

MINUTES
CITIZEN ADVISORY COUNCIL
June 21, 2011

CALL TO ORDER AND APPROVAL OF THE MINUTES

Chairperson Hatala called the meeting to order at 11:00 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The following members were present:

Joyce, Hatala, Chairperson	Mike Krancer, Secretary
Burt Waite	Jolene Chincilli
Dave Strong	Pat Lupo
Janet Keim	Richard Manfredi
Jim Clauser	Terry Dayton
John Walliser	Thad Stevens
Walter Heine	

Chairperson Hatala welcomed everyone and asked the students from Junior Pennsylvania Lake Erie Watershed Association (Jr PLEWA) to introduce themselves. The group is lobbying for legislation for a “Take Back Program in Pennsylvania.”

Claire Wolford shared that their project this year was on pharmaceuticals in the water system and how people are flushing pharmaceuticals down the toilet. Clara said that their recommendations for the bill include

- Eco-labeling, where manufacturing would have to report on how drugs effect our waterways, our health and the health of fish.
- A Toll free informational hotline and website where consumers can learn more about what is happening to their drugs and what is going into their bodies.
- A budget of one million dollars for the next 5 years for research of personal care products to better understand the effects of drugs in water ways. A portion can be used to initiate the labeling program and to provide the program to residential, pharmacist health providers, retailers, etc.
- Clear guidelines for pharmacists (e.g., location of disposal stations, clear directions to the disposal station and how the drugs are going to be tracked).
- A mail back option for disabled people.
- Also, they want pharmacist to submit an annual report to DEP, by March 1st reporting everything they accepted and manufactures should send an annual report for the labeling done where their drugs as well as any information gathered by the mail back drugs program and that DEP should take these two reports and combine them into one very large report by May 1st and make it available to the public.

Pat Lupo stated that Monday was spent with members of the House of Representatives discussing their recommendations. Pat stated that this is a part of two year grant from Great Lake Restoration Funds and this is only one of six groups of students in the area. Joyce congratulated them on doing a fantastic job.

CHAIRS REPORT

Joyce asked the audience to introduce themselves.

Rich Manfredi moved approval of the May 18, 2011 CAC meeting minutes. Burt Waite seconded the motion. Thad Stevens pointed out that a correction should be made on the minutes on page 3, last paragraph, 5th sentence (it should read “blowout” not “black out”). Minutes were approved with the noted correction.

Joyce reported that Council has a vacancy on the MRAB as a result of Curtis Kratz’s resignation, and asked if there were any volunteers for the position. Terry Dayton said he would think about it and get back to Council once he got more information.

PUBLIC COMMENT

Steve Kunz of Schmidt and Company pointed out to Council the historical significance of June 22, which was the 17th anniversary of the passage of Act 54 and the 74th anniversary of the passage of the PA Clean Stream Law, which took effect in June 22, 1937. Mr. Kunz stated that these two laws should provide adequate protection for streams and water resources in the Commonwealth from damage and degradation from underground coal mine activities, but unfortunately this isn’t the case as DEP’s latest Act 54 5 year report demonstrates. Mr. Kunz stated that Act 54 ignores impacts to water resources and that the Clean Streams Law should pick up the slack. He stated that the Bureau of Mining and Reclamation operates the underground coal permitting program as though the Clean Streams Law doesn’t apply. Mr. Kunz said that he looks forward to working with the CAC during the upcoming months to find some practical ways to fix the deficiency of Act 54.

Jan asked if Act 54 replaced the Bituminous Coal Mining Act of 1966 or did it totally change it? Steve responded that Act 54 amended the 1966 law. He said it didn’t change everything and it didn’t supersede the Clean Streams Law. He stated that it essentially allowed damage as long as some sort of restoration or compensation was involved.

CHAIR’S REPORT

Joyce stated that they are still waiting to hear from the Governor’s office and the Senate about reappointments and vacancies.

Joyce gave an update on Eric Conrad and said the Administrative Oversight Committee (which he chairs) held a conference call to continue to pursue committee issues.

Dave reminded members about a previous discussion of compiling a pictorial report to commemorate the Council's 40th anniversary of the CAC; CAC was convened for the first time in June 1971.

ELECTION

Joyce turned the meeting over to Burt, chair of the nominating committee. Burt and Cynthia met via telephone and prepared a ballot for consideration by CAC. Joyce agreed to run again for Chair, John for Vice Chair.

He stated that 5 members from the CAC represent Council on the EQB; four incumbents agreed to stand again for election, and one more member is needed to replace Peter Wilshusen, who is unable to serve. Sue stated that the 5 Council members that sit on the EQB are the only 5 non state agency people that sit on the board and that it is a very important role of the Council to have 5 seats. She stated that the rest of the members are from other agencies, legislators and independent agencies. Terry Dayton volunteered to stand for election to the EQB and Cynthia Carrow volunteered to be an alternate.

