

**MINUTES OF MEETING OF THE
ENVIRONMENTAL JUSTICE ADVISORY BOARD
MAY 19, 2022**

MEMBERS PRESENT VIA PHONE:

Jenn Baka
Adam Cutler
Anthony David
Arthur Frank
Rashida Lovely
Rafiyqa Muhammad
Joylette Portlock
Allison Robinson
Horace Strand
Jerome Shabazz
Tom Torres

DEP STAFF PRESENT VIA PHONE:

Justin Dula, Office of Environmental Justice
Ngani Ndimbie, Office of Environmental Justice
John Brakeall, Office of Environmental Justice
Abbey Cadden, DEP Policy Office
Ramez Ziadeh, Ex. Dep. Sec. for Programs
Laura Henry, Bureau of Waste Management
Bo Reiley, Acting Director, Bureau of Reg. Counsel
Kurt Klappkowski, Acting Director, Oil & Gas
Brian Bradley, Abandoned Mine Reclamation

NON-MEMBERS PRESENT VIA PHONE:

Cheryl Cook, Dept. of Agriculture
Nicole Faraguna, DCNR
Ray Guthrie, Dept. of Transportation
Stephanie Hasanali, Department of Health
Anil Nair, Department of Health
Winnie Okello, Department of Transportation
Tammie Peffer, Department of Education
Melissa Muroff, Delaware County District Attorney's Office
Alice Wright

CALL TO ORDER:

Chairman Adam Cutler called the meeting to order at 9:00 A.M.

OEJ UPDATES:

OEJ is hiring four positions: an Administrative Assistant dedicated to the OEJ, an Eastern Regional Coordinator, a Central Regional Coordinator, and a Strategic Community Engagement Specialist. Interviews are moving forward.

A second meeting of the EJ Interagency Council, as called for by the Governor's Executive Order, will take place next week.

Claire Kemick, an environmental studies and architecture student at the University of Pittsburgh, will intern for the OEJ for part of the summer. She will be working with Ngani in the Southwest Regional Office.

Justin Dula recently presented on environmental justice at the Shale Network Workshop in State College, which Jenn Baka co-chairs. The participants included industry, government, nonprofits, and academia.

EJ POLICY AND MAPPING UPDATE:

EJ Policy

The draft EJ policy was open for public comment from March 12 through May 11. Four virtual public hearings were held. A great deal of social media was used to get the word out about the hearings, including links to flyers that could be physically posted. OEJ gave 20 presentations to organizations pointing folks to the virtual public hearings, with one of the presentations being recorded and translated into Spanish.

Abbey Cadden, Executive Policy Specialist, provided an overview of the approximately 1,300 public comments received. The Department hopes to have a complete analysis of the comments by early fall. All comments are publicly available on e-Comment.

Bo Riley, Director of the Bureau of Regulatory Counsel, stated the Department is sorting through the comments, responding to them, and will put together a final draft EJ Policy based on those comments. The draft final policy will be brought back to the EJAB for review and then published with the Comment and Response document later this year.

Mapping Update

OEJ is looking to create a tool like the [CalEnviroScreen](#) but with additional demographic factors and environmental indicators, including those from the EPA EJ screen. Several additional factors to be considered include ozone, PM2.5, NASA global annual PM2.5, diesel particulate matter, and toxic releases inventory. There will be a public comment period on the mapping. Lengthy discussion occurred regarding populations to be looked considered, specifically disability and percentage of aging populations.

APPROVAL OF MINUTES:

Chairman Adam Cutler solicited additions or corrections to the Minutes of the February 17, 2022 meeting. Hearing none, Chairman Cutler requested a motion to approve the Minutes.

Arthur Frank made a motion to approve the Minutes of the February 17, 2022 meeting. Rafiyqa Muhammad seconded the motion. With no abstentions, all were in favor, and the motion was unanimously approved.

ELECTION OF EJAB LEADERSHP POSITIONS:

Vice Chair Allison Robinson put forth the slate for new leadership positions: Adam Cutler for Chair; Horace Strand for Vice Chair; Jerome Shabazz for Parliamentarian. With no objections or abstentions, the new candidates were adopted.

