MINUTES
CITIZENS ADVISORY COUNCIL MEETING
SEPTEMBER 17, 2019

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Cynthia Carrow, Allegheny County
Mark Caskey, Washington County
Bill Fink, Bedford County
Duane Mowery, Cumberland County
James Schmid, Delaware County
Jerome Shabazz, Philadelphia County
Thad Stevens, Tioga County
John Walliser, Allegheny County
Jim Welty, Cumberland County

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT VIA PHONE:

John Over, Fayette 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. The quorum was lost part way through the meeting.

DEP REPORT:

Secretary McDonnell provided a brief update on the following:

Chesapeake Bay Watershed Implementation Plan (WIP)

On August 27, the Department released the "Healthy Waters, Healthy Communities" Chesapeake Bay WIP. With 43 of the 67 counties in Pennsylvania falling partially or entirely within the Chesapeake Bay Watershed, the Department had an obligation to create a plan to address water pollution, specifically nitrogen, phosphorous, and sediment. The reality is that only a portion of nitrogen, phosphorous, and sediment from Pennsylvania waterways ever actually reaches the Bay. Pennsylvania sees more acute impacts in its own streams. Over 1,000 people, ranging from foresters to farmers to environmentalists, provided their expertise to the Department. With four county plans (Lancaster, York, Adams, and Franklin), the Department is now engaged in the process of supporting the remainder of the Tier 2 counties in the development of their own county action plans. Development of a new block grant approach will make it easier to access funding and enable communities to achieve greater pollutant reduction through multiple adjacent stream projects and an aggressive adaptive management approach, with six-month progress reviews, will ensure additional actions toward further reductions.

Lean Management

The Department has been heavily engaged in Lean Management. More than 20 projects are currently being reviewed by the Business Transformation Office. Beginning the last week of September, the Department will roll out a pilot "Lean Champion Training" series, which will train departmental staff to be inhouse lean management consultants.

Hazardous Sites Cleanup Act (HSCA)
HSCA was previously funded by the Capital Stock & Franchise Tax, which provided approximately $40 million per year in revenue. Since the Capital Stock & Franchise Tax has been phased out, the primary funding source is now less than half of the $40 million. HSCA is a $45-$55 million program on an annual basis. By the end of the next fiscal year, the legacy funds will have been exhausted. The Department is very much engaged with the Governor's Office on this issue. One of the HSCA sites the Department is actively addressing that could potentially be impacted by the lack of funding is the Pool Doctor site in Beaver County. This site is an abandoned pool chemical warehouse and analytical laboratory. DEP identified a large volume of leaking drums and containers of unknown chemical wastes inside several dilapidated buildings. HSCA interim response action was initiated in July 2019 to secure the site and collect, classify, and properly dispose of the chemical wastes. Ongoing cleanup activities are underway to address the hazardous wastes and protect public health and safety. The Secretary visited the Pool Doctor site on August 28, along with some regional officials, to highlight the site's restoration and the need for Restore PA funding to remediate and redevelop similar blighted properties throughout Pennsylvania.

Climate Info Session for the House
The Department has been invited to attend an informational meeting on September 19 to update the House Environmental Resources and Energy Committee on the Administration's position and progress on climate change initiatives. The Secretary will address climate change by providing an update on the Clean Air Council Cap and Trade Petition before the EQB, the Transportation and Climate Initiative, and the Regional Greenhouse Gas Initiative.

PUBLIC COMMENT:
Sarah Caspar, from the Sierra Club, briefly introduced herself. Ms. Caspar is concerned about the amount of funding that is going to be needed to deal with PFOS and PFOA. Several illnesses are being caused by PFOS and PFOA, including cancer, endocrine disrupter diseases, thyroid, arthritis, and gastroenteritis. She is concerned about the 3 million people in the Commonwealth who are on private water, and she is one of them. One of the most vulnerable areas of contamination is groundwater, which is what feeds all the private wells. DEP does not sample private wells. For a realistic study, those who are impacted must be sampled, not just 360 public water systems. The methods for sampling are very specific for PFOS and PFOA and Ms. Caspar expressed concern that the sampling may not be done in a proper manner, rendering the samples useless. She is concerned about the method for treating the 3 million private wells and who would pay for the testing. The chemicals will end up in landfills, and there are no thermal burning centers with temperatures high enough to destroy the chemicals. Several states around Pennsylvania are already establishing a safe limit, which is not 70 parts per million but much lower. Those states are actively planning what to do, how to remediate, how to take care of the residents who have been impacted. Sarcomas are showing up all over the state. There are not yet enough to warrant a study, but there is a very strong relationship between sarcomas and PFOS and PFOA. She believes these are all issues that the state needs to deal with, but she is not hearing any solutions for those being impacted.

