

**MINUTES OF COMBINED VIRTUAL MEETING  
OF CITIZENS ADVISORY COUNCIL AND  
ENVIRONMENTAL JUSTICE ADVISORY BOARD  
November 16, 2021**

**CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:**

Robert Barkanic	James Schmid
Cynthia Carrow	Jerome Shabazz
Lori Dayton	John St. Clair
Jacquelyn Bonomo	Thad Stevens
Jamie Bracey-Green	John Walliser
Duane Mowery	Jim Welty
Trisha Salvia	Tim Weston

**CAC STAFF PRESENT:**

Keith Salador, Executive Director

**ENVIRONMENTAL JUSTICE ADVISORY BOARD (EJAB) MEMBERS PRESENT:**

Heather Bedi	Allison Robinson
Adam Cutler	Jerome Shabazz
Arthur Frank	Horace Strand
Rafiyqa Muhammad	Tom Torres

**DEP STAFF PRESENT:**

Allison Acevedo, Director, Office of Environmental Justice (OEJ)  
John Brakeall, OEJ  
Justin Dula, OEJ  
Ngani Ndimbie, OEJ  
Abbey Cadden, Policy Office  
Jennifer Swan, Policy Office  
Darek Jagiela, Communications Office

**CALL TO ORDER:**

Chairman Shabazz called the meeting to order at 12:40 PM.

**DEP REPORT:**

Standing in for Secretary McDonnell, Executive Deputy Secretary for Programs Ramez Ziadeh provided a brief update on the following:

*Environmental Justice Executive Order*

On October 28 Governor Wolf signed an Executive Order which: 1) formally establishes the role of the Office of Environmental Justice within DEP; 2) formally establishes EJAB and its role in advising DEP on policies, practices, and actions that may help to advance EJ goals; and 3) formally establishes the Environmental Justice Interagency Council consisting of the Secretaries of DCNR, DOE, AG, DOH, DOT, and DCED. The Executive Order also mandates that DEP develop a strategic plan and agencies in the EJ Interagency Council also complete EJ plans.

Governor Wolf joined Reps. Bullock, Kenyatta, and Rabb and Sen. Hughes support of environmental justice bills introduced by the legislators including legislation that would give DEP the authority to consider overburdened communities in the environmental permitting process (HB 2043) and creating the EJ Advisory Board (HB 2034). DEP will work to ensure the terms of the Executive Order are met, including updating the EJ Policy, developing an EJ Strategic Plan, and continuing to work with EJAB to plan next steps.

#### *Contractor Survey for Plugging Orphan Wells*

Under the federal Bipartisan Infrastructure Framework legislation signed into law by President Biden on November 15, the Department could receive nearly \$400 million in federal funding over the next decade to properly decommission orphan oil and gas wells. To successfully implement a federally funded plugging program, DEP's oil and gas team has been working to implement programmatic changes. To engage prospective and current contractors, a Plugging and Plugging Support Contractor Survey was developed and rolled out in late September, which survey results have provided the agency with insight into the variety of services and equipment available in the private sector, along with plugging capabilities and bond-posting limitations.

#### *PFAS Rulemaking & EPA's PFAS Roadmap*

The EQB voted to adopt DEP's proposed PFAS Maximum Contaminant Level rulemaking. The proposed rule is intended to set maximum contaminant levels (MCLs) for PFOA and PFOS to be protective of adverse developmental neurobehavioral and skeletal effects and immune system impacts and would apply to all 3,117 community, non-transient non-community, and bottled, vended, retail, and bulk water systems in Pennsylvania. The rule would set the MCL at 14 ppt for PFOA and 18 ppt for PFOS and includes provisions necessary to determine compliance with the MCL. The proposed rule is anticipated to be published in the *Pennsylvania Bulletin* in early 2022 for a 60-day public comment period and at least five public hearings will be held.

The EPA released its PFAS Roadmap on October 18. The Roadmap sets timelines by which the EPA plans to take specific actions and commits to new policies to address PFAS. Some of the actions include undertaking nationwide monitoring for PFAS in drinking water with monitoring for 29 PFAS occurring in 2023-2025 and establishing a national primary drinking water regulation for PFOA and PFOS. The EPA expects to propose a rule in the fall of 2022, with a final rule in the fall of 2023; however, effective and compliance dates would be set three years later (~ 2026) as per the federal Safe Drinking Water Act to give states time to incorporate the federal provisions into state rules.

A question and answer session followed.

#### **PUBLIC COMMENT:**

There were no public comments. Written comments were received from the Alliance of Automotive Innovation and from Francis Catania, counsel for the Chester Water Authority, prior to the meeting.

**PRESENTATIONS:**

**Advisory Committee Demographic Survey Results and Recommendations**

**Abbey Cadden, Executive Policy Specialist, DEP Policy Office**

DEP is making a concerted effort to diversify representation on its 30 boards, committees, and commissions. A survey was sent out to those groups in July 2021 and approximately 44% of the members responded. The responses provided baseline data upon which to improve over time. Next steps include sharing of the information with DEP staff through training and working to develop an internal policy regarding advisory board membership.

