

**MINUTES OF COMBINED MEETING OF THE
CITIZENS ADVISORY COUNCIL AND
THE ENVIRONMENTAL JUSTICE ADVISORY BOARD
NOVEMBER 13, 2018**

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Cynthia Carrow	Thad Stevens
Mark Caskey	John Walliser
Duane Mowery	Don Welsh, Chair
John St. Clair	Jim Welty
James Schmid	Tim Weston
Jerome Shabazz	

CITIZENS ADVISORY COUNCIL (CAC) STAFF PRESENT

Keith Salador, Executive Director

ENVIRONMENTAL JUSTICE ADVISORY BOARD (EJAB) MEMBERS PRESENT:

Adam Cutler, Chair	Jerome Shabazz
Arthur Frank	Tom Torres
Clea Hollis	John Waffenschmidt
Carol Parenzan	Alice Wright (for Horace Strand)
Allison Robinson	

ENVIRONMENTAL JUSTICE ADVISORY BOARD STAFF PRESENT

Allison Acevedo, Executive Director
Nora Alwine
John Brakeall

CALL TO ORDER:

Chairman Don Welsh called the meeting to order at 10:00 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, with a quorum.

DEP REPORT:

The Secretary provided a brief update on the following:

PFAS Update

In September the Governor issued an Executive Order to address growing concerns about PFAS contamination, particularly in the southeastern part of the state near the old Department of Defense installations. A multi-agency PFAS Action Team has been assembled that is responsible for developing a response to identify and eliminate the sources of PFAS contamination. The Action Team first met in October to discuss the science, the known locations of contamination, and the health impacts. The next Action Team meeting will be held on November 30 and will be open to the public. Proposals are currently being accepted for expert presentations on PFAS chemicals, health limits and impacts, and environmental impacts. There will be opportunity for public comment at the November 30th meeting.

Driving PA Forward

This is a grant program using the \$118 million Volkswagen settlement money which the agency has access to over the next 5-10 years. Almost \$6.5 million will be available on November 15 for Class 8 trucks and transit buses. Another \$12 million will be available for Class 4-7 medium duty trucks, port drayage trucks, school buses, and a shuttle bus rebate program. The submission deadline for those grants will be January 11, 2019. The Level 2 EV fast charging and the hydrogen fueling grant programs will remain open until January 15. The grant can be used for the acquisition, installation, operation, and maintenance of fast-charging electric vehicle and hydrogen fuel cell equipment. The EV fast chargers must be installed in community charging hubs, transportation corridors, or destination locations. Hydrogen fuel cell equipment must be installed in a place available to the public. The next round of the State Clean Diesel grants will open by January to meet a federal deadline.

Northcentral Regional Office Visit (October 29)

The Secretary visited the northcentral part of the state, looking at a wastewater treatment plant and a fish hatchery. Several events were held in and around Shamokin that culminated in an environmental justice roundtable held as part of the DEP CONNECTS program. The roundtable participants expressed keen interest in Shamokin Creek, which is heavily impacted by acid mine drainage. Other interests included fixing blighted buildings, workforce development and medical marijuana, regional and local public transit, and illegal dumping of electronic waste. The Office of Environmental Justice will follow up on the discussion items over the coming months to connect local leaders with the appropriate resources for resolving concerns and disseminating information.

Governor's Award for Environmental Excellence

The application period opened in October. The Secretary encouraged the members to think about exemplary organizations, facilities, and citizens to either fill out an application for them or encourage them to apply. The projects do not have to meet all criteria to merit an award and may be nonprofit or for profit. The deadline for submission is December 17. The application details are available on DEP's website.

PUBLIC COMMENT:

Justin Huratiak identified himself as a life-long slate belt resident, Washington Township Recreation Board Member, and local builder/developer. Justin came to discuss waste and sludge issues, and concerns with ongoing permitting processes to highlight the need for DEP and other state and local municipality collaboration on approval of DEP permits to understand the impacts on communities or regions including cumulative impacts of all permits. He related recent slate belt DEP permit concerns, specifically regarding the Synagro sludge processing facility, and asked that historical data of previous permits be considered as a prerequisite for future permits. Justin identified areas within the Lehigh Valley with proper infrastructure where smart development could be utilized and related redevelopment success stories.

