

**MINUTES OF MEETING  
OF CITIZENS ADVISORY COUNCIL  
April 19, 2022**

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

Robert Barkanic	Trisha Salvia
Jacquelyn Bonomo	James Schmid
Bill Fink	Jerome Shabazz
Mitch Hescox	Jim Welty
Duane Mowery	Tim Weston
John St. Clair	

**CAC STAFF PRESENT:**

Keith Salador, Executive Director  
Kate Cole, DEP Policy Office

**CALL TO ORDER:**

Chairman Shabazz called the meeting to order at 12:30 PM.

**APPROVAL OF MEETING MINUTES:**

Chairman Shabazz solicited additions or corrections to the February 15, 2022 Minutes. Hearing none:

**Chairman Shabazz made a motion to approve the Minutes of February 15, 2022. Mitch Hescox seconded the motion, which was unanimously approved.**

**DEP REPORT:**

Secretary McDonnell provided a brief update on the following:

***Federal Bipartisan Infrastructure Law Funding Update***

On March 17, the Department of Interior (DOI) released draft guidance on the Initial Grant for abandoned well plugging under which Pennsylvania is eligible to receive up to \$25 million for plugging abandoned wells within one year of receipt of the funds. On March 30, DEP submitted comments to the DOI on the draft guidance, and DOI then released the final guidance on April 12. Applications for the Initial Grant are due by May 13.

On April 28, DEP's Office of Oil and Gas Management will host an informational event for industry stakeholders, local government officials, and the public to explain how the Department is preparing to implement the Infrastructure Law and the state's potential needs, timelines, and vendor protocols.

The EPA has been allotted an additional \$300 million related to brownfields through the Bipartisan Infrastructure Law to supplement the existing State and Tribal Response Program Grant. Application guidelines have been received, and the guidelines are currently being evaluated in order to meet the June 3 application deadline.

On March 28, the State Energy Program received guidance on how to apply for funding to develop and submit a State Energy Security Plan to the Department of Energy by the May 3 due date and is also planning to submit an RFI for the Energy Efficiency Revolving Loan available funding of \$3.7 million by May 3.

The Department of Energy (DOE) released National Electric Vehicle Infrastructure Formula Grant guidance in February. DEP is working in partnership with PennDOT to get applications ready for the August 1 deadline.

### ***Deer Tick Virus Update***

A rare tick-borne virus called Deer Tick Virus (DTV) has been detected at high levels throughout Pennsylvania. DEP's Tick Surveillance and Testing Program detected unusually high infection rates of the dangerous and rare DTV in adult tick samples taken from three sites: Fisherman's Paradise public fishing area on Spring Creek in Centre County; Iroquois Trail near Tunkhannock in Wyoming County; and Lawrence Township Recreational Park in Clearfield County. The infection rate exceeded 80% of ticks sampled at each of the three sites. DTV has been detected in a total of 15 Pennsylvania counties, but the statewide infection rate outside of the three "hotspot" locations is currently at 0.6% of ticks sampled. The virus can be transmitted from tick to human in as little as 15 minutes after a bite occurs. There are no vaccines to prevent or medicines to treat this virus. Additional tick sampling will be conducted at each of the DTV hotspots.

### ***Environmental Council of the States (ECOS)***

The first ECOS meeting since the start of the pandemic was held several weeks ago, and the overriding theme was around environmental justice and forthcoming guidance that the EPA is putting together on expectations under Title 6.

### ***Environmental Justice Policy Update***

In October 2021, Governor Wolf signed an Executive Order to help further the cause of environmental justice in Pennsylvania, and DEP's draft Environmental Justice policy is one more step toward fulfilling the promise of the Executive Order. The comment period is currently open, and comments can be submitted both via email and through DEP's eComment system. In addition, two more virtual public hearings will be held on April 28 and May 4 for public comment. Details can be found at [www.dep.pa.gov/environmentaljustice](http://www.dep.pa.gov/environmentaljustice).

### ***Diversity, Equity, and Inclusion (DEI) Training and Agency DEI Efforts***

As part of DEP's commitment to diversity, equity, and inclusion, the agency contracted with Una Martone of Leadership Harrisburg and Joe Robinson of the Martin Luther King, Jr. Leadership Institute to provide live, online trainings for supervisors on the basics of diversity, equity, inclusion, and privilege. More in-depth training is being developed for supervisors that will discuss bias and microaggression and training will be offered to all DEP employees on DEI topics starting in the new fiscal year. DEP's internal employee-led DEI effort, called DiverseEP, is made up of employees from all DEP programs and offices throughout the state and is broken up into workgroups to focus on particular areas. Recently developed regional and central office workgroups will address inclusion, cultural sensitivity awareness, and social barriers within the culture of each office.

