



MEMO

TO Environmental Justice Advisory Board

FROM Kimberly A. Morewood
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Office of Environmental Advocate

DATE July 11, 2014

RE Environmental Advocate
Reports May 2-July11, 2014

May 2 – 9

Pittsburgh Recycling Services (PRS), LLC, Hazelwood, Allegheny County: On Wednesday, April 30, Environmental Advocate (EA) Kim Morewood and Southwest Regional Local Government Liaison (LGL) Brian Schimmel met with Pittsburgh City Councilman Corry O’Conner to discuss the status of the Pittsburgh Recycling Center. Currently in bankruptcy, PRS has stopped operations and the community is concerned about the health risks to the surrounding neighborhood from the stock piles of material on site as well as the future of the facility. On May 5, the Bankruptcy Court approved the sale of the PRS facility to GGMJ, LLC. The judge was concerned about the public health issues of rat infestation recently publicized by the media. GGMJ, LLC agreed to begin clean-up of the recyclables on-site within five days of the sale closing. DEP anticipates the sale to close by May 14, at the latest. A requirement of the sale is that GGMJ, LLC will execute a CO&A with DEP that provides for control of rats and vectors and for the recyclable materials processing to begin as quickly as possible. The CO&A is being negotiated and will be finalized in the very near future.

May 16 – 23

EPA All States Group Conference Call: EA Alice Wright participated in the All States conference call on the topic of “Equitable Development is Sustainable Development”. Carlton Eley, urban planner, environmentalist and lecturer discussed equitable development, including what it is; how it is defined; what it looks like and who is doing it; is it a new issue; and whether equitable development is under EPA’s purview. Listeners learned about the history behind EPA’s involvement in this public policy issue since the birth of the environmental justice movement. Mr. Eley is credited for elevating equitable development to the level of formal recognition within EPA as an approach for encouraging sustainable

communities and environmental justice.

EJAB Listening Session Regional Follow-Up: At the request of the Southeast Regional Director, EA Alice Wright has been following up on a comment and request by Chester City Councilwoman Portia West. At the DEP EJAB Listening Session that was hosted in Chester, City Councilwoman West made a comment and asked for DEP's assistance as it relates to illegal dumping in the city. Wright spoke to Waste Management Program Manager James Wentzel, who explained the program's involvement is strictly a complaint/enforcement role with the property owner and recommended contacting Keep PA Beautiful. Wright contacted Stephanie Larson, Program Coordinator for Keep PA Beautiful and is awaiting a response for further discussion about the program and how Chester can partner with them to eliminate illegal dumping. In the meantime, Wright is researching other possible options to assist Chester City with illegal dumping.

May 16 – 23

DEP Quarterly Meeting with Environmental Groups, Harrisburg: On Thursday, May 15, EA Kim Morewood represented the Office of Environmental Advocate at the quarterly meeting with representatives from the Sierra Club, Delaware Riverkeeper Network, PennEnvironment, Berks Gas Truth, Clean Water Action, Mountain Watershed Association, Earthworks Oil & Gas Accountability Project. Discussions included input on the Oil & Gas Program's homeowner follow-up letter templates, homeowner fact sheet development, policy for reopening/reexamining investigations and information accessibility. Other DEP staff in attendance included Deputy Secretary Scott Perry, Policy Director Hayley Book, Glenn Parno, John Ryder, Kurt Klapkowski, Garrett Lewis, and External Affairs Director Katie Hetherington Cunfer. The next meeting is scheduled for Wednesday September 17.

May 23 – 30

Chester Environmental Partnership (CEP) Environmental Health Conference Committee Conference Call: On Tuesday, May 27, Office of Environmental Advocate (OEA) staff participated in a conference call to discuss the program agenda and conference planning for the CEP 2014 EJ Conference that will be held at the Smilow Translational Research Auditorium at The University of Pennsylvania on September 30. The overall goal for the conference is to bring together the Pennsylvania environmental network and serve as a catalyst to enhance environmental participation and collaboration in the state. The committee identified some of the most pressing environmental justice issues for the commonwealth, including exposures to vulnerable populations; the effects of Fracking/Act 13; climate change and support of renewable energy; air pollution/asthma; water quantity/quality; water pollution and inadequate water treatment; and brownfield redevelopment. The planning committee attendees on the call included: Sierra Club, Clean Air Council, Delaware Riverkeeper, Philadelphia Water Department, Penn CEET and Penn and Drexel students, CEP, the Earthkeepers, and DEP's OEA.

