

**MINUTES
CITIZENS ADVISORY COUNCIL MEETING
JUNE 18, 2019**

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Mark Caskey, Washington County	Jerome Shabazz, Philadelphia County
Terry Dayton, Greene County	John St. Clair, Indiana County
Bill Fink, Bedford County	John Walliser, Allegheny County
Duane Mowery, Cumberland County	Jim Welty, Cumberland County
James Schmid, Delaware County	Tim Weston, Cumberland County

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT VIA PHONE:

Thad Stevens, Tioga County

CITIZENS ADVISORY COUNCIL (CAC) STAFF PRESENT:

Keith Salador, Executive Director

CALL TO ORDER:

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

DEP REPORT:

Secretary McDonnell provided a brief update on the following:

*Recently Closed Comment Periods
Watershed Implementation Plan III*

The Watershed Implementation Plan Phase III (WIP III) comment period closed on June 7. The EQB received approximately 40 comments from local governments, industry groups, and environmental advocates. Commentators provided feedback on many aspects of the draft WIP, but the three most prevalent topics addressed were that the initiatives only achieve two-thirds of the targeted nitrogen load reduction; that there is a substantial funding gap to reduce the nutrients; and that there was a highly collaborative process used to craft the WIP. The final WIP is due in August.

Water Quality Management and NPDES Fees

DEP received 90 comments, a significant number of which were provided by farmers and legislators. Department staff are evaluating the comments and will bring the final package back to the Water Resources Advisory Committee and the Agricultural Advisory Board before returning to the EQB.

Air Quality Fees

The comment period closed on June 17. The 30+ comments received will be reviewed, but there appears to be general support for this regulation, with two commentators in opposition.

PAG 01 & 02 Efficiencies

These permits are designed to improve efficiencies within the Department and the regulated community. The Water Program is in the early drafting stages for PAG-01, a new permit that is intended to replace PAG-02 permits for stormwater discharges from small, low-impact construction projects. PAG-01 is designed to be an easier permit to apply for, which should make the stormwater discharge permitting process more efficient for small projects, as opposed to the current process under PAG-02. The Department has received EPA approval on the process for PAG-02.

DEP Related Legislation

Draft legislation that would impact DEP's operations includes:

- Rep. Fiedler introduced a bill to increase municipal waste disposal fees from \$4/ton to \$8/ton;
- Rep. Causer introduced a bill providing framework for regulations specific to conventional oil and gas operators;
- Rep. Rabb introduced a bill creating a Plastic Pollution Task Force to study plastic pollution that would be housed at DEP;
- Sen. Scavella introduced a bill allowing for community solar projects in Pennsylvania;
- Sen. Bartolotta introduced two bills: one limiting the review on appeal to the permit record established by DEP; and a second to amend the terms of membership and add restrictions to the Environmental Hearing Board; and
- A range of bills introduced to reform Pennsylvania's vehicle emissions testing program.

Restore PA

This is Governor Wolf's plan to invest \$4.5 billion into stormwater management, brownfield redevelopment, rural broadband access, and other infrastructure projects. The project bonds would be repaid through a severance tax, which is conservatively projected to generate \$300 million annually. Several bills have been introduced related to Restore PA. Senate Bill 725 was introduced this month, with 25 co-sponsors. The House version, HB 1585, has 99 co-sponsors. The House Republicans rolled out a suite of bills dubbed "Energize PA," which would change the state's regulatory structure and create a tax credit for natural gas-related manufacturing. Part of the plan would remove DEP's permitting authority and reassign it to a new commission. The Department will monitor the bills as they progress through negotiations.

EPA Reorganization

The EPA has announced that it will restructure certain aspects of the agency this September. Its Office of Research and Development will consolidate 13 units into 8 to reduce inefficient redundancies. Most significantly, the Office of the Science Advisor and the Office of Science Policy will merge together to align the size and structure of the management team to reflect current staff and optimize use of the workforce, increase the capacity of the computational toxicology center, and to combine superfund and emergency response technical support actions into one group. The EPA believes the reorganization will decrease scientific silos and increase operational efficiencies and collaboration and will not result in job loss or staff relocations. Additionally, standardization will occur across the regions, so all offices will have an enforcement division. EPA Region III was one of two regions within the EPA that did not have its own enforcement division.

APPROVAL OF MAY 22, 2019 MEETING MINUTES:

Chairman Shabazz solicited additions or corrections to the May 22, 2019 Minutes. Hearing none, the Chairman requested a motion to approve the Minutes.

**Mark Caskey moved to adopt the May 22, 2019 meeting Minutes.
James Schmid seconded the motion, which was unanimously approved.**

CHAIRMAN'S REPORT:

The CAC approved two letters: one on the Chesapeake Bay WIP III and a second providing recommendations to improve House Bill 1057 regarding radon testing in schools. The Executive Director has begun work on implementing initiatives from CAC's 2022 vision report. To that end, Keith is working on a guide to build consensus on environmental issues for the CAC to discuss and will need volunteers to assist with the report. Members interested in volunteering will need to join the Public Participation Committee.