### ***Pick Up Pennsylvania Spring Campaign***

Pick Up Pennsylvania is a volunteer-based litter cleanup event that takes place annually from March 1 through May 31. As of April 11, 527 Pick Up Pennsylvania cleanup events have been registered. There is still time to organize a local event and register it on the Pick Up Pennsylvania website.

A Q&A session followed, and an additional request was made for copies of stream recovery evaluations cited in the fifth Act 54 report that were requested previously, but not yet delivered. Keith Salador will again follow up with Mining.

### **PRESENTATIONS:**

#### **Justin Dula, Director of the Office of Environmental Justice**

##### **EJ Policy Update**

This presentation provided the historical legacy of EJ and its roots in Pennsylvania, a timeline of the federal and state governmental response beginning in the 1960s, the EJ Public Participation Policy, the purpose, components, and timeline for the EJ Policy update, and the period for public comment.

A lengthy Q&A followed.

#### **Burt Myers, Environmental Education Program**

##### **Environmental Education (EE) Update**

Burt Myers provided specifics about the work of the Environmental Education and Information Center, the EE Grants Program priorities and eligible applicants, and examples of projects funded by the EE Grants Program.

### **DRAFT FINAL FORM RACT III RULEMAKING**

#### **Sean Wenrich, Environmental Engineer Manager, Bureau of Air Quality**

##### **Mark Hammond, Director, Bureau of Air Quality**

Specifics were provided regarding the reason for the rulemaking, entities subject to the rulemaking and outcomes, presumptive and case-by-case requirements, select comments, and revisions that have been made to the draft final form rulemaking and the schedule for promulgation.

A lengthy Q&A session followed.

The Policy & Regulatory Oversight Committee will work with Keith Salador to prepare a draft letter to be presented at the May CAC meeting and voted on by the full Council.

### **CAC COMMITTEE REPORTS:**

#### **Radiation Protection**

Two draft rulemakings were discussed: 1) fees that will be updated; and 2) non-healing art radiological devices. After lengthy discussion, both were recommended to move forward in the process.

### **Mining Reclamation Advisory Board**

The meeting consisted of a follow-up on the manganese conversation and an overview of the Technical Guidance Documents (TGD) that will be forthcoming. Also discussed was a streamline process of the permit renewals for mining applications and information about some of the other TGDs that will be re-evaluated, one being the Engineering Manual for Surface Mining Facilities and there will be a workgroup set up through MRAB to break that out into various sections.

### **Policy and Regulatory Oversight Committee**

The subcommittee received a presentation from the Bureau of Air Quality on the proposal for Reasonably Available Control Technology (RACT) III which deals with the management and control of nitrogen oxides and volatile organic compounds (VOC) emissions from existing sources. Significant changes were made to the RACT III proposal from what had previously been proposed. Based on the timing of the issuance of the federal rule, the Ambient Ozone Standard, the RACT III compliance date is January 2023 and the rule will likely not be finalized until the end of the year. The EPA has said there will be no delay in the compliance period. The Department has said it will consider that and probably exercise enforcement discretion. The regulation will be adopted on the eve of the compliance date, which is of concern for the regulated community and the public.

### **NEW BUSINESS:**

#### ***Legacy Issues Report***

The Legacy Issues Report that Keith Salador recently routed to the CAC members was based on the information collected last year while discussing legacy issues and formulated to raise the educational level of community members around those issues. The members will delve deeper into the report at the May CAC meeting. It was suggested that the Strategic Issues Committee and the full Council think about conclusions that lead to recommendations. Comments or suggestions should be emailed to Keith Salador for review.

#### ***2020 Annual Report***

A draft 2020 Annual Report has been distributed to members. Comments or suggestions should be emailed to Keith Salador.

#### ***Nominating Committee***

Members who have any recommendations for the Nominating Committee or wish to volunteer for the Nominating Committee should contact Keith Salador. Keith will follow-up with Cynthia Carrow off-line.

### **ADJOURNMENT:**

**With no further business, Chairman Shabazz moved to adjourn the meeting. Jim Schmid seconded the motion, and all were in favor. The April 19, 2022 meeting of the CAC adjourned at 4:00 PM.**