City of Philadelphia's Mayor Food Policy Advisory Council (FPAC) Soil Safety Working Group (BMP urban gardening) meeting: EA Alice Wright was invited to

participate in a work group to address the ongoing questions and concerns surrounding growing food in urban soils. The Soil Safety Workgroup believes this is a public health issue; the goal is to provide the City of Philadelphia with a recommendation on a comprehensive soil policy that will aid the City in making choices on how to fully utilize open land for food production. The workgroup plans to establish clear steps that facilitate agency and gardener collaboration by creating recommendations for soil testing protocols; action steps based on soil risk level; recommendations for growers based on existing resources; and an outreach plan to share resources. The workgroup would also like to define the roles and responsibilities of City agencies and community members, with an aim toward enhancing environmental safety and also anticipate identifying areas for further research and possible regulatory gaps.

Public Hearing on Emissions Reduction Proposal in Allegheny, Dauphin, and Montgomery Counties: EA Alice Wright sat in on the Environmental Quality Board (EQB) public hearing in the Southeast Region on the department's Reasonably Available Control Technology (RACT) proposal. This re-evaluation of RACT is being proposed due to the EPA's revised ozone Nonattainment Area Air Quality Standard (NAAQS) in 1997 and 2008. As part of the evaluation, state and local agencies must either make new RACT determinations or certify that existing RACT controls represent RACT for the 1997 and 2008 ozone standards. As proposed, the allowable emission rates will be lower than current allowable rates. Speakers included representatives from the League of Women Voters, Veterans for Clean Air, Climate Change Advocates, Clean Air Council and Sierra Club; Montgomery, Philadelphia, and Delaware County residents; , and a Montgomery County middle school student. Comments pertained to health related asthma; substandard air quality; emission reductions; VOC emissions; non-attainment county management of peak pollution; cumulative risk; maximum available technology that protect human health; and school absences.

Pittsburgh Pipeline Advisory Committee, Pittsburgh, Allegheny County: On Thursday, May 22, EA Kim Morewood attended the Pittsburgh Pipeline Advisory Committee Meeting at the Allegheny County Sanitary Authority (ALCOSAN). Items discussed included the Pittsburgh Pipeline ongoing after-school ALCOSAN program updates for 2013-2014, student recruitment updates and changes to the 2014 summer program. The program has 30-40 students from the Pittsburgh City School District, Penn Hill School District, and Stowe Rocks School District currently participating. Representatives from Three Rivers Workforce Investment Board, ALCOSAN, Allegheny County Health Department and Pittsburgh Sewer & Water Authority were present.

EPA Community Conference Call on Proposed Air Rule: On Wednesday, May 28, EA Kim Morewood participated in a community conference call on EPA's Proposed Air Rule. EPA Administrator McCarthy signed proposed standards to update the toxic air pollution standards for petroleum refineries. EPA's proposal would further reduce toxic pollution from flaring and other processes and include new monitoring requirements. Additionally, the proposal for the first time requires monitoring of air concentrations of benzene around the fence lines of refineries to assure that emissions are controlled and these results would be made available to the public. This proposal would also require upgraded emission controls for storage tanks, including controls for smaller tanks; performance requirements for flares to ensure that waste gases are properly destroyed; and emissions standards for delayed

coking units which are currently a significant unregulated source of toxic air emissions at refineries. When these proposed updates are fully implemented, EPA estimates toxic air emissions, including benzene, toluene and xylene, will be reduced by 5,600 tons per year; and volatile organic compound emissions would be cut by approximately 52,000 tons per year. EPA is issuing this proposal as part of a process outlined in the Clean Air Act that requires the agency evaluate the emission standards currently in place to determine whether there is any remaining risk to public health or the environment and whether there have been any new developments in practices, processes and control technologies. EPA will take comments on the proposal for 60 days after it is published in the Federal Register. The agency plans to hold two public hearings near Houston and Los Angeles, and will finalize the standards in April 2015. Additionally, the EPA will hold webinars on the proposed rule. Information on the public hearings and the webinars will be made available on EPA's website shortly.