PRESENTATIONS:

Climate Change Action Plan

Jessica Shirley, DEP's Policy Director, provided an overview of the Climate Action Plan & Climate Initiatives which was released in April. The overview included DEP's climate impacts assessment, inventory of statewide greenhouse gas emissions, the Action Plan development timeline, Action Plan goals and targets, a summary of strategies and modeled actions, and cost effectiveness and job creation. In April 2019, Pennsylvania joined the US Climate Alliance, committing the state to implement policies that advance the goals of the Paris Agreement, aim to reduce greenhouse gas emissions by at least 26-28% below 2005 levels by 2025, track and report progress to the global community, accelerate new and existing policies to reduce carbon pollution, and promote clean energy deployment at the state and federal level. Additionally, pursuant to Executive Order 2019-01, the state governments aims to demonstrate emission reduction and climate adaptation by reducing energy use by 3% per year and 21% by 2025 from 2017 levels, procure renewable energy to offset at least 40% of the Commonwealth's annual electricity use, new construction/renovation projects or leased buildings that cost over 50% of replacement cost and commence design after 1/8/19 shall be designed and constructed as a high-performance building, and replace 25% of the state vehicle fleet with battery electric and plug-in electric hybrid cars by 2025.

EQB Petition to Create Economy-Wide GHG Auction-Cap-and-Trade Program

Robert McKinstry, Jr. of Environmental and Climate Law & Consulting, is one of a group of 192 petitioners who filed a comprehensive rulemaking petition in November 27, 2018 seeking the adoption of a regulation that would establish an economy-wide greenhouse gas auction-cap-and-trade program for the Commonwealth. The petition was accepted by the EQB on April 16, 2019, triggering a requirement for DEP to forward recommendations to the EQB 60 days after the filing. DEP has requested an extension. Mr. McKinstry briefly discussed the need that triggers the regulation and described in detail how the regulation would work and why the program is a

necessary component to avoid the worst impacts of climate change and do so in a way that helps the economy.

PUBLIC COMMENT:

Harvey Katz, from Pocopson Township in Chester County, was asked by the Board of Supervisors to help them reach their 2050 goal of zero greenhouse emissions from operations, vehicles, and buildings. Mr. Katz offered the comment that he found the PA Climate Change Action Plan booklet handed out by Jessica Shirley to be extremely informative and stated that he enjoyed the Climate Change Action Plan presentation.

PRESENTATION:

John Stefanko, DEP's Deputy Secretary of Active & Abandoned Mine Operations, and Brian Bradley, Assistant Bureau Director for the Bureau of Abandoned Mine Reclamation, discussed the past, present, and future of Pennsylvania's Surface Mining Control and Reclamation Act (SMCRA) funded Abandoned Mine Land (AML) Program. The program addresses the highest priority problems resulting from coal mining that occurred prior to the passage of SMCRA. The AML program reclaims such hazards as mine subsidence, mine fires, hazardous mine openings, contaminated or diminished water supplies, coal refuse piles, abandoned mine drainage, and dangerous highwalls with no liability or cost to the current landowners. John provided an overview of the annual grants received from the US Department of Interior, Office of Surface Mining Reclamation and Enforcement, which are funded by a per ton fee on coal mined nationwide and are the sole source of funding to address AML problems. John addressed the decreases in the reclamation fees over time, the existence of AML in 43 of Pennsylvania's 67 counties, the 5,500 miles of abandoned mine drainage impaired streams in the state, the high-priority AML problems that still exist in Pennsylvania, and key issues, including the impact of the expiration of the current AML fee in 2021, leaving billions of dollars of unreclaimed abandoned mine hazards across the nation with no resources.

COMMITTEE REPORTS:

POLICY AND REGULATORY OVERSIGHT COMMITTEE

The committee suggests that the CAC recommend to the DEP that they present to the Environmental Quality Board a proposed rulemaking regarding amendments to Chapter 121 and 129 which would adopt reasonably available control technology (RACT) for oil and natural gas sources.

Tim Weston made a motion to recommend to DEP that the proposed rulemaking be presented to EQB.

Bill Fink seconded the motion, which was unanimously approved.

ENVIRONMENTAL QUALITY BOARD

Mark Caskey stated that DEP put forth for consideration a proposed rulemaking for water supply replacement for coal mining Chapters 87-90 which adopted as proposed by the EQB. The EQB was also presented with two rulemaking petitions submitted by Key Environmental, Inc. on behalf of MAX Environmental Technologies, Inc. regarding the delisting of certain hazardous wastes. The petitions were accepted by the EQB. There was also a presentation on the fee

reports from the Radiation Protection program that required no action. There is no fee increase for the next three years. Lastly, Secretary McDonnell provided an update on the PFOA and greenhouse gas emission petitions that were presented to the EQB.

NOMINATING COMMITTEE

The Nominating Committee was charged with identifying a CAC Chair and Vice Chair for the next year. John Walliser indicated that Jerome Shabazz has agreed to serve as Chair for an additional year and Tim Weston has agreed to serve as Vice Chair.

John Walliser made a motion to nominate Jerome Shabazz as Chair and Tim Weston as Vice Chair of the CAC for the next year. Terry Dayton seconded the motion, which was unanimously approved.

NEW BUSINESS:

James Schmid inquired about the progress on the Act 54 report. Keith Salador indicated that he would follow-up with the Department and report back to the CAC.

With the cancellation of the July EQB meeting, the CAC voted to postpone the July 16 meeting until August 20.

ADJOURNMENT:

With no further business, Chairman Shabazz requested a motion for adjournment. Tim Weston moved to adjourn the meeting, which was seconded by Terry Dayton, and all were in favor. The June 18, 2019 meeting of the CAC was adjourned at 1:35 PM.