

**MINUTES OF MEETING
OF CITIZENS ADVISORY COUNCIL
June 21, 2022**

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Bob Barkanic	James Schmid
Jacquelyn Bonomo	Jerome Shabazz
Cynthia Carrow	Thad Stevens
Lori Dayton	John Walliser
Mitch Hescox	Jim Welty
Duane Mowery	Tim Weston
John St. Clair	

CAC STAFF PRESENT:

Keith Salador, Executive Director

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 May 18, 2022 Minutes. Hearing none:

Chairman Shabazz made a motion to approve the Minutes of the May 18, 2022 meeting. James Schmid seconded the motion, which was unanimously approved.

DEP REPORT:

Secretary McDonnell provided a brief update on the following:

Federal Bipartisan Infrastructure Law Funding Update - Abandoned Mine Lands

Pennsylvania will receive a traditional AML grant based on the fee collected from coal producers in 2021 and an AML Economic Revitalization (AMLER) program grant passed by Congress. The AML grant is \$26.4 million and the AMLER grant is \$26.6 million, bringing the total federal funding for AML and AMD reclamation in 2022 to just under \$300 million. On May 23 the Department of the Interior (DOI) released draft guidelines for the infrastructure component, and the public comment period closed on June 13. DEP provided comments on the proposal in collaboration with the Interstate Mining Compact Commission and the National Association of Abandoned Mine Land Programs. During DOI's briefing for State and Tribal AML in June, DEP was informed that the first infrastructure grant distribution would be delayed and would likely occur by the end of the fourth quarter rather than June 30.

Energy

The Department of Energy (DOE) has indicated that State Energy Program Funds will be disbursed this month. The Energy Programs Office (EPO) is working to procure a contractor which will utilize a portion of the funding to help develop the State Energy Security Plan

(SESP). In addition to the SESP, DEP is working toward resilience efforts through funds available from the “Building a Better Grid” Grant program. DOE released a Notice of Intent on April 27 stating that it anticipates issuing the application on or about July 1 with an application period of 60 days. PA’s allocation is expected to be \$8.1 million (anticipated to be year one of five years of allocations, equaling \$40.5 million in total).

Oil and Gas

On June 6 DEP staff participated in a call with members of the DOE’s National Energy Technology Laboratory (NETL) to discuss the undocumented orphan well identification that it will be conducting. That portion of NETL’s work is funded out of a \$30 million appropriation to DOE under the IJJA. DEP staff will continue conversations with the NETL team to provide Pennsylvania-specific knowledge of the oil and gas fields, as well as data sharing to support research efforts. On May 25 DOI announced that \$33 million would be released under the IJJA federal well plugging program to plug orphaned oil and gas wells in national parks, national forests, national wildlife refuges, and on other public lands. Included on that funding list were 18 orphan wells identified as being located in the Allegheny National Forest (ANF). DEP and ANF staff met last week to discuss ongoing work. ANF staff indicated that it expects to receive \$660,000 in IJJA funds.

Environmental Education Grants

Allegheny College Creek Connections

On May 26 DEP staff participated in Allegheny College’s Creek Connections field trip that is available to regional K-12 schools which provides experience on the water. As part of that effort, the 2022 DEP EE Grant also funded outdoor “Grab-and Go” buckets called Creek Kits for 20 teachers which will allow them to spend more time on outdoor lessons and activities with students.

Shamokin Creek Restoration Association (SCRA)

SCRA has utilized funding from DEP to restore the Shamokin Creek and continues to improve Veterans Memorial Park in Kulpmont. As part of this initiative, SCRA’s 2022 project included a hands-on environmental field day for local high school students to learn about green building techniques.

PA Envirothon

Envirothon is a statewide natural resource education competition for high school students which encourages the exploration of environmental issues, equipping participants with necessary tools to help determine ways to take action and raise awareness of environmental stewardship. All-in-all, DEP awarded \$632,000 in Environmental Education Grants to support 63 projects in the 2022 grant round, with more than 90% of those funds supporting projects that engage youth and adults living and/or working within EJ areas.

PFAS/PFOA

The proposed PFAS MCL rulemaking was published on February 26 for a 60-day public comment period, which closed in April. Five public virtual hearings were held and comments were received. The Department has been working to respond to those comments and draft a final

form rulemaking which it hopes to take back to the Public Water System Technical Assistance Board later this summer.

