

Citizens Advisory Council Meeting – September 17, 2013

Room 105, Rachel Carson State Office Building, Harrisburg, PA

Citizens Advisory Council (CAC) Members in Attendance: Chris Abruzzo, Cynthia Carrow, Terry Dayton, William Fink, Walter Heine, David Hess, Janet Keim, S. Pat Lupo, Seth Mendelsohn, Nancy Perkins, Thad Stevens, Burt Wait, John Walliser and Don Welsh.

Call Meeting to Order: Chair Terry Dayton called the meeting to order at 11:00 a.m. He then asked for any comments or corrections to the July 16, 2013, meeting minutes. There were no comments or corrections and William Fink made a motion to approve the minutes as presented. Thad Stevens seconded the motion which passed unanimously.

Public Comments:

League of Women Voters: Roberta Winters, on behalf of the League of Women Voters of Pennsylvania, read from a statement expressing appreciation for the CAC meeting public forum opportunity and complimenting recent changes to the DEP website. In addition she noted that many believe that DEP's mission as stated on the DEP website should not include community renewal and revitalization or promote advanced energy technology. She raised several questions about the proposed oil and gas regulations regarding incorporation of the State Review of Oil and Natural Gas Environmental Regulations (STRONGER) review of the PA program and inclusion of current best practices, alter setbacks, technology innovation, impacts of natural disasters (flooding of oil and natural gas facilities) to include construction standards and prescribed distances from waterways, wetlands, sensitive environments, residences, and institutions. She noted the League is concerned about the need for warning systems to alert residents when emergency situations or upset conditions arise, as well as assuring that adequate measures are in place to limit threats created by on-going and unintended consequences of oil and gas development to species of concern. She noted that the League is interested in hearing from the Environmental Justice Advisory Board later in the meeting and the League's support for the maximum protection of public health and the environment in natural gas operations. She announced that with support from a Colcom grant, the League is sponsoring "Shale and Public Health: A Day of Discovery" at the Heinz History Center in Pittsburgh on Saturday, November 23rd and she invited the public to attend.

CAC Committee Reports:

Policy & Regulatory Oversight Committee: Committee Chair Nancy Perkins reported on an August 28th Committee conference call when the Air Quality program reviewed the Flexo-Litho Printing Presses & Adhesives, Sealants, Primers and Solvents Final Rule. She noted that these rules are based almost entirely on EPA guidelines. According to the program, most of the comments received during the public comment period were not in opposition to the rulemaking but there were some concerns about record keeping. The record keeping section was adjusted in the final rule. She then offered a motion for Council to support moving the final rulemaking to the

Environmental Quality Board for action. Janet Keim seconded the motion and it passed unanimously.

Oil & Gas Technical Advisory Board (TAB): Burt Waite presented a review of the June 12, 2013, TAB meeting and the four subcommittees formed to review specific parts of the Chapter 78 Oil & Gas proposed draft regulations. EQB by a vote of 16 to 2 on August 27, 2013, voted to move those regulations ahead with publication in the *Pa. Bulletin* which will open a formal 60-day comment period with six public hearings across the state. Mr. Waite offered to keep the council advised of the regulatory process as this proposed rule continues.

Legislative Committee: John Walliser provided an over review of Senate Bill 1047 and House Bill 1576, the proposed Endangered Species Coordination Act. He explained that the bills would rewrite species protection in Pennsylvania impacting listings by the Fish and Boat Commission and the Game Commission and requiring those agencies to go through the Independent Regulatory Review Commission (IRRC) for listings. The legislation also charges the Department of Conservation and Natural Resources (DCNR) with responsibility for a centralized database of all species information for the Pennsylvania Natural Diversity Inventory (PNDI) process. He noted that there was a hearing on the legislation on August 26, 2013, in Pottsville, PA, and one today (September 17th) in Indiana County. Both hearings are joint sessions of the House Environmental Resources and Energy Committee and the Game and Fisheries Committee. There haven't been any committee hearings on the Senate version.

