

**MINUTES OF VIRTUAL MEETING OF THE  
ENVIRONMENTAL JUSTICE ADVISORY BOARD  
May 21, 2020**

**Voting Members Present Via Phone:**

Jenn Baka  
Heather Bedi  
Adam Cutler  
Arthur Frank  
Gary Horton  
Rafiyqa Muhammad  
Allison Robinson  
Jerome Shabazz  
Horace Strand  
Tom Torres

**Non-Members Present Via Phone:**

Allison Acevedo  
John Brakeall  
Abbey Cadden  
Glenda Davidson  
Justin Dula

**Members of the Public**

Jacqueline Bonomo  
Freda Tepfer  
Melissa Troutman  
Rosetta White  
Shannyn Fisk  
Devin McDougall

**Call to Order**

Chairman Cutler called the virtual meeting to order at 9:00 AM with a quorum.

**Approval of Minutes**

Chairman Cutler solicited additions or corrections to the Minutes of the April 16, 2020 meeting. Hearing none, Chairman Cutler requested a motion to approve the Minutes.

**Arthur Frank moved to approve the Minutes of the April 16, 2020 meeting. Jenn Baka seconded the motion, which was unanimously approved.**

**Review of Action Items**

*Letter from Edith Abeyta*

Chairman Cutler is finishing the letter to Secretary McDonnell with EJAB recommendations regarding the Merrion Oil & Gas matter brought forth by Edith Abeyta at EJAB's February meeting. Edith reviewed the letter, was pleased with the content, and offered nothing to add to it.

### *Board Demographic Survey*

Allison Acevedo indicated that DEP is evaluating how to move forward with a demographic survey and how to develop demographic questions. There is currently no timeframe on the work.

### **EJAB Committee Updates**

#### *EJ/Environmental Health Subcommittee*

Allison Robison noted the subcommittee last met on May 15. The subcommittee expanded and now includes community and academic representatives, as well Department of Health and expert consultants. A possible goal for the subcommittee is to examine the interdependence of health outcomes and environmental exposures for EJ communities. The subcommittee has begun to engage with the US EPA and is looking at some of the other existing mapping projects like Earth Time from Carnegie Mellon University's CREATE Lab and work from UrbanKind. Next steps for the subcommittee are to define the goals and outcomes and indicators for the spatial analysis project.

Farhad Ahmed, an epidemiologist with the Division of Environmental Health at the Department of Health, stated that DOH is very much involved with EJAB initiatives. DOH sees long-term involvement and long-term commitment with EJAB and EJ initiatives.

#### *Public Participation and Outreach*

Allison Acevedo offered that this is a new subcommittee that just met last week. Jerome Shabazz and Tom Torres are members.

Tom Torres stated that the subcommittee will continue to engage residents of the state to learn what would be helpful as far as public participation. There is an interest in improving communications as a whole and identifying ways to create communication pathways and close gaps.

Allison Acevedo noted that the OEJ will be drafting a plan within the next two weeks. Jerome and Tom will use their community level and organizational experience to facilitate the discussion. One resource is a policy tool kit around the Transportation and Climate Initiative, and Jerome Shabazz provided a guide around engagement from another effort in Texas. Tom Torres is working to better understand the kind of inquiries DEP receives and how those inquiries are being tracked inside and outside DEP, possibly recommending structural changes.

## **Interagency Updates**

### *Department of Health*

Farhad Ahmed noted that DOH hired a new toxicologist several months ago. Dr. Michael McCaskill will not only work on PFAS, but also a broader scope of issues, including DOH initiatives and superfund and DEP waste sites. DOH also plans to hire a second toxicologist.

Allison Robinson is participating in the DOH COVID-19 Task Force led by David Saunders. Allison is leading the rural population subcommittee. Agriculture, Health & Human Services, PennDOT, Department of Community of Economic Development, and the Attorney General's office are all participating and working well together.

A discussion transpired regarding the lack of a county health department in Delaware County and the role the environment plays in health issues. Research was discussed correlating the data between air quality and COVID-19 mortality. Members of the EJAB expressed interest in offering its endorsement of efforts to support local health departments. It was suggested to connect with David Saunders at DOH about this issue as there are over 400 people engaged across the state and roughly 16 different committees analyzing COVID-19. OEJ will facilitate connecting volunteers with the COVID-19 work at DOH.