Last week the EPA released new interim drinking water health advisories for PFAS chemicals. Those health advisories are non-enforceable but provide information about drinking water that is associated with negative health impacts. Until final health advisory limits are issued for PFAS and PFOA, DEP will continue to use its existing authority and continue to move forward with the rulemaking process to establish limits for PFAS and POA and will be looking for any updates from the EPA in evaluating that process.

SECRETARY FAREWELL

Secretary McDonnell thanked CAC for the public service it provided during his 25-year tenure with the Department.

PRESENTATIONS:

Oil and Gas Technical Advisory Board Update

Jeff Walentosky, P.G., President - Moody and Associates

DEP's Technical Advisory Board (TAB) held two virtual meetings in 2021 and scheduled four hybrid meetings for 2022. Two meetings have already been held this year, in January and April, with the next meeting being scheduled for July 18. An outline was provided of discussions held at each individual meeting in 2021 and thus far in 2022.

A Q&A session followed around Penn State's research on roadway brine solutions and the possibility of a public hearing and TAB's approach for identifying and addressing legacy well issues with the infrastructure funds.

Chair and Vice Chair Elections

Keith Salador reported that Jerome Shabazz was re-elected as Chair and Tim Weston was re-elected as Vice Chair with no dissension or abstentions.

Legacy Issues Report

At its meeting on June 1, the Strategic Issues Committee moved the adoption of the Legacy Issues Report in its current and final stage. With no further questions or comments:

Jacquelyn Bonomo made a motion to approve the Legacy Issues.

Mitch Hescox seconded the motion, which was unanimously approved.

Transition Paper

Following discussion around the preparation of a transition briefing report to the incoming administration in January and potential topics:

Cynthia Carrow made a motion that the CAC undertake the preparation of a transition briefing report. Mitch Hescox seconded the motion, which was unanimously approved.

Keith Salador will compile a list of issues to be addressed in the transition report that were discussed today. Members should contact Keith with any additional issues to be addressed in the report. The division of work will be discussed at the July CAC meeting.

CAC Committee Reports

Environmental Quality Board

The EQB considered a revised VOC rulemaking for existing sources in the unconventional oil and gas industry. The broader rulemaking had been considered by the EQB back in March, but DEP withdraw that rulemaking and revised it to focus solely on the unconventional oil and gas industry. The rulemaking passed 15-3-1 and now heads off to IRRC.

Also considered was a proposed rulemaking for increasing radiological health fees. Without much opposition, the rulemaking passed 17-2.

Solid Waste Advisory Committee

Discussion surrounded an effort by the Bureau of Waste Management and the Energy Office to focus on food waste to renewable energy. Opportunities are being reviewed and possible grant funds are being discussed.

One action item was the draft final rulemaking for municipal waste permit by rule for rural transfer facilities in areas where there is not regular trash pickup. This rulemaking was approved by SWAC and now moves to the EQB for consideration. Discussions surrounded possibly addressing operator concerns in the preamble as opposed to the actual rulemaking.

Strategic Issues Committee

The committee discussed the emerging issues of the proposed hydrogen hub and carbon capture and sequestration that will necessitate regulatory and legal framework out of DEP. Without objection, it was unanimously adopted that these will be the two issues the Strategic Issues Committee will work on over the next 18 months.

Executive Committee

The Executive Committee has been attempting to deal with one of CAC's members who has not been actively participating for a period of time and whose original term of office has expired. No response was received after several efforts to reach out to the member. In accordance with the Bylaws, it is CAC's prerogative to notify the appointing authority of the situation. The Executive Committee drafted a letter which was distributed with the meeting materials to be reviewed. After discussion, the CAC made the determination to make a personal outreach to the appointing authority first before sending the letter.

Vice Chairman Tim Weston made a motion that Keith Salador personally reach out to the appointing authority prior to sending CAC's written document. Thad Stevens seconded the motion, and all were in favor.

Act 54 Workgroup

A response to the Act 54 Report will be provided in the near term.

DEP's recent monthly reports addressed the Act 54 effects of underground mining. It was suggested that perhaps a list of questions be sent to the Bureau of Mining requesting information about how DEP is looking at the statutory requirement going forward

NEW BUSINESS/OPEN DISCUSSION

The next meeting of the CAC is July 19.

ADJOURNMENT:

With no further business, Jim Welty motioned to adjourn the meeting. Cynthia Carrow seconded the motion, and all were in favor. The June 21, 2022 meeting of the CAC was adjourned at 1:45 PM.