May 30 – June 6

Steelton Borough Water Authority, Harrisburg, Dauphin County: Councilwoman Denae House of Steelton Borough was referred by EPA Region 3 Office of Enforcement, Compliance and Environmental Justice to DEP's OEA regarding a contaminated water issue they experienced last month. Councilwoman House requested DEP provide her with the results of their findings of this incident. EA Kim Morewood followed up by providing Councilwoman House with the requested information including a copy of the CO&A that was issued in this case.

EPA Stakeholder Meeting on Proposed Air Rule; On Monday, June 2, EA Kim Morewood participated in a stakeholders' conference call regarding the EPA proposed first guidelines to cut carbon pollution from existing power plants under the EPA Clean Power Plan proposal. The announcement marks the beginning of the second phase of the agency's outreach efforts. EPA will accept comment on the proposal for 120 days after publication in the Federal Register and will hold four public hearings on the proposed Clean Power Plan during the week of July 28 in the following cities: Denver, Atlanta, Washington, DC and Pittsburgh. Based on this input, EPA will finalize standards next June following the schedule laid out in the June 2013 Presidential Memorandum. Fact sheets and details about the proposed rule available at: <http://www.epa.gov/cleanpowerplan>.

Delta Thermo Energy LLC, Allentown, Lehigh County: DEP issued the Air Quality plan approval and Waste Management permit to Delta Thermo. The region received no negative feedback from the community about this.

Martin's Creek Power Plant, Lower Mount Bethel Township, Northampton County: The coal-fired Martin's Creek Power Plant has asked DEP for a permit modification to switch to burning low-phosphorous diesel fuel to generate the plant. The plant agreed to shut down on June 1, as part of an agreement with EPA for pollution that was wafting into New Jersey. The program expects to get some calls from Jersey residents and officials on the plan. DEP has not issued any permit modifications at this time.

Overbrook Environmental Education Center (OEEC), Philadelphia County: EA Alice Wright attended the Phase III Advisory Council Meeting to provide feedback on the community-based campaign regarding social marketing for healthier neighborhoods at the Overbrook Art Center. The purpose of the project is to design a campaign around the Clean Water Act and Toxic Substances Control Act. OEEC formed a Community Advisory Council to help design the campaign process in order to identify critical behavior targets regarding clean water and toxic substances control within the Overbrook and Wynnfield communities; identify audience perceptions or barriers to and benefits of the target behavior; implement a community-based, participatory campaign to change target behaviors; and build community capacity through meaningful involvement to address future environmental health issues.

June 6 – 13

Penn Waste Systems, Stowe Twp., Allegheny County: On Wednesday, June 11, EA Kim Morewood participated in the Local Municipal Involvement Process (LMIP) meeting for a major waste permit modification to Penn Waste's current operations. The proposed project requests approval to revise the daily waste acceptance rate and weekday hours of operation at the transfer station. The facility is located in an EJ community and an Environmental Justice Informational Meeting will need to be scheduled. The company has agreed to the meeting and the consultant from Civil & Environmental Consultants, Inc. will work with EA Morewood to make the arrangements. EA Morewood, Southwest Regional Office (SWRO) Waste program staff, Allegheny County, and Penn Waste owners/consultant were present at the meeting. There is no anticipated objection to this permit at this time.

Monroe Energy, Delaware County: EA Alice Wright was invited to an informational meeting and tour of Monroe Energy's proposed routes through Chester for the pipeline from Trainer to Eddystone Rail/Canopy in Eddystone. Monroe Project Manager Mike Piorkowski, Government Affairs & Communication Leader Adam Gattuso, and VP Pete Pirog gave a brief overview of the different routes proposed through Trainer, Chester and Eddystone at the Faith Temple Church. Attendees drove to the project location east of 291 and between the rails off Booth Street to visualize the proposed route. Attendees included: Jay Vassell and Robert Jondreau, PRC; Zalika Shantee, Crozer KAMP Manager; Dr. Horace Strand and John Johnson, CEP; and Patrick Sedler, Covanta Energy.

West Ambler Civic Association (WACA), Montgomery County: EA Alice Wright assisted the WACA Director Otis Hightower with a search of old files in preparation of a meeting with the *pro bono* representation of West Ambler Civic Association in connection with assisting in the preparation of a Form 1023 Application for Recognition of Exemption under Section 501(c)(3). Public Interest Law Center of Philadelphia (PILCOP) passed the assignment over to new representation. EA Wright reviewed some of the additional information and narrative of past, present and planned activities of WACA.

