010)
- Concurrence letter: final control technique guidelines for Flatwood, Panelling rulemaking, and final Paper Film and Foil rulemaking (7/28/2010)
- Concurrence letter: final New Source Review for Fine Particulates rulemaking, and Final Fees for Title V rulemaking (10/21/2010)

In addition, on December 7, 2010, the committee sent a concurrence letter regarding the proposed High Electric Demand Days rulemaking. The committee's recommendation will be discussed at the January 2011 meeting.

Miscellaneous

On February 16, 2010, the Office of Energy and Technical Deployment provided an update on the Climate Change Action Plan of 2009, which includes specific recommendations for mitigation of greenhouse gases to lower the CO₂ that is emitted.

At the June meeting, the Bureau of Air Quality gave presentations on air quality issues applicable to Marcellus Shale gas extraction activities, and on the Marcellus Shale air sampling project, a sampling protocol for emissions such as VOC, CO and NO_x.

ENVIRONMENTAL STANDARDS COMMITTEE

The Environmental Standards Committee primarily handles regulatory and policy issues for mineral resources, waste, land recycling, and energy.

Section 18.1 of the Bituminous Mine Subsidence and Land Conservation Act requires DEP to report its findings regarding the effects of underground mining on overlying land, structures, and water resources to the Governor, General Assembly and Citizens Advisory Council at five-year intervals. Status reports on the pending Act 54 report were provided throughout the year. This report will address underground mining impacts for the period August 2003 to August 2008, and is being developed by the University of Pittsburgh under the leadership of a professor who formerly worked for both the National Institute for Occupational Safety and Health (NIOSH) and the Bureau of Mines. The final report is expected before the end of 2010.

At the June meeting, Todd Wallace, Acting Director of the Bureau of Waste Management provided an overview of the final coal ash regulations moving through the rulemaking process. He stated that Pennsylvania has a model program, and plans to move forward with the regulations even though EPA is considering two different approaches to the regulation of coal ash.

At the October meeting, Deputy Secretary for Mineral Resources Scott Roberts reported on the EPA Conductivity Benchmark and its potential impacts on mining and how Pennsylvania deals with abandoned mines and mine drainage. There is concern that EPA's directive will create many problems for Pennsylvania mine sites, new and old, as well as with re-mining efforts. Using this standard could adversely impact our abandoned mine drainage projects, particularly in light of other activities that suggest that we should be requiring NPDES permits for watershed groups constructing AMD passive treatment systems.

WATER COMMITTEE

The Water Committee held several conference calls and committee meetings to discuss regulatory packages and water issue updates.

- April 27, 2010 call with Deputy Secretary for Water Management John Hines and Bureau of Water Standards and Facility Regulation Director Dana Aunkst to review 4 regulatory packages:
 - Chapter 92a—National Pollutant Discharge Elimination System (NPDES) fees
 - Chapter 96—codifying Pennsylvania's nutrient trading initiative
 - Chapter 95—wastewater treatment/total dissolved solids (TDS)

- Chapter 102—Erosion and Sedimentation (E&S)/buffers
- October 19, 2010 committee meeting regarding watershed implementation plans and the Chesapeake Bay Total Maximum Daily Load (TMDL) being imposed by EPA.
- Also at the October council meeting, Deputy Secretary for Mineral Resources Scott Roberts reported on the EPA Conductivity Benchmark and its potential impacts on mining and how Pennsylvania deals with abandoned mines and mine drainage. There is concern that EPA's directive will create many problems for Pennsylvania mine sites, new and old, as well as with remining efforts. Using this standard could adversely impact abandoned mine drainage projects, particularly in light of other activities that suggest that we should be requiring NPDES permits on watershed groups.

STRATEGIC PLANNING WORK GROUP

As noted previously, Council's Strategic Planning Workgroup formally began working on transition issues in early 2009. The workgroup facilitated Council's effort throughout 2009 and into 2010, as outlined on page 3.

COUNCIL NEWS/UPDATES

Elections – In January, Peter Wilshusen was elected to fill the remainder of Bernie Hoffnar's term on the Environmental Quality Board (EQB).

In February Walter Heine indicated that he did not wish to seek reelection to the Mining and Reclamation Advisory Board (MRAB). Walter was recognized for his many years of service and leadership on MRAB. Eric Conrad and Curtis Kratz were elected to serve two-year terms on the MRAB, replacing Walter Heine and Bernie Hoffnar. Mark Killar of the Western Pennsylvania Conservancy (WRC) was elected to serve as a second alternate to the MRAB.

Council leadership and Environmental Quality Board (EQB) elections were held in July. The results of the leadership elections were: Joyce Hatala, chair, and John Walliser, vice chair. The following individuals were re-elected to represent Council on the EQB: Jolene Chinchilli, Walter Heine, Richard Manfredi, David Strong and Peter Wilshusen. Council's EQB alternates are Cynthia Carrow, Gail Conner, Pat Lupo, and John Walliser.

