

DRAFT MINUTES
CITIZENS ADVISORY COUNCIL
January 19, 2011

CALL TO ORDER AND APPROVAL OF MINUTES

Chairperson Hatala called the meeting to order at 11:05 am in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The following members attended:

Joyce Hatala, Chair	Michael Krancer, Secretary
Cynthia Carrow	Pat Lupo
Jolene Chinchilli	Rich Manfredi
Jim Clauser	Dave Strong
Gail Conner, Esquire	Burt Waite
Eric Conrad	John Walliser
Jan Keim	Peter Wilshusen

Joyce asked the audience to introduce themselves. She then asked for a motion regarding the minutes from the last meeting. Peter Wilshusen moved and Cynthia Carrow seconded a motion to approve the minutes of the November 2010 CAC meeting. The minutes were approved as submitted, with one abstention.

The next meeting is February 15, 2011, on our usual schedule.

Letters are being sent to our appointing authorities regarding the terms of the following members, which expire this month:

- Governor: Richard Manfredi and Gail Conner
- Speaker: Eric Conrad and Thad Stevens
- President pro Tem: Curtis Kratz and Joyce Hatala

In addition, we are carrying two vacancies, one in the House and one in the Senate.

Joyce reported that the Executive Committee met prior to the full CAC meeting to discuss Council and committee procedures and guidelines. She wants to see committees become very outcome oriented, and Council discussion result in a cohesive voice about what we want the department to achieve.

The committee also discussed reinstatement of sharing the EQB summary memo and asking members to weigh in with any comments to benefit those who represent Council on the EQB. Sue added that it is helpful to have advance notice if there is a need for an alternate for EQB, and that it would also be helpful to have at least some local alternates to address last minute changes.

The Executive Committee will meet again in February. Joyce closed with a statement that Council welcomes and looks forward to working with the new administration.

PUBLIC COMMENT ON AGENDA ITEMS

Joyce asked if anyone in the audience wanted to comment on agenda items.

Raina Rippel, Director of the Center for Coalfield Justice, offered remarks on the Act 54 report. She passed out written comments, and highlighted the Center's concerns about longwall mining in Washington and Greene counties. She asserted that longwall mining vs. room and pillar is FAR more destructive. Her questions include:

- Will the public have access to the data gathered and used?
- What is the mechanism for pursuing any needed changes?
- How does the public submit questions?

Sue reported that she had received a written response from the Department regarding questions raised at the November meeting. Greg Shuler agreed that the memo should be shared with Raina.

CNRAC Update

Kurt Leitholf reported that Cindy Dunn was serving as the Acting Secretary for DCNR until Governor Corbett announces a new secretary. CNRAC looks forward to working with the new administration to address the very difficult issues facing DCNR and state government in general.

CNRAC is reevaluating itself as part of its transition statement process. They currently have 12 workgroups, a mix that regularly changes to try to be as responsive as possible. CNRAC will be meeting January 26. They also have six members whose terms expire this month.

He noted that both Councils were receiving the final version of the joint regional report, and reported that his council members responded very positively about our joint efforts, and are interested in pursuing opportunities to address issues of common concern going forward.

Joyce asked about the availability of grant monies from DCNR. Kurt reported that Growing Greener 2 monies are nearly expended, but that there is still some money available from Growing Greener 1 and Key 93.

Act 54 Report

Greg Shuler, Geologist with the Bureau of Mining and Reclamation, reported that the Act 54 report was delivered to the Governor, General Assembly and CAC on December 21, 2010, and released to the public on January 3, 2011. It is available on the web, and Greg offered to provide CD copies on request.

Greg provided a summary of the findings of the report, ranging from the number of acres of area permitted for mining, the number of structures undermined/impacted, impacts on water supplies, resolution times, etc. He also identified some shortcomings (data and other) and mentioned that the program is compiling a list of changes they want to see for the next reporting period.

Eric Conrad asked if t consideration has been given to preparing an interim report addressing some of these shortcomings rather than waiting for the next 5-year report? He indicated that he and perhaps some of the other CAC members with expertise may be able to provide assistance. Sue reminded the group that interim reports had been prepared in the past to address identified issues.

Discussion ranged from the sufficiency of permit fees to cover the cost of the program, the sufficiency of staff to adequately operate the program (Greg indicated that there were only three field inspectors covering deep mines in 10 counties); how the area of impact was calculated (200' from the permitted area vs. 35 degree angle of draw); how water quantity for low yield wells is measured; stream mitigation; access to private property to inventory and measure structures and water; etc.

Greg indicated that some of the GIS data generated by the University of Pittsburgh is considered proprietary and data would have to be requested directly from the University of Pittsburgh. There was some discussion about ensuring that the data is available going forward.

He indicated that the next report will cover the 2008-2013 time period. They typically don't seek a contract for the report until the end of the report period, as there is a time lag in collecting the data. They are considering a contract to have someone start collecting data on an ongoing basis, with the intent of completing the next report by December 2013.