## **Regional Greenhouse Gas Initiative**

Hayley Book, Senior Advisor to the Secretary on Energy and Climate, detailed the Department's CO<sub>2</sub> Budget Trading Program rulemaking initiative and including climate impacts on Pennsylvania, the impact of greenhouse gas, and then outlining climate change goals. She provided a power sector modeling overview and discussed the Draft Proposed Annex, including changes that have been made since the preliminary draft, advisory committees' participation, and discussed the affected regulatory sectors. Hayley discussed compliance options and compliance requirements, reinvestment of auction proceeds, RGGI results so far, the estimated regulatory timeline, and provided a time for questions and answers.

## **DEP Updates**

Secretary McDonnell provided the following brief updates:

### *RGGI*

Secretary McDonnell underscored the environmental justice benefits of joining RGGI and stressed that how revenues are invested is front and center for him. The Secretary acknowledged that Pennsylvania has communities that are very reliant on their coal plants and in 2030, even without RGGI, only 1% of the state's

electricity will come from coal. DEP understands that RGGI will have a community impact, and is concerned that its messaging is not being relayed in a way that communities can easily understand. The Secretary continued that one of the benefits of RGGI is that it provides resources to help mitigate the impacts, so communicating that is imperative. He also mentioned that DEP has been engaging directly with the Climate Equity Table about developing materials and is forming a working group on the issue, as well as trying to figure out how to organize it regionally. He closed by noting that there will be significant opportunity for continuing engagement moving forward.

### *COVID Response*

The Secretary began addressing COVID's impact on DEP and stated that DEP is continuing to telework effectively. He mentioned he chaired a virtual Environmental Quality Board meeting earlier in the week where the Board considered a air quality regulation related to gas dispensing facilities. He also stated that over 12,100 inspections have been conducted during the quarantine, which is comparable to inspection rates before COVID-19. Our current inspections are a combination of typical inspections, limited in-person inspections, and virtual inspections using photo and video technology. He did note that the Permit Decision Guarantee (PDG) was suspended, but stated that DEP is still achieving PDG timelines 95% of the time.

The Secretary stated that a waiver request process was instituted for facilities that are unable to achieve the conditions of their permit because of COVID-19. The COVID Alerts section of the DEP website provides updates on facilities granted waivers, as well as guidance for conservation districts on how to conduct inspections, and more.

The Secretary closed by stressing that flushable wipes are not really flushable and they clog sewer systems; and as regions move from red to yellow, water stagnation occurs in buildings that have not been used or lightly used and the disinfection that the water treatment systems put into the water breaks down, leading to pathogens.

### **Public Comment**

#### *Melissa Troutman*

Ms. Troutman approached the EJAB to address a concern about a drastic increase of fracking waste haulers driving over her family's water supply. Her grandparents live in Potter County and are elderly, ill, and require full-time care. She stated that three trucks have overturned in Potter County in the last three months. She continued by saying that when she sought the help of DEP, she was advised that DEP does not handle noise or trucking issues. Ms. Troutman argued that the

language of the DEP-issued permit clearly states: “The transportation of oil and gas waste shall be conducted in a manner that will not create a nuisance or increase public health issues.” She asked for company test results addressing the spills, and DEP denied the request. Ms. Troutman stated that she requested Megan Lehman of DEP to provide samples from the company, and in summary, indicated that Ms. Lehman replied “No.” Ms. Troutman requested EJAB’s assistance to obtain samples under the permit issued by DEP, to make the analysis immediately available to her family, and require DEP to make radioactive waste analyses public information.

Chairman Cutler asked the EJAB members to review the documents, get a better understanding of the issues and the permit requirements, and requested that the matter be placed on the agenda for the July call.

*Freda Tepfer*

Ms. Tepfer stated that the Trump Administration proposed changes to the Mercury and Air Toxic Standards (MATS), where reducing mercury emissions from coal-fired power plants will not be considered in the cost benefit analysis. This will have a chilling effect on the ability to proceed with RGGI and sets a precedent that could be used in other regulations. Ms. Tepfer would like DEP to ask the state Attorney General if it would be appropriate for him and other states to move together to intercede in this action.

