

**MINUTES OF MEETING
OF THE CITIZENS ADVISORY COUNCIL
January 10, 2023**

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Bob Barkanic	Trisha Salvia
Jacqueline Bonomo	James Schmid
Jaime Bracey-Green	Jerome Shabazz
Cynthia Carrow	Thad Stevens
Bill Fink	John Walliser
Duane Mowery	Jim Welty
John St. Clair	

CAC STAFF PRESENT:

Keith Salador, Executive Director, Citizens Advisory Council

CALL TO ORDER:

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

APPROVAL OF MINUTES OF NOVEMBER 15, 2022

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

Chairman Shabazz made a motion to approve the Minutes of the November 15, 2022 meeting. Thad Stevens seconded the motion, which was unanimously approved.

Jaime Bracey-Green requested that the Minutes reflect that there have been several occasions in the past when she has been in attendance but has been unable to speak because of technical difficulties.

DEP REPORT:

Acting Secretary Ramez Ziadeh provided a brief update on the following:

Infrastructure Investment and Jobs Act (IIJA) Initial Grant for Plugging Abandoned and Orphaned Oil and Gas Wells

The first round of five invitations to bid were opened in October 2022, which cover 79 wells for a total of approximately \$7.5 million (an average cost of \$95,299.32 per well). DEP staff are in the process of finalizing these five contracts. The second round will include nine additional invitations to bid, which are currently scheduled to be issued before the end of this month, with anticipated bid opening dates through March. The second round covers an additional 157 wells and is expected to cost about \$15 million (based on the average cost per well of bids that were received in the first round). If the wells plugged in the first two rounds come in under budget, DEP has identified additional work for which the IIJA funds could be used, including plugging up to 38 orphaned wells in Cornplanter State Forest, about which DEP staff are in discussion with DCNR staff.

DEP's Office of Oil and Gas Management is adding staff positions in both its District Offices and the Central Office to effectively and efficiently administer these funds. New positions will include a variety of technical and administrative personnel such as oil and gas inspectors and staff that will prepare the bid packages. DEP's Office of Oil and Gas Management staff are also in discussion with federal agencies regarding additional well plugging and related work in Pennsylvania funded by IJA funds, including Allegheny National Forest staff regarding a separate pot of IJA funds to plug 18 orphaned wells in the national forest. Allegheny National Forest staff expect to receive approximately \$660,000 in IJA funds for this work.

Promulgation of Regulation for the Control of Volatile Organic Compound (VOC) Emissions from Conventional Oil and Gas Sources

Both the Conventional and Unconventional VOC rulemakings were published in the *Pennsylvania Bulletin* on December 10, 2022, and the Department submitted a State Implementation Plan revision to the EPA for both rulemakings on December 12, 2022, which EPA determined to be complete, rescinding the offset sanctions that took effect on June 16, 2022 and stopping the federal highway sanctions clock. With these actions, jeopardization of hundreds of millions of dollars in federal funding was prevented and eliminated offset sanctions affecting facilities operating in Pennsylvania.

PAG-13 Workgroup

The workgroup to discuss the next PAG-13 general permit – the NPDES general permit for discharges from small municipal separate storm sewer systems (MS4s) – has met four times. DEP's goal for the workgroup is to develop a long-lasting model for future PAG-13 permit terms based on robust public engagement. The workgroup has had productive discussions on several aspects of the PAG-13 general permit, including the meaning of the term "maximum extent practicable" and the timeframes for pollutant reduction plans. Four additional meetings are scheduled through early March. The Department has extended coverage under the current PAG-13 through March 15, 2025.

Q&A included the costs, priority, and complexity of well plugging.

PUBLIC COMMENTERS:

John Lake

Mr. Lake retired from the Pennsylvania Department of Agriculture. Prior to that he operated a pesticide commercial application location and a fertilizer manufacturing location for Lebanon Chemical Company. Mr. Lake requested that Pennsylvania follow the lead of New York, New Jersey, and the federal government and remove pesticide regulatory programs from the Department of Agriculture and place the authority under the Department of Environmental Protection with the necessary protection from political influence and corruption, thereby offering protection to all citizens of the Commonwealth from toxic harms deliberately being introduced into food, water, air, soil, and bodies directly for convenience and profit.

Robert Schott

Mr. Schott worked at DEP for 33 years as an aquatic biologist. After retiring, he attended EPA Region 3 meetings of all the state biologists. He was made aware through conversations that DEP's upper management was preventing streams from being upgraded to special protection. Mr. Schott contacted DEP's chief counsel at the time and then contacted an attorney with Trout Unlimited about the backlog. A meeting was held in September of 2014 to get the process moving. Mr. Schott then had a meeting with Secretary John Quigley in April of 2015, during which he was assured that necessary steps would be taken to get the process moving. After two more meetings in July of 2015 and March of 2017, the process began to move again. Mr. Schott is requesting that the CAC keep tabs on the various stream packages moving through the process to ensure they continue to move along.

PRESENTATIONS:

*Josh Lookenbill, Program Manager
Bureau of Clean Water*

Mr. Lookenbill provided an overview of DEP's stream redesignation process and timeline, including protected water uses and qualifications for high quality and exceptional value waters, and provided the latest information about the Dunbar Stream Redesignation final form rulemaking.

Q&A included the difference in land use with movement from one designation to another, whether landowners within a watershed are notified of a change in designation, whether studies for redesignation are conducted in any geographical sequence by the Bureau of Water Quality, and the timeframe for regional reassessments.

TRANSITION PAPER:

The floor was opened for comments. Discussion again included the formation of a working group to work with the Chairman and the Executive Director on the creation of a transition paper. Volunteers included Tim Weston, Thad Stevens, Duane Mowery, and Jim Welty. Keith Salador will send out a poll to get a meeting date on the calendar.

CAC COMMITTEE REPORTS:

Strategic Issues

The committee is in the process of scheduling the next meeting.

Legislative

A meeting will be set up in February.

Public Participation

The committee is regrouping around what it is going to propose to the CAC as a pathway forward.

Act 54

The committee has a draft letter which will soon be submitted to the CAC for review.

The committee would like to hear from the Department about the status of the contract to prepare a sixth Act 54 report.

The Mining and Reclamation Board will begin to look at the next report in the first quarter of 2023.

EQB

The December meeting of the EQB was canceled.

Solid Waste

The committee met in December. After public comment, SWAC received a final rulemaking and approved the delisting of the MAX Environmental Bulger Facility from hazardous waste to regular waste. The rulemaking will go to the EQB during the first quarter of 2023.

CAC made a motion at its November meeting to ask DEP to consider the development of a Fact Sheet for Act 101 Municipal Waste and Electronic Waste. Executive Director Salador stated that the request has been made.

NEW BUSINESS/OPEN DISCUSSION:

The CAC has 4 appointments on the Mining and Reclamation Advisory Board and the Aggregate Advisory Board. Persons interested in running for one of those positions should email Keith Salador. Keith will send out a reminder email and provide information about those two committees.

ADJOURNMENT:

With no further business, Chairman Shabazz motioned to adjourn the meeting. Jacqueline Bonomo seconded the motion, and all were in favor. The January 10 meeting of the CAC was adjourned at 2:15 PM.