Pat asked if DEP had mechanisms to follow up on any of the recommendations contained in the report, and suggested that it may be time for CAC to hold another meeting in SW PA and look into some of these issues again.

Dave stated that one of the assumptions in requiring the report is to assess if Act 54 is correct or if it needs to be changed.

DEP Report

Joyce welcomed Secretary Mike Krancer and Executive Deputy John Hines. Mr. Krancer reminded Council that he is a CAC alumnus. Members introduced themselves.

They indicated that we should expect to see much more engagement between DEP and the CAC, and with the public generally. Big issues they will be addressing in the short term are the Chesapeake Bay, Marcellus, and stormwater and the MS4 program. They both commented on CAC's transition report and their intention to include empowerment of employees first and foremost in the transformation plan for DEP.

Members expressed appreciation for the obvious candor, openness and personal contact being demonstrated, and that they look forward to future opportunities to work together.

Burt asked about the process for confirmation. John responded that Mike has to go through confirmation by the Senate. John has to go through a clearance process, but has already been through it in his previous role.

John indicated that they were using CAC's transition report as they create their transformation plan for the department, including making better use of Council's role, and restoring the relationship with the conservation districts.

He then provided updates on a number of water related issues—urban nutrient management, Bay TMDL and WIP, and stormwater (he hopes to deal with it systemically, not just for the Bay, and has asked EPA for a commitment to loan us staff (landscape architect, engineer and a hydro) as part of their enhanced oversight as we revamp our program).

Jolene asked for his reaction to the recent lawsuit filed by the Farm Bureau. John responded that the American Farm Bureau is the key player, and that their focus is because what happens on the Chesapeake Bay will be translated to the Gulf of Mexico. He believes the Pa. Farm Bureau is most concerned with the Bay model, and EPA trying to use the model in ways it was never intended for. He does not believe that the legal action will slow down progress in the Bay.

2010 Annual Report

Burt moved acceptance of the draft *2010 Annual Report* which was distributed in the meeting materials. Jolene seconded the motion, which passed unanimously.

Committee Reports

Prospective and Strategic Projects (Jolene Chinchilli)—Jolene reported that the Council approved phase 2 of the transition project at the October meeting. A copy of *Protecting Pennsylvania's Environment: Issues for a Challenging Time* was sent to Governor-elect Corbett, to the transition team and to the Acting Secretary and Executive Deputies. Sue met with the energy and environment subcommittee of the transition team. Cynthia reported that our report was included in the transition team's report.

Administrative Oversight Sue handed out hard copies of the draft white paper on permitting (which had been distributed electronically in advance of the meeting). She reported that new language was highlighted and that the other information was from sections of the transition reports which have already been approved. Burt asked that the section on the money back guarantee be clarified. Jan asked for stronger language on enforcement, which, after discussion, was referred back to the committee for consideration as a separate white paper since this one is focused on permitting issues. Sue asked that any additional comments be provided to her via email no later than Wednesday, January 26. The committee will hold another conference call to consider the comments and finalize the paper for the February meeting.

Air (John Walliser)—John reported that the Air Committee had approved a committee letter regarding the draft High electric Demand Day regulation that is under consideration by DEP. The letter concurs with proceeding with the promulgation of the regulation in order to seek broader public comment, and that the committee will share its recommendations with the full CAC at the January meeting. The letter also reiterates the committee's recommendations that the PUC be involved in deliberations to ensure that rate impacts are considered. Council concurred with the letter with one exception. Gail raised concerns about the rate impact of such a regulation, especially in her region where the rate caps have just come off and there may be affordability issues. She is concerned about adding a new regulation at a time when the market and prices need to stabilize, and will write an analysis for future consideration.

In addition, the committee will be holding a conference call on January 24 to discuss the proposed rulemaking for flexible packaging printing, lithographic and letterpress printing presses.

New/Unfinished Business

Pat commented that reports on the TDS regulation of hydrofracturing water referenced "dilution as the solution" to the problem, which concerns her since it is backsliding, and we don't know the cumulative

effect of the contaminants in this wastewater. She would rather hear about zero discharge. This was referred to the Water Committee.

Jan referenced a discussion with Secretary Hanger at the November meeting re: local government's dependence on DEP's 537 plan analysis before approving sewer extensions; part of that analysis has to do with whether the sewage infrastructure can handle increased development. There is a need to review the process. This was referred to the Water Committee.

Jan raised questions about grant recipient accountability when the problem recurs after the money is spent. This was referred to the Administrative Oversight committee.

Hearing no further business, the meeting was adjourned.

Notice of the January meeting was published in a newspaper of general circulation in Dauphin County and mailed to individuals and offices in compliance with the Sunshine Act (1986-84). These minutes constitute the official record of the Citizens Advisory Council meeting; no official transcript is prepared.