

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

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

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

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 June 21, 2022 Minutes. Hearing none:

Chairman Shabazz made a motion to approve the Minutes of the June 21, 2022 meeting. Tim Weston seconded the motion, which was unanimously approved.

DEP REPORT:

Joe Adams, Acting Executive Deputy Secretary for Programs, provided a brief update on the following:

West Virginia v. the Environmental Protection Agency

In its decision in *West Virginia v. the Environmental Protection Agency*, the U.S. Supreme Court curbed the actions the EPA can take to regulate carbon pollution. The decision prevents the EPA from setting carbon-emission limits at fossil fuel-fired power plants as a means of promoting cleaner energy sources. As the Court's decision is navigated at the federal level, the Department continues to work on programs and regulations at the state level to abate greenhouse gasses.

Federal Bipartisan Infrastructure Law Funding Update

Abandoned Mine Lands

In 2022 Pennsylvania will receive total federal funding in the amount of \$297.9 million. The Department is developing new efforts to put the significant increase in funding to use in Abandoned Mine Lands (AML) and acid mine drainage (AMD) abatement and treatment focusing on projects that were too expensive previously, watersheds with a reclamation first approach, coal refuse piles, operation and maintenance of critical passive treatment systems, and launching a new grant program for groups to submit AML and AMD projects for funding. The

Department is entering into agreements with 15 engineering firms to accelerate AML/AMD projects that will be issued for bids and is adding staff in the Bureau of Abandoned Mine Reclamation to support the expanded AML/AMD program.

Oil and Gas

U.S. Department of Interior (DOI) staff have indicated that Pennsylvania's Initial Grant applications are being reviewed and that announcements should take place in July or August. DOI has decided to establish October 1 as the date of receipt for the Initial Grant funds regardless of when the announcement is made or when the state initiates its first drawdown of funds from the Automated Standard Application for Payment. Internally, Department staff continues to prepare to receive funding and execute programs.

Pennsylvania Native Species Day

Recently Governor Wolf proclaimed June 17 to be the first Pennsylvania Native Species Day in celebration of the state's natural ecosystem that provides a range of benefits, including food sources, timber, and outdoor recreation experiences, as well as associated jobs and businesses. The Department continues to support native species and reduce non-native invasive species.

Black Fly Suppression Program

DEP's Black Fly Suppression Program provides relief to millions of Pennsylvania residents and tourists each summer by reducing adult black fly populations to tolerable levels during the spring and summer recreational season using environmentally compatible methods and involves monitoring and treatment of approximately 1,700 miles of 48 Pennsylvania rivers and streams.

After Mr. Adams concluded his address, members asked several questions related on the effects of the *West Virginia v. EPA* case on Pennsylvania's participation in the Regional Greenhouse Gas Initiative (RGGI), the impact of federal funding coming into the state in light of Act 96 of 2022's provisions regarding the well plugging programs and new bonding standards for the industry, and how the bifurcation of the Department's rulemaking to abate volatile organic compound (VOC) emissions from oil and natural gas sources into to conventional and unconventional rulemakings might impact funding to Pennsylvania from the Federal government.

Highlighting the Department's press release announcing implementation of the Chesapeake Bay revised Watershed Implementation Plan and the use of funds, members also requested a breakdown for new funding for stormwater management. Mr. Adams agreed to provide an update to the Council.

PUBLIC COMMENT:

Tim Fitchett, Staff Attorney with Fair Shake Legal Services

Attorney Fitchett represents Friends of Tom's Creek, a nonprofit organization dedicated to preserving the trout stream in the headwaters of the Potomac River Watershed. Mr. Fitchett addressed wait times when requesting a stream redesignation, and requested that the Department review its processes and put in internal deadlines to facilitate the redesignation process, or provide the public with something to do to move the process along.

PRESENTATIONS:

Kurt Klapkowski, Acting Deputy Secretary for Oil & Gas Management

Carbon Capture Sequestration and Storage

Kurt Klapkowski discussed the structure of the program and the significant funding available through the IIA. Mr. Klapkowski underscored the Administration's recognition of the threats posed by climate change, and emphasized that it is critical to develop clean energy resources. Mr. Klapkowski also discussed the details of regulations for Class 6 wells proposed to be developed nationally and in Pennsylvania.

Questions centered on the Department's authority to obtain resources to maintain the program, core space ownership issues, and the permit process.

CHAPTER 105 REGULATORY REVISIONS

****POSTPONED****

CAC COMMITTEE REPORTS:

Environmental Quality Board

An informational update was provided on the Department's fees for erosion and sedimentation control.

A Municipal Waste Rural Transfer Facility Permit-by-Rule final form regulation successfully passed without opposition.

Policy and Regulatory Oversight

The committee met on June 27 and reviewed the draft final regulation for the Control of VOC Emissions from Large Petroleum Dry Cleaners, Shipbuilding and Repair Coating Operations, and SOCMR Reactors, Distillation, and Air Oxidation Processes. The Department advised the committee that, to their knowledge, all the covered facilities in Pennsylvania already meet the standards. The committee recommended that the CAC advise the EQB of its support.

Tim Weston made a motion that the CAC advise the EQB of its support for the adoption of the draft final regulation for the Control of VOC Emissions from Large Petroleum Dry Cleaners, Shipbuilding and Repair Coating Operations, and SOCMR Reactors, Distillation, and Air Oxidation Processes and forward to the EQB. James Schmid seconded the motion and all were in favor.

The committee also reviewed and approved a draft Air Activities Report for the period of July 2012 through June 2017.

Act 54 Workgroup

The committee will hold a meeting next week to review a comment document put together by Keith Salador for the committee's consideration. The committee will review the document, make edits, and send to the Council for consideration in September.

TRANSITION PAPER:

Volunteers were as follows:

Duane Mowery - Act 537 sewage planning and assist Tim Weston with drafting language regarding DEP's use of advisory committees

James Schmid - Assembling and editing

Tim Weston – General Department and advisory committees overview

Jacquelyn Bonomo - Assembling and editing

Additional members wishing to assist should contact Keith Salador.

NEW BUSINESS/OPEN DISCUSSION:

The CAC members requested that the Department provide an update on the stream redesignation process, including staffing, time for redesignation, and finances, and the Chesapeake Bay WIP3.

The next meeting of the CAC is scheduled for September 20.

ADJOURNMENT:

**With no further business, Chairman Shabazz motioned to adjourn the meeting. James Schmid seconded the motion, and all were in favor.
The July 19, 2022 meeting of the CAC was adjourned at 2:10 PM.**