

**ENVIRONMENTAL JUSTICE ADVISORY BOARD**  
RACHEL CARSON STATE OFFICE BUILDING, DELAWARE ROOM  
400 MARKET STREET, HARRISBURG, PA  
FEBRUARY 5, 2015 MINUTES

**Members in Attendance**

Dr. Arthur Frank, Dr. Horace Strand, John G. Waffenschmidt, Laureen Boles, Eli Brill, Hazem Hijazi, Adam H. Cutler, Dr. Allison Robinson, Clea Patrick-Hollis (by telephone) and Dr. Mark White (via telephone).

**Members Absent**

None

**Non-Members**

Kimberly Morewood, Lisa Kasianowitz, Alice Wright, Robert (Bo) Reiley, Laura Henry and Glenda Davidson

**Members of the Public**

Beverly DeCer, Fluoride Free Philadelphia

**Call to Order**

Chairman Dr. Arthur Frank welcomed everyone and called the meeting to order at 9:30 a.m.

**Approval of Minutes**

Dr. Frank asked if there were any comments or corrections to the November 5, 2014 minutes. Dr. Frank then called for a motion for approval of the minutes. Dr. Mark White moved and Eli Brill seconded the motion to approve the Minutes. Motion passed to approve the minutes.

**Environmental Advocate Updates**

Environmental Advocate Alice Wright gave updates on Hazelton Creek Properties, an auto salvage yard issue in the City of Philadelphia, Ambler and the Keystone Landfill. Pertaining to the auto yard issue, DEP is deferring to the City of Philadelphia because they take care of licensing and inspections. Also, DEP does not issue permits for scrap metal operations. Dr. Frank recommended bringing someone in from DEP to the next meeting to discuss this.

Pertaining to Ambler, Ms. Wright reiterated that it is a community that does not want a development to be built there because the proposed site has asbestos issues with waste piles there. The board discussed the strong potential of asbestos dust impacting the community from construction of the site. Dr. Frank said that DEP approved the Act II cleanup plan for the site. The group discussed bringing in George Hartenstein, Director of Environmental Cleanup, to the next meeting.

Last, Alice informed the board that there will be a public hearing for the proposed Keystone Landfill expansion. Ms. Wright stated that according to the U.S. census, neither of the two

communities in which the landfill expansion is proposed are neither low income nor minority. Also, she informed the board that the DEP NERO informed her that the average price of a house there is \$125,000. Ms. Morewood responded by saying that the landfill is located in the middle of an EJ census tract. Mr. Waffenschmidt added that it does not matter what the communities visually looks like; it can still be an EJ area. A discussion ensued about EJ areas and how they are determined. Dr. Strand rounded out the discussion by saying that they don't want to take resources from truly needy EJ communities and put it where people are just using EJ to enhance their program, but at the same time, when DEP is getting inquiries from the communities and the press about other areas, there has to be sensitivity to that.

Western PA Environmental Advocate Lisa Kasianowitz gave the update and talked about the department's recent public meeting and hearing on Tenaska's proposal to construct and operate a natural gas power plant in Westmoreland County. A discussion ensued about if the permit was a trigger permit and how the proposed site is outside of an EJ area. Mr. Hijazi brought up the article he has brought to Ms. Morewood's attention about companies are legally required to do in terms of public outreach. Mr. Brill mentioned that new trigger permits should be considered (ex., oil and gas permits and permits for wastewater treatment plants). Dr. Strand said he hopes they can revisit EJAC's 2016 proposal on what EJ should be and recommended they look at Ohio's EJ Policy. Ms. Morewood said she will be sending out Ohio's EJ Policy before the next meeting.

#### **Secretary John Quigley's Visit to EJAB**

Acting Secretary Quigley introduced himself to the group and spoke about the budget and personnel. Dr. Frank informed the Secretary about the board's advisory role and how the board members want to work up to their full potential. Dr. Strand talked about diversity and how there is no minority representation in the leadership. He also brought up drug disposal and the need for a change in the law with regards to disposal options.

After the Secretary was finished speaking with the group, Ms. Morewood reported to the group that the Secretary had asked for an overview of what each office and bureau under his purview thought the top five priorities should be within DEP. Ms. Morewood said she was able to make a pitch for making a central environmental advocate position available again and also pitched for electronic permit availability.

#### **Discussion about Article: "Legal and Practical Issues Associated with the Growing US Environmental Justice Movement"**

Mr. Hijazi stated that the message of the article is that the industry, even though it is not required, should be proactive in public outreach. Mr. Cutler brought up the CEP Policy and that there may be an opportunity to recommend to the Secretary to implement a database where people could submit CEP ideas. Mr. Waffenschmidt responded by saying that the CEP activities/projects are misguided. He also added that a discussion should be held to discuss where money should go in EJ communities from fines that are levied against companies.

### **Policy Office Update**

Laura Henry informed the EJAB that the Policy Office requested all advisory boards and committees to review their bylaws. The board informed Ms. Henry that their bylaws were reviewed last year. CAC had requested recommendations from DEP's committees and boards about how they could be more effective. She reported that 18 out of 22 committees that were solicited responded. Overall, the responses were positive and the committees feel that they are being listened to, that they receive feedback from DEP regarding comments, and they also felt that they were receiving meeting information and other support in a timely manner.

A discussion ensued about the CAC's recommendations. Dr. Robinson asked if the Policy Office could see how many RTK requests come in before and after a board or committee meeting because there needs to be a metric to establish "what is success" from these meetings being held. Mrs. Henry said they are looking at advisory committee guidelines and standardizing materials for the committee meetings to be placed on the website.

### **Fluoride in Drinking Water**

Beverly DeCer with Fluoride Free Philadelphia came to the EJAB meeting as a guest of Dr. Strand. Ms. DeCer spoke about the neurotoxicity effects of fluoride in drinking water. She passed around a picture of a woman who has dental fluorosis caused by fluoride in drinking water. Mr. Brill informed Ms. DeCer about the Water Resources Advisory Committee and how they review water quality standards. Ms. Wright also recommended some different groups that Ms. DeCer could contact in the Philadelphia region.

### **Request for Response to EJAB Recommendations**

Dr. Strand expressed that he wants a list of the recommendations they submitted to the previous Secretary. He also wants a written response from Hayley Book, Policy Director, concerning the drug disposal issue. The EJAB is also requesting a response on the recommendation to create an online database for permits.

### **CEP Database**

Ms. Boles posed the question of how does DEP get a company away from just paying the fine and instead going towards the option of doing a CEP. Mr. Brill shared the view that companies would rather fix the problem than go through the process of finding a CEP. A recommendation was proposed to ask IT to create an online database of CEPs so companies could see what has been done.

### **Next EJAB Community Listening Session**

Dr. Robinson informed the board about De-Light Pittsburgh and other community events, such as Pittsburgh for People in April, and that the board could piggy-back their listening session at one of those events. Dr. Strand opined that he would like it to be a free-standing meeting with the public. Ms. Morewood offered to look into the option of holding it in conjunction with an existing event to see if it is a possibility. Concerns were then raised about if they would reach the right audience and alternative dates were proposed of May 19 (on CAC's meeting date) or Aug. 4.

**New/Unfinished Business**

A recommendation was made to look at revising the Clean Fill Policy for what is defined as “clean fill.” Comments on this policy were due in two weeks.

Ms. Morewood said that there are five opening on the EJAB and interested persons should send their resumes and letters of interest to DEP.

**Adjournment**

With no further business before the Board, Dr. Frank moved to adjourn the meeting. The motion was offered by Laureen Boles and seconded by Dr. Horace Strand.