Committees – In April, Burt Waite resigned as chair of the Water Committee, and Thad Stevens was appointed to the position. Eric Conrad was appointed as chair of the Administrative Oversight Committee. John Walliser was appointed to represent the CAC on the Air Quality Technical Advisory Committee. In July, Council created the Prospective and Strategic Projects committee to replace the Strategic Planning Workgroup and the Integrated Projects committee, to be chaired by Jolene Chinchilli.

COMMITTEES AND BOARDS

(as of December 2010)

Chair: Joyce Hatala

Vice Chair: John Walliser

CAC STANDING COMMITTEES

Administrative Oversight

Eric Conrad, Chair
Cynthia Carrow
Jolene Chinchilli
Richard Manfredi
Janet Keim
Thad Stevens

Air

John Walliser, Chair
Gail M. Conner, Esquire
Walter Heine, P.E.
David Strong

Environmental Standards

David Strong, Chair
Joyce Hatala
Curtis Kratz
Thad Stevens
John Walliser

Prospective and Strategic Projects

Jolene Chinchilli, Chair
Cynthia Carrow
Joyce Hatala
Janet Keim
Richard Manfredi
Thad Stevens
Burt Waite
John Walliser

Public Participation and Outreach

Cynthia Carrow, Chair
Jim Clauser
Gail M. Conner, Esquire
Curtis Kratz
Pat Lupo, O.S.B.

Water

Thad Stevens, Chair
Cynthia Carrow
Jolene Chinchilli
Jim Clauser
Gail M. Conner, Esquire
Joyce Hatala
Walter Heine, P.E.
Janet Keim
Curtis Kratz
Pat Lupo, O.S.B.
Richard Manfredi
David Strong
Burt Waite

OTHER BOARDS & COMMITTEES
(as of December 2010)

Environmental Quality Board

Members:

Jolene Chinchilli
Walter Heine, P.E.
Richard Manfredi
David Strong
Peter Wilshusen

Alternates:

Cynthia Carrow
Gail M. Conner, Esquire
Pat Lupo, O.S.B.
John Walliser

Mining and Reclamation Advisory Board

Members:

Eric R. Conrad
Curtis Kratz
David Strong
Burt A. Waite

Alternates:

Susan Wilson
Mark Killar, WPC

Air Quality Technical Advisory Committee (AQTAC)

Appointee: John Walliser

Alternate: Susan Wilson

Environmental Hearing Board Rules Committee (EHB)

Appointee: Thomas Scott, Esq.

Low-Level Radioactive Waste Advisory Committee (LLWAC)

Member: Susan Wilson

Oil and Gas Technical Advisory Board (OGTAB)

Appointee: Burt Waite

Radiation Protection Advisory Committee (RPAC)

Appointee: Susan Wilson

Solid Waste Advisory Committee (SWAC)

Member: David Strong

Alternate: Susan Wilson

Council Staff

Executive Director – Susan Wilson

REPORTS, STATEMENTS, AND RESOLUTIONS

(January – December 2010)

Transition Reports	
Key Environmental Issues for the Keystone State	Adopted 1/19/2010
Protecting Pennsylvania's Environment: Issues for a Challenging Time	Adopted 10/19/2010
Budget	
Statement of Concern Regarding Further Cutting Environmental Funds	Sent to General Assembly June 24, 2010
Joint CAC-CNRAC Reports on Marcellus Issues	
Summary, Joint Severance Tax Educational Forum	1/19/2010
Joint Northcentral Regional Business Trip Report, October 20-21, 2009	Adopted 3/16/2010
Summary, Joint Marcellus Session	7/28/2010
Joint Northcentral Regional Business Trip Report, September 21-22, 2010	Approved 11/16/2010
Air Issues	
Concurrence letter: final Adhesives, Sealants and Primers rulemaking, and Glass Melting Furnaces rulemaking	Approved 1/19/2010
Concurrence letter: proposed Sulfur Limits in Fuel Oil rulemaking	Approved 3/16/2010
Letter to Joyce Epps regarding the need to be sure that the OWB regs are protective of public health	Approved 4/20/2010
Comment letter regarding final Outdoor Woodburner rulemaking	Approved 6/15/2010
Concurrence letter: final control technique guidelines for Flatwood, Panelling rulemaking, and final Paper Film and Foil rulemaking	Approved 7/28/2010
Concurrence letter: final New Source Review for Fine Particulates rulemaking, and Final Fees for Title V rulemaking	Approved 10/21/2010
Committee concurrence letter: proposed High Electric Demand Days rulemaking	Approved 12/7/2010
Miscellaneous	
2009 Annual Report	Adopted 1/19/2010

LEGISLATIVE MANDATE

ACT 275 OF 1971

Section 448. Advisory Boards and Commissions

(p) The Citizens Advisory Council shall consist of the Secretary of Environmental Protection, six members who shall be appointed by the Governor, no more than three of whom shall be of the same political party, and six members who shall be appointed by the President Pro Tempore of the Senate, no more than three of whom shall be of the same political party, and six members who shall be appointed by the Speaker of the House of Representatives, no more than three of whom shall be of the same political party. The appointed members of the Council shall be citizens of the State who, during their respective terms, shall hold no other state office to which any salary is attached except that of membership of the Environmental Quality Board.