Ms. Tepfer stated that she has heard three RGGI presentations and is confused whether the auction receipts can be used for alternative energy. She would like clarification on the RGGI auction receipts. Along with the RGGI standards, Ms. Tepfer believes it is important to continue with Act 129 to increase the alternative energy standards. Ms. Tepfer also noted that there is organized opposition to RGGI from the coal industry and other industries. She requested that DEP make RGGI easier for the public to understand.

Ms. Tepfer also brought up concerns about PennDOT's proposal for construction on the Bayfront Parkway in Erie, which PennDOT states would qualify as an exclusion under NEPA. Ms. Tepfer suggested the project has an environmental justice impact and this is the second project that she has been following where PennDOT has used the categorical exclusion. She suggested the project will increase the amount of traffic along the bayfront, and it will expose pedestrians, those who live nearby, and those who recreate nearby to increased traffic pollution. She believes that the project will impact all the people in the area, but especially the poorest people in Erie and people of color. Ms. Tepfer would like DEP to

assess why PennDOT is doing this categorical exclusion and thereby denying due process to the citizens of Erie.

In response, Chairman Cutler offered that EJAB has a member based in Erie, Gary Horton, who may be able to provide assistance. The EJAB can relay back to DEP Ms. Tepfer's comments about RGGI and her concerns about the federal regulatory changes on the MATS rule. Allison Acevedo will contact the interagency group person from PennDOT and will ask that individual to find information on PennDOT's environmental justice policy. Allison states she will respond to Freda directly. Any additional information should be forwarded directly to Allison.

*Shannyn Fisk, Managing Attorney for the Coal Program, Earthjustice*  
*Devin McDougall, Staff Attorney for the Clean Energy Program, Earthjustice*  
*Philadelphia*

Shannyn offered that Earthjustice is looking for early and meaningful engagement with environmental justice communities around RGGI. Earthjustice wants to ensure those voices are heard and that there is meaningful opportunity to participate. Secondly, he stated it is critical that the impacts of the policy proposal on environmental justice communities are evaluated and that reductions in overburdened communities are ensured. Third, he stated that there needs to be steps to ensure that revenues are distributed equitably, that benefits to environmental communities from those revenues are prioritized and ensured. Earthjustice strives to ensure that equity and justice issues are addressed upfront as RGGI proceeds.

Devin McDougall provided specific ideas for the EJAB to consider as it formulates its recommendation to DEP. Earthjustice suggested DEP should provide funding and resources to support engagement of environmental justice, groups and enhance virtual participation; develop modeling to include coal retirements, as well as new generation, presumably gas generations, consider specific emissions reductions in certain communities and site-specific emissions reductions. He also stated that Earthjustice supports lowering the 25 MW cap as may not capture localized air pollutants. Also, presented is a recommendation for DEP to develop a clear matrix on the procedure for allocating funds and appropriately prioritizes environmental justice.

In reply, Chairman Cutler requested a summary of key points on this so EJAB can have a tangible document to review.

### **Climate Action Plan**

Heidi Kunka from DEP's Energy Program Office gave a presentation on Pennsylvania's Action on Climate Change, including why there is a need for a climate action plan, GHG emissions, Climate Action Plan goals and Plan targets. The CAP contains 19 strategies and actions in the various sectors such as energy consumption, energy production, water resources, waste management, etc., cost effectiveness, job creation, and outlines what businesses and citizens can do.

### **EJ Symposium**

Justin Dula

Because of COVID-19, the decision was made to hold an event remotely in 2020 and defer to 2021 for the larger symposium. Heather Bedi offered the idea of participating in Dickinson's Clark Forum for Contemporary Issues this fall. It was suggested that two EJAB members and two members from community activist groups participate on the panel. Justin reached out to two EJAB members, Chairman Adam Cutler and Reverend Horace Strand, and both accepted. EJAB members were asked to think about community members to serve on the panel and submit the names to Heather Bedi by May 27.

