

Environmental Justice Advisory Board
Chester City Hall, 1 East Fourth Street, 2nd Floor, Chester, PA 19103
May 6, 2014 Minutes

Members in attendance

Dr. Arthur Frank, Dr. Horace Strand, Adam H. Cutler, John G. Waffenschmidt, Dr. Clea Partrick Hollis, Laureen Boles, Eli Brill (Via-telephone)

Members absent

Erlinda Aguiar (unexcused), Marcia Hinton, Hazem M. Hijazi, Dr. Mark V. White

Non-Members

Kimberly A. Morewood, Alice Wright, Lynda Rebarchak

Call to Order

Chair, Arthur Frank, welcomed everyone and called the meeting to order at 5:02 p.m.

Approval of Minutes

Dr. Frank asked if there were any comments or corrections to the February 4, 2014, minutes. Dr. Frank then called for a motion for approval of the minutes. Dr. Strand moved and Mr. Waffenschmidt seconded the motion to approve the minutes. Motion passed to approve the minutes.

Recognition of Holly Cairns

Dr. Frank requested the minutes reflect the Board's appreciation for Holly Cairns work as the Director for the Office of Environmental Advocate. The week prior to the meeting, Ms. Cairns had left the Department for a new position in Pittsburgh with the private sector. The Board wished her well on her new adventure.

Election of Board Leadership

Dr. Frank reviewed the previously distributed bylaws for whether the Board needed to hold a formal election or if the officers could just be reappointed. Because the bylaws were vague on this principle, Dr. Frank called for a motion to reappoint the Chair (Dr. Frank) and Vice-Chair (Dr. Strand) positions. Mr. Cutler moved and Dr. Patrick Hollis seconded the motion. The motion passed to reappoint Dr. Frank as Chair and Dr. Strand as Vice-Chair.

Dr. Frank also called to for a motion to elect a Parliamentarian. Both Mr. Culter and Mr. Waffenschmidt were nominated, Dr. Strand made the motion to elect Mr. Waffenschmidt. Ms. Boles seconded the motion and the motion passed.

Act 190

Dr. Frank opened discussion on the Board's proposed language that would alter Act 190 for the Secretary's consideration. The proposed change would address the deficiency where all pharmaceutical waste is to be treated as a hazardous waste, limiting potential disposal locations and increasing costs. The proposed language is as follows:

Draft Amendment of Act 190 of 1996

Section 206. Household hazardous waste collection program

- (c) *Household prescription drug and pharmaceutical waste. The exclusion in 40 CFR 261.4(b)(1) shall apply to unused, expired or unwanted prescription drugs and over-the-counter pharmaceutical products generated by households if the wastes are collected as part of a registered collection event, separately managed and destroyed in a manner that renders them non-retrievable to prevent diversion of the wastes for illicit purposes and protects our waters, public health and safety.*

NOTES:

- *Language designed to carve an exception to the PADEP regulation that limits application of 40 CFR 261.4(b)(1) to HHW collected at collection events*
- *Generated by households is a key term*
- *Collected as part of a collection event – “not just anyone” can do this*
- *“Destroyed in a manner that renders them non-retrievable to prevent diversion of the wastes for illicit purposes and protect public health, safety and the environment” essentially parrots language in a DEA proposed regulation amending the Controlled Substances Act.*

Dr. Frank called for a motion to recommend the draft language, provided by Mr. Waffenschmidt and was seconded by Dr. Frank. The only discussion was to confirm that this was a pharmaceutical issue. The motion passed and there was no public comment.

Electronic Permit Submittal Proposal

Mr. Brill asked the status of a proposal to the Department to post all documents related to certain Environmental Justice (EJ) trigger permits to the DEP web page for review. Right now the documents are only available upon request. Ms. Morewood said she would inquire as to the status of this proposal. Mr. Waffenschmidt also commented that the complexity and length of certain permits, especially air permits, should be reduced to a one to two page plain language summary. Mr. Brill suggest that the review memorandums that are released with a Title V permit would work well in this case, suggesting they should be available online for public review during the internal DEP permit review timeframe, not just at the end when the permit is issued. Ms. Morewood promised to follow up if a Title V renewal would generate the same review memo and could be available for posting. Dr. Frank agreed to keep this agenda item open in old business and address Secretary Abruzzo the next time he would be able to attend a meeting.

Environmental Advocate Director Position Vacancy

Dr. Frank detailed a conference call he and Dr. Strand had with Secretary Abruzzo about finding candidates for the vacant Environmental Advocate Director position. The Secretary offered to have the board forward candidates as well as participate in the screening of potential applicants. A subcommittee has already formed, members included Dr. Frank, Dr .Strand, Mr. Waffenschmidt, and Mr. Cutler. Dr. Frank and Mr. Waffenschmidt recommended board member Lauren Boles as a candidate for the position and possibly to serve in the position in the interim while the search process is conducted.

The request for the Board to participate in the search and interview process was the first of its kind and the Board was very appreciative of the offer. The Board hoped this action would set a precedent with future Secretaries and future board members should they need to hire future EA Directors.

Ms. Morewood commented that the Board would be receiving copies of the position description from Katherine Hetherington Cunfer at the Listening Session following the meeting.

Community Listening Session

Dr. Frank outlined the structure for the Community Listening Session that immediately followed the Board meeting. Dr. Frank will be opening the session and four local leaders from the city of Chester were pre-registered to speak. The goal of the session is to listen to, acknowledge, and thank the commenters and all comments will be captured by a stenographer and then turned into a comment and response document. Once the pre-registered commenters are finished, the floor opened around 6:15 pm to any walk-in commenters and the session will close at 8:00 pm, but not later than 10:00 pm depending upon the number of speakers.

Dr. Strand suggested that should it become necessary to gain clarity from speakers on their subject matter or a recommendation, the Board members could engage the speakers. Dr. Frank clarified that this approach is acceptable, but the Board is not responding as a representative of the Department.

Adjournment

Mr. Frank called for a motion to adjourn the meeting. The motion was offered by Mr. Cutler and seconded by Mr. Waffenschmidt at 5:32 p.m.