PRESENTATIONS:
PFOS/PFOA

Abbey Cadden, DEP's Policy Office
Abbey provided a general background on PFAS, a family of chemicals numbering 6,000 or more. The chemicals are all manmade and are used in manufacturing processes. PFAS chemicals were invented in the 1930s and 1940s and became used in everyday products such as carpeting, clothing, stain removal products, fast food packaging, and firefighting foams. The PFAS chemicals bioaccumulate in the human body. Many people have been exposed to PFAS in drinking water. The media and the scientific community began studying how people are being exposed to PFAS and its effect on the human body. The PA Department of Health has been awarded grant funding to conduct more in-depth studies on health impacts localized in the southeastern part of Pennsylvania. PFAS chemicals do not bind to solids so they pass through into water. Although there has been a lot of discussion about PFAS in the water, the solution is removing the chemicals out of the soil at the source. Additionally, PFAS are being found in biosolids and some states are beginning to conduct research on how to treat biosolids before being land applied. There are also challenges with landfill leachate as there are no methodologies to test for PFAS at this point, mostly because the EPA has not provided guidance to the states. The Department is working to collect the data that is needed to draft a regulation and use the tools currently in its toolbox to regulate the substances and to minimize exposure. Funds are needed, and the Department is hopeful that the legislature will provide that assistance. The PFAS Action Team is working on an initial report that will provide a history of PFAS in Pennsylvania, what is currently being done, and the tools that are needed.

Troy Conrad, Director of the Bureau of Environmental Cleanup and Brownfields
Troy discussed the role of the three programs (Land Recycling, Site Remediation, and Storage Tanks) within Environmental Cleanup and Brownfields related to PFAS. He discussed the many challenges of PFAS, including current regulatory status, lack of approved and analytical methods, risk of cross-contamination, limited lab capacity, high analytical costs, low toxicity information, lack of standards, evolving remedial technologies, and limited disposal and treatment options. Troy discussed remediation standards and the National Foam Act 2 site in Chester County, as well as the Ridge Run HSCA site in Bucks County. He concluded with the revenue and expense numbers of the Hazardous Site Cleanup Fund (HSCF), as well as status and projections.

Lisa Daniels, Director of the Bureau of Safe Drinking Water
Lisa discussed the EPA issuance of a health advisory level in 2009 for PFOS and PFOA of 200 ppt and 400 ppt (parts per trillion), respectively. Monitoring was conducted in 2013-2015. Of the 175 public water systems sampled in Pennsylvania, six had detects for PFAS. In 2016, the EPA set a lifetime health advisory level for PFOS and PFOA of 70 ppt. The EPA issued a PFAS Action Plan in February of 2019, but it has not set any specific deadlines for promulgating enforceable standards for PFAS in drinking water. Because of this, several states, including Pennsylvania, are acting at the state level. The Governor's Executive Order of September 18, 2018 established a PFAS Action Team to develop a comprehensive response to identify and eliminate sources of contamination, ensure drinking water safety, manage environmental

contamination, review gaps in data and oversight authority, and recommend actions to address those gaps. DEP's state laboratory has installed equipment, trained staff, and is working towards accreditation to test for PFAS in water. DEP's Environmental Cleanup Program has been addressing and will continue to address PFAS contamination sites and is moving forward with proposed amendments to Chapter 250 to establish remediation standards for PFOS, PFOA, and PFBS. The Bureau of Safe Drinking Water is implementing a statewide PFAS sampling plan to identify impacted public water systems and generate statewide occurrence data. It is moving forward with a contract for toxicology services and will coordinate with the PA Department of Health to review/evaluate health effects data and studies, propose toxicity values, and draft MCLs for select PFAS. The Bureau of Safe Drinking Water has and will continue to ensure follow-up and corrective actions are taken at public water systems with PFOS/PFOA levels above the EPA's 70 ppt. Phase 1 of the sampling plan is intended to prioritize sites for PFAS sampling and generate statewide occurrence data. Several factors were considered in developing the plan, including the location of potential sources of PFAS contamination (PSOC), public water supply sources located within ½ mile of PSOCs, and selection of public water system sources to serve as a control group. The GIS data layer of PSCOs includes military bases, fire training schools/sites, airports, landfills, manufacturing facilities, HSCA sites, and known PFAS-contamination sites. Phase 1 of the sampling plan began in June and will conclude in approximately one year. The sampling will include 360 public water systems samples from community and non-transient noncommunity water systems located within the ½ mile of PSOC and 40 sites from a control group of public water systems to determine baseline. Lisa discussed DEP's authority under the Safe Drinking Water Act and Chapter 109 regulations to require actions to address unregulated contaminants and DEP's long-standing guidance and protocols for addressing unregulated contaminants. Follow-up and corrective actions were discussed, along with ongoing challenges and concerns.