Chair Adam Cutler thanked both Allison Robinson for her service on the board and as Vice-Chair and Arthur Frank for his recent service as Parliamentarian.

RGGI UPDATES:

DEP's CO2 Budget Trading Program Regulation was published on April 23, 2022. Following publication, a group of coal plant operators, labor unions, and representatives from the rest of the coal industry filed a suit in Commonwealth Court. The suit contests the Department does not have the authority to promulgate this regulation because it is a tax instead of a fee, among other

reasons. The suit also seeks an injunction to stop DEP from implementing the regulation due to the irreparable harm that will be done to coal-fired power plants prior to the courts deciding on the legality/authority of the regulation. Last week, the Commonwealth Court held a two-day hearing for each side to make its case why there should or should not be an injunction. The court is expected to make a ruling sometime in late June or early July on the injunction and then an argument, maybe a trial, on the legal issues of the merits of the challenge. At this time RGGI is in effect so the process is moving forward.

DEP UPDATES:

Ramez Ziadeh, Executive Deputy Secretary for Programs, provided a brief update on the following:

Walking Tour

On May 11 the Secretary and other officials from DEP participated in a walking tour of Harrisburg to engage the community, the city, the county, and other partners to address illegal dumping on vacant and under-utilized lots. The City of Harrisburg was not present. Outreach will be conducted to encourage municipalities to enforce local ordinances regarding dumping and engaging local police to issue tickets.

DEI Efforts

In November 2021 DEP released information on its completed DEI projects. The Secretary has been involved personally in these efforts and steers the monthly diversity meetings held by the agency. Various workgroups have been developed, including community outreach, a representation work group around the diversity that makes up DEP's advisory boards to ensure that DEP groups are representative of the Pennsylvania populace, and a workforce culture group which will collaborate to break down social barriers in the office. The agency also drafted a DEI policy which is currently being reviewed by DEP staff.

Federal Bipartisan Infrastructure Law Funding Update

Jessica Shirley has been named the new Infrastructure Investment and Jobs Act (IIJA) Coordinator.

In fiscal year 2022, Pennsylvania will receive approximately \$240 million, which will be administered by Pennvest, to help with water infrastructure, including wastewater treatment plants, drinking water, emerging contaminate treatments, and lead pipe replacement. The Justice 40 Initiative is eligible to receive this funding, meaning that 40% of the monies must have an impact in disadvantaged communities. Two percent of this funding will be available for community technical assistance, and DEP is working on an request for proposals right now to help communities put together projects that would qualify for this funding. We are still awaiting guidance from the federal government on how it expects this funding to be implemented.

DEP is still awaiting guidance from the EPA about the Chesapeake Bay, but Pennsylvania will get approximately \$6 million the first year. It appears that the EPA will be focusing on Tier 1 and Tier 2 counties. Guidance was anticipated in May but has not yet been received.

On May 12, DEP's Office of Oil and Gas Management successfully submitted a grant application package to the Department of Interior to receive \$25 million dollars via the Initial Grant portion of the IJA funding. The guidance has been provided, and DEP is currently packaging well plugging projects to expend the funds within the first year focusing on abandoned wells that pose a security threat to public safety.

The Abandoned Mine Lands program will get approximately \$245 million to use over the course of the next 15 years to reclaim those lands, but no guidance has been received at this time.

The Energy Programs Office applied for a \$200,000 grant that appears to be a prerequisite to develop an energy security plan. DEP will be updating its state energy security plan and submitting it to the Department of the Interior to qualify for the funding.

A Q&A session followed regarding funding for DEP's critical administrative needs around the IJA funding, timeframe for the Justice 40 guidance, allotting of the 2% Pennvest funding for technical assistance, the energy security plan to be submitted to the Department of Interior, Pennvest framework around the REACH program supported by the EPA, and DEP's goals around diversity, equity, and inclusion. The agency's DEI goals were requested in writing by the next meeting.

INTERAGENCY UPDATES:

Tammie Peffer - Department of Education

The proposed standards successfully moved through IRRC's approval process, and the final form was approved today by IRRC. It will now move through the legislative committee approval process. The standards are now written in a way that urban, agricultural, and water quality education components can be incorporated.