PRESENTATIONS:

Carrie Amann, Deputy Secretary of Policy & Planning in the Governor's Office, provided a presentation on the Governor's primary workforce development initiative entitled PAsmart. She discussed in detail the middle class task force findings and the priorities of PAsmart, including the development and maintenance of a 21st century skilled, quality workforce through computer

science and STEM education, employer engagement in postsecondary education, the expansion of apprenticeships and industry partnerships, a business led effort to address re-entry into the workforce, and a data dashboard for public education and workforce systems.

Bert Myers, Director of Environmental Education, stated that a new grant round has been announced for 2019. The Environmental Education Act of 1993 allotted 5% of all fines and penalties to the Environmental Education grant program. The office has awarded more than \$12 million to further environmental education in Pennsylvania over the last 25 years. Two different styles of grants will be available in 2019: the general grant and the mini grant. The general grant covers applications up to \$25,000 for a one-year project, July 1 of 2019 to June 30 of 2020. The general grants are designed to have a high impact, large scale regional or state-wide initiative and require a 20% match. The mini grant is a \$3,000 one-year project, same time frame, being completed by June of 2020 and no match is required. These are for smaller, more localized environmental education projects. The three priority topics this year include climate change, water, and environmental justice. The grants are rated first by three individuals with DEP, DCNR, Department of Education, or other related agencies and the grants are then reviewed by the Environmental Education Office one final time. The grant applications must be linked to environmental topics or standards and demonstrate clear goals and objectives.

EJ POLICY UPDATES:

Allison Acevedo is the Director of the Office of Environmental Justice. OEJ was created in 2002 following community environmental equity activism in Chester and a lawsuit involving environmental justice concerns. OEJ adopted the EPA's definition of environmental justice which establishes that everyone should receive fair treatment and meaningful involvement with laws, practices, and policies that the state administers regarding the environment and the government should also work to ensure that all citizens, regardless of race or origin, have access to the environment and natural resources.

OEJ is updating to DEP's Environmental Justice Public Participation Policy (EJ Policy) which was originally adopted in 2004 and revised in 2018. OEJ plans to issue a final policy in early 2019. There were 206 comments submitted about the EJ Policy; predominantly (88%) oil and gas related, with a number of industry comments on other policy components as well. The Department is in the process of preparing a response document and reviewing internal capacity to address the revised group of trigger permits. The Environmental Justice Advisory Board will have an opportunity to review the response document.

Under the EJ Policy, Environmental Justice Areas are defined as locations where the population is 30% people of color and/or 20% low income. Currently, EJ Areas are approximately 20% of the population. Under the draft EJ Policy, roughly 33% of the population will now be in Environmental Justice Areas. The EJ Policy and OEJ has traditionally focused on supporting communities through the permit process. The policy sets forth an expanded public participation process that calls for the community getting involved in the early stages of permit applications through community meetings and through education about a particular permits and the permit process. The Environmental Justice Public Participation Policy is a DEP policy, not a regulation, so does not have the force of law, which can be a challenge for OEJ and engaging industry around the permit process.

OEJ is working to with DEP staff to address integration of EJ policies and principles throughout the Department. The Environmental Justice Internal Working Group recently met and decided that that the EJ policy should be expanded in the future beyond public participation into areas such as grants and other types of DEP work.

OEJ has focused on environmental education and environmental literacy. OEJ recently released a newsletter and has polled community organizations to see what type of environmental education would be beneficial for community partners. A listening tour was held in 2017 and in 2018 the Department has started to engage in several roundtables across the state to learn more about community needs. The OEJ is also thinking about how to develop data that will reveal environmental impacts in EJ areas and support environmental justice work within the Department.

NEXT STEPS FOR CAC/EJAB COLLABORATION:

- Think about methods to deliver best practice career opportunities for employers to hire people of color and low-income individuals.

- Think about ways to help communities struggling with environmental issues.

- Talk to young people (K-12) about environmental stewardship and think about how industry might play a role in career development.

APPROVAL OF SEPTEMBER 18, 2018 MEETING MINUTES:

Chairman Welsh solicited additions or corrections to the September 18, 2018 Minutes.

**Tim Weston moved to approve the September 18, 2018 meeting Minutes.
Thad Stevens seconded the motion, which was unanimously approved.**

COMMITTEE REPORTS:

Policy and Regulatory Oversight Committee

Filling in for Tim Weston, Keith Salador presented to the members a revised draft letter regarding the updated regulated fill general permit. The permit went out for public comment, and the Regulatory and Oversight Committee brought up several issues: clarifying the scope of the permit; incorporating the Act 2 standards by reference instead of listing them specifically; and a general reporting question.