<u>Steve Taglang, Acting Bureau Director for the Bureau of Clean Water</u>
The Bureau of Clean Water programs are based on the federal Clean Water Act, as well as Pennsylvania's Clean Streams Law. The Bureau is currently being hampered by the lack of guidance from the EPA regarding water quality standards for PFAS compounds. There is currently no implementation of water quality standards through permitting or assessment of surface waters. While there is some localized PFAS surface water data, there is no statewide, comprehensive dataset to inform the development and implementation of a statewide monitoring strategy, water quality standards, assessments methods, or permitting. The Bureau of Clean Water is currently addressing PFAS typically found in biosolids, but there is minimal information on quantities of PFAS in biosolids and minimal research on fate and transport of PFAS in biosolids that are land applied. The EPA is working on a method for quantifying PFAS in biosolids, wastewater, and soil matrices. The chemicals are very hard to dispose of in any treatment process. Research is being done pertaining to incineration. The EPA's Office of Inspector General did a report on the contaminants and constituents of biosolids and currently primarily heavy metals are being regulated. Bureau of Clean Water regulations for biosolids are dealt with in three general permits: PAG-7 beneficial use of exceptional quality biosolids for land application; PAG-8 beneficial use of biosolids by land application; and PAG-9 beneficial use of residential septage by land application. Those permits have been extended to April of 2020, and PFAS could potentially be addressed in those permits. To quote Brian Steglitz, a water treatment plant manager in Ann Arbor, Michigan: "The most challenging thing about

PFAS is that science isn't moving fast enough to keep up with the media coverage or political attention."

Josh Lookenbill, Monitoring Section of the Bureau of Clean Water
The Bureau of Clean Water has designed and is implementing a data collection strategy and has contracted with the U.S. Geological Survey. This effort will inform other programmatic elements such as the development of water quality standards, assessment methods, implementation of PFAS regulations through permitting, implementation of protected use assessments, and the ability to develop PFAS and other quality trends. The Bureau of Clean Water operates and maintains a statewide water quality collection program that includes 178 stations. The Water Quality Network (WQN) was designed to assess both the quality of Pennsylvania's surface waters and the effectiveness of the Clean Water Program. Data collection across the WQN includes chemical data, as well as biological and physical data. Contaminants of emerging concern (CECs) are those that were either not detected previously or are now found in higher concentrations than in the past. WQN emerging contaminants are being collected via surface water samples, sediment samples, and through the deployment of passive water samplers. The samplers collect data on contaminants that may be present at low concentrations or at variable concentrations that surface water samples would not be able to detect. PFAS compounds will be added to the WQN as an emerging contaminant suite. Collection of single surface water samples at each of the 178 WQN stations across the state began in August and will wrap up at the end of September. In addition, 21 passive samplers with PFAS membranes were deployed in August and will be retrieved by the end of September. The surface water samples and passive sampler membranes will be sent to AXYS Analytical Services in Canada for analysis. Replicate samples will be sent to the National Water Quality Laboratory in Denver to support our U.S. Geological Service counterpart and then to the PA DEP Laboratory in Harrisburg. The results will inform future data collection strategies and potentially inclusion of the PFAS analytical suite as a routine water quality monitoring and assessment objective.

Anil Nair, Division of Environmental Health Epidemiology, Pennsylvania Department of Health
Southeastern Pennsylvania is home to two former military bases, and the military has been using firefighting foams for a long time. The 840-acre site of the former Naval Air Warfare Center (NAWC) in Bucks County, in operation from the 1940s until 1997, was used for firefighter training activities. PFAS was detected in the groundwater around the site in 2013. In 2014 all contaminated public wells were taken out of service. In 2015 PFAS was found in 93 out of 100 private wells within a 3-mile radius of the site and private well owners were given bottled water. Surrounding the 1,200-acre site of the former Naval Air Station Joint Reserve Base and Horsham Air Guard Station in Montgomery County, in operation from the 1920s until 2011, contamination was found in two public water systems, and in 2014 five public wells were taken out of service. In 2016 additional wells were taken out of service, and private well owners were given bottled water. Both communities were exposed to PFAS for a long period of time and the level of exposure was very high. In one case, the level detected was almost 21 times higher than the EPA's health advisory level of 70 ppt. The affected area has a population of 84,184 people per the 2010 census. In 2017, the CDC and the Agency for Toxic Substances and Disease Registry (ATSDR) developed a toolkit to conduct biomonitoring for PFAS, and Pennsylvania was chosen for the pilot program to evaluate the toolkit. As part of the pilot program, eligibility