Chester City Council, Delaware County: EA Alice Wright contacted Heidi Pedicone, Director of Programs for Keep Pennsylvania Beautiful to follow up on a request for help from the DEP with the illegal dumping problem in the City of Chester. Reports and maps from Delaware County's 2012 Illegal Dumping Survey show that Chester City experiences the

majority of all the illegal dumping in the entire county. City Councilwoman Portia West and EA Wright also made contact with Delaware County Recycling Coordinator Sue Cordes; however, Cordes was unaware of any grants or resources available and suggested contacting Keep America Beautiful. EA Wright asked for information on both Keep America Beautiful grants and DCED – Local Share Account for gaming dollars, and EA Wright will provide the Councilwoman with the information once received.

June 13 – 20

The Hill District Consensus Group Meeting, Pittsburgh, Allegheny County: On Friday, June 13, EA Kim Morewood attended The Hill District Consensus Meeting. A report on the progress of the Lower Hill redevelopment project and the outcome of the Pittsburgh City Zoning Board of Adjustment meeting held on Thursday, June 12, was given by community members that attended. The Hill District residents propose that even if the Penguins keep their pledge to make some of their units affordable to households earning 80% of area median income, the currently proposed income needed to afford a one-bedroom apartment (\$39,100) is nearly two times the median income for African-American households in the City of Pittsburgh (\$20,946). Hill District organizations, residents, and allies are requesting the Penguins conduct a fair housing market study to show the likely racial makeup of a Lower Hill built by the Penguins.

Chester Environmental Partnership (CEP) 2014 Environmental Justice

Conference- On, Mon., June 15 EA Morewood & EA Wright participated in the planning committee conference call for the CEP 2014 EJ Conference that is scheduled to be held on Tues., Sept. 30. The University of Pennsylvania's (UPenn) Community Outreach and Engagement Core (COEC) at the Center of Excellence in Environmental Toxicology (CEET) will host this event and is coordinating the event on behalf of CEP. Topics included discussion on committee recommendations for speakers and policy panel participants. Dr. Strand will invite the EPA Region 3 Director and DEP EJAB Chair Dr. Arthur Frank to give opening remarks. Planning committee participants included Dr. Marilyn Howarth and Kaitlyn Meirs of COEC at CEET, UPenn; Dr. Horace Strand of CEP; Kim Morewood and Alice Wright of DEP OEA; Alia Walker of Earth's Keepers; Laureen Boles of E4Progress; Joe Minot & Saleem Chapman of Clean Air Council; Maya K. Van Rossum of Delaware Riverkeeper Network; Amy Cahn of Public Interest Law Center of Philadelphia; Laura Cacho of Swarthmore College; Jessica Meeker Masters of Public Health Student, UPenn; Rebecca Roter of Breathe Easy Susquehanna County; Rev. Jacquie Martinez of Bridging the Gap; Dr. Kathy Hornberger of Widener University/ CEP; David Masur of Penn Environment; Hector Ortiz, Director of the Office of Health Equity Pennsylvania Department of Health; and Lynda Farrell of the Pipeline Safety Coalition.

MAX Environmental Yukon Hazardous Waste Facility, Westmoreland County: On Monday, June 16, EA Kim Morewood received a report from MAX Environmental on public outreach efforts in connection with the company's plans to renew and modify its hazardous waste treatment and storage permit for the Yukon facility (PAD004835146).

The current permit expires on February 14, 2015, and SWRO Waste Management expects to get the application by mid-August. This facility is not located in an environmental justice community and is not subject to the enhanced public participation policy but due to nature of the permit, the company is working with the OEA to help make information available to the public.

Steelton Borough Water Authority, Dauphin County: On Tuesday, June 17, EA Kim Morewood spoke with Steelton Borough Councilwoman Denae House regarding constituent complaints about ongoing water issues. Councilwoman House requested some technical assistance and training for the water authority as a follow up to the contaminated water issue they experienced last month. EA Morewood contacted South Central Regional Office (SCRO) Safe Drinking Water Program Manager Rodney Nesmith and he is following up on this request.