Chairman Welsh requested a motion to approve the language of the draft letter.

Jim Welty moved to approve the draft letter regarding the updated regulated fill general permit. James Schmid seconded the motion, which was unanimously approved.

Legislative Committee

With regard to the Keystone Tree Fund, Cynthia Carrow stated that CAC's draft letter urges passage of House Bill 2486, or Senate Bill 1208, establishing a Keystone Tree Fund through a driver's license/vehicle registration fee. The voluntary donations will support the existing Tree

Vitalize and Riparian Forest Buffer Grant programs through the Department of Conservation and Natural Resources.

Chairman Welsh requested a motion to approve the letter in support of the Keystone Tree Fund.

John Walliser moved to approve the draft letter in support of the Keystone Tree Fund. Thad Stevens seconded the motion, which was unanimously approved.

Cynthia Carrow explained that the Hazardous Sites Cleanup Fund letter essentially calls for legislation that will authorize a funding source for the Hazardous Sites Cleanup Fund. The fund will become insolvent very soon after the first of the year because of the elimination of the Capital Stocks and Franchise Tax.

Chairman Welsh suggested an amendment to the language “appropriate a funding source” to “authorize a funding source.” John Walliser suggested that a letter be sent to the Governor in addition to members of the General Assembly. With the acceptance of that amendment, Chairman Welsh requested a motion to approve the letter to the Governor regarding Hazardous Sites Cleanup Fund.

James Schmid moved to approve the letter to the Governor, as amended. John Walliser seconded the motion, which was unanimously approved.

Both letters will be sent to the General Assembly when they reconvene in January.

CHAIRMAN’S REPORT:

Amid the winter season, Chairman Welsh announced that Keith Salador will consult with the Department on any possible cancellation of a regularly scheduled meeting for inclement weather. If a decision is reached to cancel a meeting, Keith will notify Chairman Welsh, who will in turn notify the members. The expectation is that any cancellation will take place by noon the day prior to the scheduled meeting.

Keith Salador has been accepted to speak at the Pennsylvania Environmental Professionals annual conference in May.

The 2019 meeting dates have been announced. With the exception of January and May, all 2019 CAC meetings fall on the third Tuesday of the month. The January meeting will be January 22; the May meeting will be May 22.

Keith Salador will work on the draft transition documents for the available topics that remain and may reach out to CAC members on particular issues for assistance with crafting those documents. Drafts will be circulated during December and hopefully adopted at the January 22 meeting and put on the Governor’s desk for the start of the second term. Chairman Welsh requested those individuals still working on their topics to have drafts submitted to Keith within the next two weeks.

Chairman Welsh requested Keith Salador to craft a document on the information received from the Environmental Justice Advisory Board about workforce development and environmental education to see if CAC would be in a position to make a recommendation.

The Governor's PFAS Action Team outlined public outreach plans, and a press release went out. The invitation was to comment on the structure, but not really inviting comment on the issue. Chairman Welsh indicated that CAC will continue to monitor.

Keith Salador offered that the Department is updating its OSM coal mining rulemakings to be consistent with the federal program. There was not enough consensus among the CAC members to move forward, but Chairman Welsh indicated that members who would like to comment should take the initiative to contact Keith Salador. If no one steps out, CAC will let the opportunity pass.

Keith Salador advised that the PUC is accepting public comment on an Advanced Notice of Proposed Rulemaking regarding the regulations governing PUC's Consumer Advisory Council. Keith suggested that perhaps CAC members would like to weigh in with success stories, things that worked, and provide positive feedback to that process. The public comment period ends either December or early January. If folks are interested, Keith volunteered to put a document together or convene a meeting over the phone.

Chairman Welsh advised that the COGWA Bill did not go anywhere in the legislature. CAC will revisit the matter if the bill is introduced next legislative session.

The January meeting will include a presentation by the Oil & Gas program. The Small Business Ombudsman scheduled for a presentation at today's meeting will hopefully reschedule for January. Keith Salador will solidify the January schedule. The reforestation of mine lands was suggested as a possible presentation topic by DEP staff.

ADJOURNMENT:

With no further business, Chairman Welsh requested a motion for adjournment. Thad Stevens moved to adjourn the meeting, which was seconded by Cynthia Carrow, and all were in favor. The November 13, 2018 meeting of the CAC was adjourned at 2:00 PM.