The term of office of each appointed member shall be three years, measured from the third Tuesday of January of the year in which he takes office or until his successor has been appointed.

The Citizens Advisory Council shall include persons knowledgeable in fields related to the work of the Department of Environmental Protection such as, but not limited to, ecology, limnology, toxicology, pharmacology, organiculture, and industrial technology.

The Council shall annually elect one of its appointed members as Chairman and shall elect a Secretary who need not be a member of the Council. Meetings of the Council shall be held at least quarterly or at the call of the Chairman.

The Council shall have the power to employ and fix the compensation of such experts, stenographers, and assistants as may be deemed necessary to carry out the work of the Council, but due diligence shall be exercised by the Council to enlist such voluntary assistance as may be available from citizens, research organizations, and other agencies in Pennsylvania or elsewhere, generally recognized as qualified to aid the Council.

Section 1922-A. Citizens Advisory Council

- (a) The Citizens Advisory Council shall review all environmental laws of the Commonwealth and make appropriate suggestions for the revision, modification and codification thereof.
- (b) The Council shall consider, study, and review the work of the Department of Environmental Protection and for this purpose, the Council shall have access to all books, papers, documents and records pertaining or belonging to the department.
- (c) The Council shall advise the department on request, and shall make recommendations upon its initiative, for the improvement of the work of the department.
- (d) The Council shall report annually to the Governor and to the General Assembly and may make such interim reports as are deemed advisable.

ACT 95 OF 1992, THE AIR POLLUTION CONTROL ACT

Section 7.6. Advice to Department

- (a) The department shall consult with the Citizens Advisory Council established under Section 448 of the Act of April 9, 1929 (P.L. 177, No. 175), known as "The Administrative Code of 1929," as appropriate, in the consideration of State implementation plans and regulations developed by the department and needed for the implementation of the Clean Air Act. Nothing in this section shall limit the Council's ability to consider, study and review department policies and other activities related to the Clean Air Act implementation as provided under Section 1922-A of "The Administrative Code of 1929." This section shall not apply to state implementation plans or portions thereof comprised of permit emission offset or reasonably available control technology requirements for individual sources; consent orders and agreements; or regulations. The requirements of this section shall not apply to State implementation plans submitted by a local air pollution control agency.

Section 4.3. Evaluation

Beginning five (5) years after the effective date of this section and every five (5) years thereafter, the department shall conduct and submit to the General Assembly an evaluation of the effectiveness of the programs adopted to implement the Clean Air Act. The evaluation shall include:

- (6) A summary of the activities undertaken by the Citizens Advisory Council and the air technical advisory committee under Section 7.6.

INFORMATION REQUEST FORM

Pennsylvania Constitution Article I, Section 27

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

If after reading this report you would like to receive more information about the Council **or** would like to be added to our electronic mailing list, please use the form provided below and send it (i.e. mail, fax or electronic mail) to:

Citizens Advisory Council
P.O. Box 8459
Harrisburg, PA 17105-8459
Phone No. (717) 787-4527
Fax No. (717) 787-2878
Email: epcontactcac@state.pa.us

-
- YES, I would like to be added to the CAC's **electronic** mailing list.
 - YES, I would like to receive more information about the Council or a particular issue.

I am interested in _____

Name _____ Organization _____

Address _____

City _____ State _____ Zip Code _____

Phone No. (____) _____ Fax No. (____) _____

Internet/other electronic mail address _____



MISSION STATEMENT OF THE CITIZENS ADVISORY COUNCIL

It is the mission of the Citizens Advisory Council to strive to ensure that all people of the commonwealth enjoy the benefits included in Article I, Section 27 of the Pennsylvania Constitution.

This mission specifically states that the Council is to carry out the mandates of Act 275 of 1971 and Act 95 of 1992, by:

- *Performing non-partisan, independent oversight of the operations, management and policy of the Department of Environmental Protection;*
- *Evaluating environmental issues and laws;*
- *Participating in the development of environmental regulations; and*
- *Providing advice concerning environmental matters to the department, the Governor, the General Assembly, and the Commonwealth's federal representatives.*

The council strives to represent all people of the Commonwealth and endeavors to bring a collective view of the public interest in environmental protection and natural resources, forged from the Council's own diversity of personal experiences and perspectives.

(Unanimously Adopted: November 20, 1989; Amended: November 12, 1996;
Reaffirmed: March 15, 2005; Amended: April 17, 2007.)

CITIZENS ADVISORY COUNCIL

to the Department of Environmental Protection
13th Floor, Rachel Carson State Office Building
P.O. Box 8459
Harrisburg, PA 17105-8459