information forms and invitation letters were mailed to 600 randomly selected households. The number of eligible participants who completed the paperwork and provided blood samples was 235 (from 118 households). From May through September 2018, weekly clinics were held in Bucks and Montgomery Counties to draw blood samples. The samples were sent to the Wadsworth Laboratory at the New York State Health Department and all results were returned to the PA Department of Health. All 235 participants were notified of their individual results, along with information on national and community averages. Dr. Nair outlined the pilot project timeline, the project demographics, and demographic comparisons. The blood samples were tested for 11 PFAS chemicals. Four compounds (PFOS, PFHxS, PFOA, and PFNA) were detected in 79% of the participants. In general, PFAS levels were higher the closer the water source was to the military base. The serum levels were associated with receiving water from select public water systems, total length of residence in the study area, age of the study participants, employment in the area, and quantity of daily tap water consumption.

APPROVAL OF AUGUST 20, 2019 MEETING MINUTES:

The Minutes of the August 20, 2019 meeting will be approved at the next CAC meeting at which there is a quorum.

FINAL POLICY FOR DEVELOPMENT AND REVIEW OF REGUATIONS:

Laura Edinger, DEP's Regulatory Coordinator, explained that the policy for development and review of regulations was originally developed in 1996 and was last updated in 1999. The final updated policy is planned for publication in September 2019. The policy serves as a helpful tool for describing how the environmental regulatory review process is implemented in the Commonwealth. The purpose for the update is to increase clarity in language, modernize the policy where outdated, and remove non-substantive information such as DEP's internal workflow processes. The policy provides an overview of DEP's unique regulatory review process, development and drafting of regulations, interactions between DEP and other Commonwealth agencies, departmental advisory committees, boards, and councils, as well as public comment and the role of the regulatory review process. The update is being made to ensure that the policy remains relevant to current practice and was reformatted for readability and accessibility. The final contains clarifying edits and appendices with links.

CAC APPOINTEE TO OIL AND GAS TECHNICAL ADVISORY BOARD - JEFFREY WALENTOSKY, P.G.:

Jim Welty introduced Jeff Walentosky as the new CAC appointee to the Oil and Gas Technical Advisory Board (TAB) made up of professional geologists and engineers through whom the Department is required to work when developing technical regulations and guidance documents.

Jeff Walentosky extended his gratitude to the CAC members for consideration and nomination to TAB. Jeff is a lifelong resident of Venango County in western Pennsylvania, which he believes provides him with a good perspective to offer TAB. Venango County is an area where oil and gas development is very prevalent, and he has had an opportunity to observe both the good and the negative aspects of oil and gas development. Jeff started at Moody & Associates 29 years ago. He worked his way through the ranks and eventually became President and CEO. Jeff's expertise revolves around groundwater and environmental issues. He has provided third-party guidance, expertise, and development solutions for various aspects of the oil and gas industry

since 1990. As a member of TAB, Jeff would like to ensure that an appropriate balance between environmental stewardship and oil and gas development is maintained within the Commonwealth. He welcomes future engagement and discussion with the CAC members.

NEW BUSINESS/OPEN DISCUSSION

James Schmid requested an update on the movement of pending bills and whether the Department has taken a position on those bills. Keith Salador stated that all the bills are in committee and have not moved since June. Keith is not aware of any DEP position, but he will follow up on that and schedule a call with the CAC Legislative Committee to dig a little deeper.

2018 CAC ANNUAL REPORT

Keith Salador has been working on the annual report. Chairman Shabazz requested that anyone wishing to comment do so by October 1.

CAC COMMITTEE REPORTS

Environmental Quality Board

EQB elections will be held at the October 15 CAC meeting. Anyone wishing to serve as a full member on the EQB or as an alternate should contact Keith Salador. Keith will send out a reminder email.

Solid Waste Advisory Committee

Keith Salador attended the Solid Waste Advisory Committee as an alternate. DEP reported that they are in the early stages of working on a food waste recycling grant to get food to those in need instead of going into landfills. Keith will attempt to schedule a representative from DEP's waste program to talk to the CAC about the program in more detail once it is fleshed out.

Sewage Advisory Committee

Duane Mowery offered that the committee is still dealing with remnants of Act 26, which was intended to allow alternate technologies to be utilized for new land development. Significant disagreement still exists among the membership and the Department about whether their interpretation of Act 26 is accurately reflected in the documents that have been developed.

ADJOURNMENT:

With no further business, Chairman Shabazz requested a motion for adjournment. Thad Stevens moved to adjourn the meeting, which was seconded by Mark Caskey, and all were in favor. The September 17, 2019 meeting of the CAC was adjourned at 1:50 PM.