The ballots as submitted were approved by a vote of Council.

SECRETARY'S REPORT

Joyce welcomed Secretary Mike Krancer to the meeting. In lieu of a formal report, Mr. Krancer opened the floor for questions.

Burt asked about Senate Bill 263 that would require IRRC to review the science used to support proposed regulations. He wanted to know if IRRC has the capability and capacity to evaluate the scientific merit of technical rules, and ask the Secretary what his position was on that bill. The Secretary declined to respond.

Thad asked if there had been follow up on efforts to revise Act 537. Mr. Krancer stated that he was not aware of any legislative activity.

Dave stated that MRAB is concerned about finding ways to finance mine drainage treatment. He stated that there are two poster child projects in western PA that are at risk: Blue Valley and one south of DuBois in Sikesville. Mr. Krancer stated that it's a good idea and a potential source.

Terry asked if there was any news regarding the state's Region 3 NPDES issues. Mr. Krancer stated he just got a letter from Shawn Garvey in response to his letter, but did not get a chance to review it.

Jan asked if it was appropriate for municipalities to sell sewer and water allocations to support their budget, especially if the money is being put into the general fund rather than back into infrastructure maintenance. Walter interjected that municipalities have the

authority to charge people for using their sewage system. Rich commented that the Department's role related to planning modules and capacity issues, beyond that it is a municipal issue.

Jim asked Mr. Krancer when the new Chapter 102 guidance would be available to the public. Mr. Krancer stated that training is taking place right now and he will check on the manual.

COMMITTEE REPORTS

Executive Committee – Joyce reported that the committee met this morning and voted in support of the Prospective and Strategic Projects committee letter. She then turned the floor over to Jolene to present the issue.

Jolene reported the background of SB 263 and how regulations become regulations in Pennsylvania. She shared that the bill would give IRRC the authority to determine whether the science and data used by DEP is acceptable for a regulation. Jolene stated that in the past, Council had recommended that DEP put together a decision document when making regulations, which would contain all the studies that the DEP look at when they are going through the regulatory process. Jolene stated that the committee supports the ideal of putting this information with the regulatory proposal, but they are very uncomfortable in giving responsibility and authority to IRRC to assess the science used. Jolene stated that IRRC does not have the staff or expertise to make determinations on scientific validity. She stated that the bill has already passed in the Senate. Jolene stated that the motion was passed at the Executive Committee meeting to recommend that the CAC send a letter to the House opposing this bill as written, but still supporting the notion that DEP prepare decision documents for regulatory proposals. Sue passed out draft comments to Council that had also been provided electronically in advance of the meeting. She stated that, if approved, the letter would be submitted to the House and a copy to Secretary Krancer.

Rich asked if aggrieved parties could petition IRRC regarding the 'acceptability' of scientific data used to develop a proposed regulation. Dan commented that IRRC may oppose a rulemaking based on specific criteria and that the basis for opposition has to be stated during review of a proposed (not final) regulation; IRRC cannot amend a regulation.

Terry commented that there is a need for checks and balances, but that he wasn't sure IRRC was the proper place to have final authority. He stated that a lot of new regulations and policies are coming down from EPA, and that some do not appear to be based on sound science.

Jan asked if the bill would affect existing regulations. Sue stated that IRRC weighs in as a regulation is being promulgated; IRRC doesn't say anything about existing regulations.

Dave motioned approval to send the statement with minor revisions, Pat seconded the motion. The motion carried with two in opposition.

Prospective and Strategic Projects – Jolene stated that the Prospective and Strategic Projects committee came up with a list of proposed priorities for Council for the coming year. The list does not preclude committees from identifying and pursuing additional work. PSP would only take the lead if the issues don't fit in the committed structures.

- Gas drilling and development: does DEP have the tool and resources to address the issues? Review the report and recommendations coming from the Marcellus Shale Commission? What can we do about the growing distrust surrounding Marcellus Shale issues and activities?
- Act 54. The Environmental Standard Committee is identifying issues and comments on the 5 year report and Council's planned regional meeting in southwestern Pennsylvania to focus on deep mining and the results of surface impact. Surface rights vs. mineral rights.
- Infrastructure—(to be developed after updates on several issues such as Act 537 and Watershed Implementation Plans).

Committee work includes Administrative Oversight developing a matrix to collect information to evaluate permitting and enforcement, and adequacy of funding and resources for DEP; Public Participation and Outreach continuing to review improvements to public participation and engagement.

Burt motioned to adjourn the meeting at 1:55pm.. Jolene seconded the motion and it was approved.

Notice of the June 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.