The floor was opened for comments and questions.

**GreenGov Council**

**Mark Hand, Director**

**Matt Reis, Assistant Director**

The GreenGov Council was established by Executive Order 2019-01 with the goal to achieve a 26% reduction in net greenhouse gas emissions statewide by 2025 and an 80% reduction by 2050. In conjunction with Governor's Office, the GreenGov Council is chaired by the Secretaries of DGS, DEP, and DCNR with a mission to encourage incorporation of environmentally sustained practices into the Commonwealth's policy, planning, operations, procurement, and regulatory functions. The presenters discussed Commonwealth agency responsibilities and goals, energy reduction and renewable energy, high-performance building construction, utility management, EVs and EV charging development, construction and leasing specs, products and materials, and next steps.

The floor was opened for comments and questions.

**OPEN DISCUSSION:**

Topics of common interest between the CAC and EJAB included: the work currently being done on the EJ policy, the path forward, and the proposed timeline for finalization; the dynamics of DEP's advisory committees and the need to incorporate more culture; work needed to update the Department's public participation policies; and OEJ's development of a clear community engagement process.

**The joint meeting of the CAC and EJAB concluded at this point.**

**APPROVAL OF MEETING MINUTES:**

Chairman Shabazz solicited additions or corrections to the October 19, 2021 Minutes. Hearing none:

**Chairman Shabazz motioned to approve the Minutes of the October 19, 2021 meeting. Tim Weston seconded the motion, which was unanimously approved.**

## **NEW APPOINTMENTS:**

Chairman Shabazz announced appointments to the following subcommittees:

Lori Dayton - Act 54 workgroup

Jacquelyn Bonomo - Public Participation

Jamie Bracey-Green - Public Participation Co-Chair

## **CAC COMMITTEE REPORTS:**

### ***Policy & Regulatory Oversight Committee***

The committee recently met to discuss proposed amendments to the Clean Vehicles Program for the adoption of the Zero Emission Program which is currently a California regulation that has been adopted by a number of other states and Pennsylvania is proposing to adopt as well. A presentation followed.

### **Zero Emission Vehicle Program**

#### **Chris Trostle, Environmental Group Manager, Bureau of Air Quality**

An overview was provided on low and zero emission vehicles, proposed amendments to the Pennsylvania Clean Vehicles Program, environmental benefits, ZEV trends and economic benefits, social/economic effects, consideration of EJ areas, and the proposed rulemaking timeline.

Prior to the meeting, the Council received a document from the Alliance for Automotive Innovation which raised issues that had not been in front of the Policy & Regulatory Oversight Committee. A draft letter to the EQB was circulated which made the following recommendations: 1) make sure the manufacturers are prepared to meet the ZEV requirements upon implementation; 2) the Commonwealth should examine the need for and actively support infrastructure for the ZEVs; and 3) recommended that the EQB keep open the option of a proportional credit bank.

Following comments and questions:

**Tim Weston, as Chair of the Policy and Regulatory Oversight Committee, made a motion to support the proposed rulemaking with the recommendations in the draft letter to the EQB. James Schmid seconded the motion. Thad Stevens abstained from the motion, and the remainder were in favor.**

### ***Act 54 Work Group***

The Department approached the Council and the work group to provide feedback on a draft TGD for surface water protection. The workgroup worked over the summer to develop comments on the draft document, invited participation from outside stakeholders to get expertise input, and pulled together a document that was circulated to the CAC members prior this meeting. At the October CAC meeting, the members requested to see greater attribution of the comments in the draft document. On November 3, Keith Salador sent around an updated version of the document to the members. The work group is now seeking permission from the full Council to provide the informal comments to the Department for its review.

The floor was opened for questions and comments. After lengthy discussion on additional comments James Schmid thought were important to add after the consolidated comments were assembled:

**John Walliser made a motion that the draft document be sent to the Mining Bureau as is, with James Schmid providing separately his additional comments on offsite mitigation and the definition of adverse effects. Jacquelyn Bonomo seconded the motion, and all were in favor.**

***Strategic Issues Committee***

Bob Barkanic has resigned from this subcommittee. Anyone interested in chairing this committee should contact Keith Salador.

***Public Participation***

The committee has been discussing how to address the public participation documents that were last reviewed in the mid-1990s and the development of a strategic communications plan. The committee plans to work with the EJAB on internal and external capacity to develop a plan that will bring the Department into the 21<sup>st</sup> century. Also planned is the development of a structure to engage academic student participation around research, mapping, a repository for documents that the public can access, and best practices being utilized around the country and the state related to communications.

**NEW BUSINESS/OPEN DISCUSSION:**

The next meeting of the CAC will be January 18, 2022 at 12:30 PM. A complete list of the 2022 proposed meeting dates will be circulated to the members.

**ADJOURNMENT:**

**With no further business, Chairman Shabazz moved to adjourn the meeting. James Schmid seconded the motion, and all were in favor. The November 16, 2021 meeting of the CAC adjourned at 3:50 PM.**