Capital Area Greenbelt Association (CAGA), Dauphin County: On Wednesday, June 18, EA Kim Morewood assisted the CAGA with obtaining environmental justice policy information as it relates to their growing greener grant application. With the information provided by the applicant, it was determined that this project meets the qualification of impacting an environmental justice area.

DEP Southwest Regional Office (SWRO) Elected Officials Update Meeting (New Regional Roundtable Format): EA Kim Morewood drafted the invitation letter and provided the mailing list of attendees for the July 17 meeting. Regional Director Sue Malone sent the invitation to 262 legislative and local elected officials from Cambria, Indiana, and Somerset Counties on Friday, June 20.

Philadelphia Soil Safety Vacant Land Working Group, Philadelphia:- EA Alice Wright participated in the working group meeting that included presentations on risk levels and using risk levels to assess growing practices. EA Wright provided DEP website, brownfield and ECP information on Act 2. EA Wright will also forward contact information for the Dept. of Agriculture to the committee.

Lower Darby Creek Area (LDCA) Superfund Site, Philadelphia County: EA Alice Wright participated in a conference call with EPA Community Involvement Coordinator Josh Barber and Tim Cherry, DEP Environmental Cleanup Brownfields Redevelopment, about practical ways to conduct community outreach. EA Wright suggested revising the website content by incorporating visuals and videos that guide the community to: follow the remediation process; consider additional outreach tools; hold a community event where the community can meet with EPA and local representatives. EPA requested state participation in their outreach plan.

West Ambler Civic Association (WACA), Montgomery County: EA Alice Wright attend a meeting at the American Legion Post in Ambler to review past documents and give a brief update on WACA history from 2005 to present to the new director and a WACA representative.

June 20 – 27

Consolidated Scrap Resources (CSR), Harrisburg, Dauphin County: On Thursday, June 19, as the result of a lightning strike, fire broke out at CSR at 3 a.m. and continued to burn for about 12 hours. DEP, the Dauphin County Emergency Management Agency (DCEMA) and the Harrisburg Fire Department responded to the fire. EA Morewood worked with DEP's SCRO & CO Emergency Response Teams, Air Quality Programs, Waste Programs, Clean Water Programs, SCRO RD Langer, Director of External Affairs Cunfer and Community Relations Coordinator Lisa Kasianowitz to create a plain language fact sheet for the community. On Friday, June 20, EA Morewood sent the fact sheet to community contacts that included federal, state, county and local elected officials; DCEMA; Harrisburg Bureau of Fire; the Harrisburg Housing Authority; local senior centers; and CSR officials. Communications continued on Saturday, June 21, by providing the community contacts with the updated DEP press statement. EA Morewood is continuing to work with the community and will provide a plain language summary of the final report when it is complete.

EPA All States Environmental Justice Conference Call: On Thursday, June 19, OEA staff participated in a call to learn about the Maryland Department of the Environment. Maryland's Department of the Environment is one of the original members of the EPA EJ workgroup and provided an update on the work that is being done on EJ in the state. Discussion included mapping and engaging with communities in the permitting process.

EJ Policy Clarification, Wilmington Twp., Lawrence County: On Thursday, June 19, EA Morewood received an inquiry from community activist Carrie Hahn, regarding the EJ policy and unconventional drilling. EA Morewood provided Ms. Hahn with links to the OEA website as well as discussed verbally DEP's EJ policy as it relates to unconventional drilling and the policy of how DEP determines EJ communities.

Chester City Council, Delaware County: EA Alice Wright has been contacting agencies and organizations to assist Councilwoman West on illegal dumping. EA Wright contacted Keep Pennsylvania Beautiful and the Delaware County Conservation District Manager Edward Magargee. Magargee is willing to participate in a focus group to discuss this issue and possible solutions. Magargee also indicated that Delaware County has a Community Service Program that may be able to help with providing labor for the clean-up as well as suggested the possibility of receiving assistance from the Conservation District. Chester/Ridley/Crum Watershed groups may also be able to assist with funding or cleanup.

June 27 – July 3

Ohio River Watershed Celebration Planning Committee, Pittsburgh, Allegheny County: On Wednesday, July 2, EA Kim Morewood attended the Ohio River Watershed Celebration Planning Committee meeting in North Park. Members of the committee continue planning for the annual celebration to be held on Thursday, September 18, 2014. EA Morewood is serving as the event logistics coordinator for the celebration.