Justin is working with the Pennsylvania Environmental Resource Consortium (PERC) to assist with planning the larger symposium next year. PERC members include higher education institutions with access to a large school network that could possibly host and simulcast keynote speakers and create interest in the local community to get participation. If there is a formal commitment from PERC and DEP, PERC will move forward with planning the EJ symposium for 2021.

### **Planning for August 2020 Meeting**

A vote was taken to hold a virtual meeting in August, to extend the public comment period, and set the meeting time as 1:00-7:00 PM. No opposition was expressed. The emphasis of the meeting will be the northeast region. Justin Dula will reach out to DEP's Northeast Regional Office and to community groups to solicit larger participation.

### **Member Updates**

*Heather Bedi*

Heather suggested that the EJAB write a letter encouraging DEP to include environmental justice in the next Climate Action Plan. A suggestion was made that the matter will be placed on the agenda for the July conference call or to address at the August meeting. Heather also mentioned that Rafiyqa Muhammad gave a great presentation at an Earth Day event, including a perspective on why folks may not have health insurance.

*Rafiyqa Muhammad*

Rafiyqa stated that Heather Bedi did a great job presenting data on both climate change and impacts on underrepresented communities.

*Justin Dula*

Justin reminded the EJAB members to take the Energy Office survey on the Climate Action Plan presented by Heidi Kunka today. OEJ staff will send out the slides and link to the [survey](#). Justin also discussed the higher education environmental partnership program. Justin is developing an initiative that pairs appropriate universities and interested groups.

*John Brakeall*

John shares that Shamokin was awarded a Small Communities Technical Assistance grant and a consultant was hired to conduct a brownfields inventory and prioritization of sites most desirable for brownfields development. Darby Borough, Delaware County is the next recipient of this grant.

*Gary Horton*

Gary spoke about an enhanced screening project that is being developed in Erie to get ahead of the COVID-19 virus and its impact on vulnerable populations. His organization signed a contract with the county to do an enhanced six-month screening project that would be operated by community health workers and African American doctors. Working with the Erie County Health Department will allow those activities to take place. Through the contact tracing program, communities are starting to see increased incidents as Erie moves to yellow. The sewer authority is also conducting a pilot project to test household sewage to help measure the scope of the outbreak and conduct independent screening that would include data on asymptomatic people through mapping. Gary requested resources from across the state that would be helpful to Erie in this community endeavor.

Additionally, Gary stated that GE sold a property in Erie to Wabtech. There was a 30-day notice published in March. Throughout the lockdown, Gary has not been able to get any information or legal advertisement on cleanup or site-specific remediation. Gary is seeking help from DEP and submitted comments to DEP's Meadville Office. Allison Acevedo stated she will send David Saunders contact information to Gary.

*Allison Acevedo*

Allison stated OEJ is working with the EPA to advance capacity building and training around environmental justice. Capacity building sessions were held in

March and April to help OEJ build training to deliver to DEP and other organizations.

The OEJ continues to participate in interagency work, including work with Tammie Pepper at PDE. OEJ staff sit on an environmental education committee and is serving an advisory role on issues of equity, inclusion and environmental justice.

The OEJ has started to convene an environmental justice stakeholder group that includes 10 organizations working directly with communities in urban and rural areas to help develop training for capacity building, community organizations, and public participation.

In addition to the EJ/EH subcommittee OEJ is working with the PA Department of Health about EJ/Environmental Health Mapping.

Allison also mentioned that OEJ and DEP's Grant Center collaborated to integrate Environmental Justice language into the DEP Grants Management Policy. With new language in DEP's grants policy, all DEP grant guidance and applications should factor environmental justice into the evaluation and scoring process. The OEJ will continue working with the Grants Center to oversee and advise the integration of environmental justice into grants.

Lastly, Allison shared that the Climate Action Plan will be presented in English and Spanish to Esperanza, a predominately Spanish speaking group, on June 15.

**Adjournment:**

Vice Chairman Allison Robinson requested a motion to adjourn the conference call.

**Arthur Frank made a motion that the meeting be adjourned, which was seconded by Rafiyqa Muhammad. The meeting was adjourned at 2:25 PM.**