A variety of agencies and organizations testified at the hearings and the Legislative Committee would like to bring it to Council's attention to determine if Council would like to take a position on this legislation or make recommendations to the Senate and House on ways to modify or improve the bills. There was considerable discussion regarding the legislation and Chair Terry Dayton asked John Walliser and Dave Hess to work with Marge Hughes to invite a panel of speakers for additional discussion at the October CAC meeting.

Department Report: Department of Environmental Protection, Acting Secretary, Chris Abruzzo and Policy Director, Haley Book thanked Council for their ideas to improve public participation, transparency and public awareness. They reviewed changes that will be made to the DEP website so that when public meetings to discuss proposed regulations are scheduled that it is easy to get to that site and there will be one location that lists what regulations are being discussed, where the hearings are being held, what the timeline is for the regulatory process so that the public can participate. A handout showing a draft of what the short view of the navigation for the public participation website will look like was distributed. Secretary Abruzzo asked that CAC review the redesign and comment if items that should be added or removed to improve the design. Ms. Book offered that the redesign's goal is that everything on the site be organized in a manner so that if you are looking for information on a specific topic or specific guidance, you can find it quickly and easily. She expected the redesign to be complete in October.

The Secretary also distributed a draft regulatory process citizen guide which was developed because of CAC's suggestion. He noted that the guide is intended to explain the regulatory process, when the public can be involved, how to know when draft regulations and policies are open for public comment, when the public comment starts/ends, how to submit comments, and

where to find information. Ms. Book asked that Council provide any comments on the draft citizen's guide by October 8th. Chair Dayton asked the CAC Public Participation Committee to handle that review.

The Secretary also asked Council for suggestions on how to rework the monthly DEP written report to Council so that it provides the information CAC needs. He noted that changes will be proposed to the Community Environmental Project (CEP) policy soon and he would like CAC's input especially ideas on how to determine which projects are appropriate for CEP funding.

In response to questions from Council, Secretary Abruzzo noted the department's support for proposed water well construction standards, their interest in the endangered species bill and his intent to release the climate change report in its entirety.

Thad Stevens asked the Secretary if the Department is looking to move "experimental" onsite sewage treatment systems to "alternate" status, and if so, would the change in the designation allow the qualifying criteria for those systems (upon approval of this change in policy) to be used in the planning stage of land development. Secretary Abruzzo responded that he thought these systems would be available to the planning process, but he wanted to check with the program to verify, and will get back to Council.

Executive Session: John Walliser made a motion for Council to go into executive session. Seth Mendelsohn seconded the motion which passed unanimously. Chair Dayton announced that Council intends to be in executive session, break for lunch and then reconvene the public meeting at 12:30. Non-council members were asked to step out of the meeting for the closed door executive session that began at 11:55 and ended at 12:15.

Joint Session with the Environmental Justice Advisor Board (EJAB): Council Chair, Terry Dayton welcomed EJAB members Laureen Boles, Eli Brill, Adam Cutler, Dr. Arthur Frank, Hazem Hijazi, Marcia Hinton, Clea Patrick Hollis, Dr. Horace Strand, and John Waffenschmidt, to the Citizens Advisory Council meeting. EJAB members took seats at the table and everyone introduced themselves.

Office of Health Equity, PA Department of Health: Dr. Hector Ortiz, Director of the Office of Health Equity (OHE), PA Department of Health (DOH), gave a presentation on how the OHE advocates for the development of programs and policies within DOH and collaborates with community-based organizations and other stakeholders in both the public and private sectors to address health inequities in Pennsylvania. He explained that OHE provides leadership to increase public awareness of health inequities and is funded through the Federal Office of Minority Health State Partnership Grant. Dr. Ortiz also spoke about the Refugee Health Program which is a partnership between the Office of Refugee Resettlement in the PA Department of Public Welfare. Dr. James Logue joined the presentation and reviewed the responsibilities of the Division of Environmental Health Assessment within the DOH Bureau of Epidemiology. EJAB and CAC members asked about data collection, technical support provided to private citizens and data review. Dave Hess complemented DOH for their groundbreaking work in reviewing potential impacts from hydraulic fracturing within the oil/gas industry. Dr. Ortiz offered to notify CAC and EJAB when the annual Health Disparity Report is issued in October.