Tammie Peffer recently attended a conference at Penn State as an advisory board member for a USDA grant called C-Change looking at the gas to grass phenomenon using feed stocks and manure in anaerobic biodigesters.

The Department applied for a third-round NOAA B-WET grant at the capacity building level but is still waiting to hear if the grant has been awarded.

A PA Council on the Environment meeting will be scheduled in July related to environmental justice and outreach. EJAB will be invited to participate.

Nicole Faraguna - Department of Conservation and Natural Resources

Through the Interagency Workgroup, DCNR's grant equity work continues. The principals and recommendations that have been shared with EJAB are still being reviewed by the Governor's Office.

The Interagency Workgroup also established a higher education equity and engagement subgroup around opportunities for higher education institutions to engage with the Commonwealth through internships and research projects. The group is meeting with the PASSHE Vice Chancellor in the next couple of weeks to explore opportunities.

Stephanie Hasanali

Department of Health, Division of Epidemiology

The [environmental health indicators](#) map has been launched. The plan is to update the map on an annual basis.

The Department has started planning for the EJ strategic plan and is moving toward creating an internal workgroup around the EJ strategic plan. There will be at least one policy intern this summer who will assist with the process.

The Department is currently working to come up with a recommendations document for epidemiology staff around how to incorporate EJ and health equity into its work.

PA LITTER ACTION PLAN:

*Laura Henry, Manager of Program Development and Technical Support,
DEP Bureau of Waste Management*

A two-pronged study consisting of a physical litter count and a public attitude survey was conducted by DEP and PennDOT in partnership with Keep PA Beautiful in 2018 and 2019. A report was released in the spring of 2020 showing over 500 million pieces of litter on Pennsylvania's roadways and 90% agreement that there is a litter problem in the state. In response, a taskforce was formed to solicit partnerships across the state to develop a statewide Litter Action Plan with the goal being to prevent litter through development and implementation of a researched based plan on recommended actions to change people's behavior to prevent littering. The plan includes ensuring communities have the necessary infrastructure in place, enhancing regulatory processes and enforcement, collaborating within and across communities, incorporating best practices and local ordinances and policy, and updating and enhancing existing laws. Information on the PA Litter Action Plan can be found www.dep.pa.gov/litter.

Q&A followed, including whether model ordinances exist on banning plastic bags and straws and the likelihood of collaboration with other agencies on beautification around blighted properties.

FEDERAL FUNDING/JUSTICE 40 UPDATE

Kurt Klappowski, Acting Deputy Secretary, Office of Oil and Gas Management

This presentation addressed the legacy of abandoned/orphaned wells in Pennsylvania, implementation of the Infrastructure Investment and Jobs Act which has opened up access to

unprecedented levels of funding and the opportunity to reduce environmental, public safety, and financial liabilities associated with abandoned and orphaned wells in the Commonwealth, and the development of solutions, current action items, and key contracting elements.

Q&A included responsible party investigations, financial assurances, performance grants, well plugging and site remediation in Texas, expansion of staff to do infrastructure work, and seeking help from citizen science groups and grad students.

Brian Bradley, Director of the Bureau of Abandoned Mine Reclamation

This presentation discussed the history of Abandoned Mine Land (AML) funding in Pennsylvania from three different sources: traditional AML grants based on fees that are collected from active mining companies, the Abandoned Mine Land Reclamation (AMLR) funding, and now the Bipartisan Infrastructure Bill (IIJA). The AML program is very specific about what can be reclaimed, which are only pre-1977 problems, and the Department is waiting on guidelines from the Department of Interior that will lay the groundwork for moving forward.

Q&A included the use of monies and known unknowns.

WRAP UP AND NEXT STEPS:

The next quarterly meeting will be on August 18 from 1:00 – 7:00 PM. The location is still being solidified, but will likely be in the southwest, possibly Altoona or Johnstown.

Rafiqqa Muhammad is seeking volunteers and sponsors to build a memorial in Harrisburg to plant trees as part of an urban reforestation to memorialize those lost during the pandemic.

Arthur Frank made a motion to adjourn the meeting. Joylette Portlock seconded the motion and all were in favor.

The May 19, 2022 EJAB meeting adjourned at 2:40 PM.