Keystone Sanitary Landfill, Major Permit Modification, Dunmore, Lackawanna County:

The existing landfill is located at 249 Dunham Drive, Dunmore, PA and impacts an environmental justice community. The applicant is proposing a vertical expansion involving joining or overtopping the series of former and active disposal areas at the site. The application was received on March 20, 2014 and a LMIP meeting was held May 20, 2014. At the LMIP meeting, the Borough requested a public meeting and a public hearing on the permit. On June 24, 2014 the Department sent Keystone a letter stating DEP cannot take further action on the application until they address two outstanding issues, one of which is to meet with Dunmore and Throop Boroughs to address some of their needs/concerns. EA Alice Wright participated in a conference call with LGL Robert Pitcavage, CRC Colleen Connolly and NERO Waste Program staff regarding the site and EJ concerns. EA Wright is continuing to work with this applicant and the program to implement the enhanced public participation policy.

July 3 – 11

Laurel Aggregates, Lake Lynn, Fayette County: On Monday, July 7, EA Kim Morewood spoke with applicant Barry Fink of Laurel Aggregates regarding a permit for a quarry located within an environmental justice community. EA Morewood provided guidelines for the EJ enhanced public participation policy and will work with the applicant to start the environmental justice outreach plan as soon as the application is accepted by the mining program.

Growing Greener Applications- On Tuesday, July 8, EA Kim Morewood assisted with environmental justice determinations for two pending Growing Greener applications (one in Carlisle, Cumberland County and the other in Port Carbon, Schuylkill County). It was concluded that both projects impact environmental justice areas and were qualified to apply with that designation.

Peoples Natural Gas Community Advisory Committee, Pittsburgh, Allegheny County: On Tuesday, July 8, EA Kim Morewood participated in a conference call with members of the Peoples Natural Gas Advisory Committee to continue a follow up discussion on the development of a single application to participate in multiple Universal Service Programs.

Ellwood Crankshaft & Machine, Sharon, Mercer County: On Thursday, July 10, EA Kim Morewood participated in a pre-application meeting with DEP Northwest Regional Office (NWRO) staff for the proposed Ellwood Crankshaft & Machine Facility. This forging complex will be built on the former Westinghouse site in the environmental justice community of Sharon. The new operation will house the world's largest horizontal multi-directional forging press, heat treat, and rough machining operations and will complement products to the six current crankshaft manufacturing facilities throughout Pennsylvania, Ohio, Illinois & Texas. Project completion is targeted for Q4 2015. It was determined from the information provided by the applicant at that no trigger permits will apply to this project but the company will keep EA Morewood in the loop on community outreach activities as the project moves forward.

Lower Darby Creek NPL Site (Clearview Landfill), Philadelphia/Delaware

County: EA Alice Wright participated in the Lower Darby Creek and Eastwick Community Health Concerns meeting with EPA Community Involvement Coordinators Josh Barber and Larry Brown. The discussion evaluated how EPA can improve its communications regarding the Lower Darby Site; a pilot health characterization program conducted by EPA Region 3; and an Independent 3rd Party Review of EPA's Risk Assessment at the Clearview Landfill, conducted by Dr. Emmett from the UPenn CEET in 2002. The most important things reviewed were the recommendations regarding what this part of the City needs and what the residents are asking for. Also discussed was the Lower Duwamish Site located in EPA Region 10 (Seattle, WA), a coalition conducted a Cumulative Health Impacts Analysis for this part of Seattle, WA. The attendees for the EPA Region 3 meeting included representatives from EPA, the City of Philadelphia, City Department of Health, the PA Department of Health, UPenn CEET and Resource Associates.

Chester Environmental Partnership (CEP) Meeting, Chester, Delaware County: Topics of the bi-monthly meeting that EA Alice Wright attended included: Eddystone Rail Company's response letter to CEP; the Eddystone Rail presentation and tour along the proposed pipeline; and a draft CEP letter authored by John Waffenschmidt to the Delaware Valley Regional Planning Commission requesting consideration for the installation of sound barriers to be associated with upgrades to regional highways that bisect or abut the City of Chester and nearby communities.