Community Environmental Project (CEP) Policy: Holly Cairns, Acting Director, Office of Environmental Advocate reported that she expected the draft Community Environmental Project Policy to be released for public comment by the end of the year. She indicated that both CAC and EJAB members would be informed when it comes out and would have an opportunity to comment. Executive Assistant, Ann Roda added that the comments provided are very much appreciated, and that all suggestions are being reviewed.

EJAB/CAC Collaboration Discussion: Chair Terry Dayton opened the floor for discussion and asked EJAB members to identify issues of importance in EJ communities. Rev. Strand stressed the importance of communities having information and a voice with respect to what is happening in their communities. He thought that the EJAB work over the years has improved relationships with communities and DEP has responded to many of their suggestions. He did note the failure of the Governor's Office to reappoint Gail Conner to CAC as well as a lack of representation from Delaware County and Philadelphia were issues. Terry Dayton noted that Ms. Conner was a respected member of Council and continues to serve as CAC's representative to the Environmental Hearing Board Rules Committee. He noted that appointments to Council are made by the Governor's Office, the Senate President Pro Tempore and the Speaker of the House independent of input from Council. CAC members noted that reappointment to Council is not automatic however members can continue to serve until reappointed or replaced. Marge Hughes reviewed the current vacancies on Council, one appointed by the House, one appointed by the Senate and 3 Governor's Office appointees whose terms have expired.

Adam Cutler noted that EJAB has talked about doing a listening session somewhere in the state to reach out to communities to understand their issues. He asked what types of things CAC thought are issues that may be of concern in communities, where they should go, what type of agenda, etc. Several CAC members explained CAC's use of sub-committees and regional meetings. It was also suggested that it might be best when going into a community to have a focus topic which allows the community to concentrate on a specific issue to be addressed. Pat Lupo interjected that she believed some issues of concern are going to be around the "built" environment as opposed to air, land and water. She explained that many don't think of the "built" environment as an environmental issue when, in fact it is because that is where people spend the majority of their time and is the environment that is going to impact them the most, especially their health.

John Waffenschmidt suggested that the Chester Environmental Partnership be used as a model for communities to consider. He indicated that early informed meaningful involvement of the public results in fewer issues that need to be addressed because the stakeholders work in cooperation. He supported the CEP process as a terrific mechanism to solve local problems. He also mentioned his company, Covanta, is the only one with an EJ policy in the state.

Terry Dayton thanked the EJAB members for their participation in the joint session as they returned to their separate board meeting.

New/Unfinished Business: Marge Hughes reviewed the other potential items for the October CAC meeting including updates on the current Act 54 Five Year Report, Chesapeake Bay restoration, STRONGER's review of DEP's Oil & Gas program; and an overview of the Right-to-Know Law (RTK) and the kind of requests the department has been receiving.

Chair Terry Dayton asked for a CAC member to serve on the Solid Waste Advisory Committee. Ms. Hughes volunteered to fill-in until a council member is named.

Chair Dayton asked for additional CAC members to serve as alternates on the Environmental Quality Board (EQB). Seth Mendelsohn and Janet Keim volunteered as alternates. Executive Director Hughes mentioned that the department has begun to offer CAC EQB members a pre-briefing during which the program walks through the regulations. She noted that the alternates will also be included in the conference call pre-briefing.

Adjourn: Walter Heine made a motion and Seth Mendelsohn seconded to adjourn the meeting. The motion carried and the meeting was adjourned at approximately 2:35 pm.