

**MINUTES OF MEETING OF THE
ENVIRONMENTAL JUSTICE ADVISORY BOARD
AUGUST 15, 2023**

MEMBERS PRESENT VIA PHONE:

Dr. Heather Bedi
Adam Cutler, Chairman
Anthony David
Dr. Arthur Frank
Bobby Hughes
Rashida Lovely
Rafiyqa Muhammad
Joylette Portlock
Jerome Shabazz
Dr. Horace Strand
Tom Torres

MEMBERS NOT PRESENT

Dr. Jennifer Baka
Dr. Lisa DePaoli
Hazem Hijazi
Gary Horton

DEP STAFF PRESENT IN-PERSON:

Ricardo Almodovar, Office of Environmental Justice
Malik Boyd, Communications Office
Jennifer McLuckie, Office of Environmental Justice
Winnie Okello, Office of Environmental Justice
Lena Smith, Policy Office
Colleen Unroe, William Hanna Penn Fellow

DEP STAFF PRESENT VIA PHONE:

Secretary Rich Negrin
Autumn Anderson, Office of the Budget
Amelia Benson, Office of Environmental Justice
Lindsay Byron, Office of Programs
Abbey Cadden, Office of the Budget
Rosetta Carrington Lue, Secretary's Office
Jordi Comas, Office of Environmental Justice
Anwar Curtis, Secretary's Office
Justin Dula, Office of Environmental Justice
Andrea Fields, Office of Environmental Justice
Dong Yoon Kim, Office of Environmental Justice
Elspeth Koehle, Office of Environmental Justice
Louie Krak, Office of the Budget
Jason Landau Goodman, Office of Chief Counsel
Sarah Pinter, DEP Energy Programs Office

Amani Reid, Office of Environmental Justice
Juan Serrat, Office of Environmental Justice
Jamar Thrasher, Communications Office
Fernando Trevino, Office of Environmental Justice

NON-MEMBERS PRESENT IN-PERSON:

Patrick Henderson, Marcellus Shale

NON-MEMBERS PRESENT VIA PHONE:

Jaret Gibbons, Appalachian Region Independent Power Producers Association (ARIPPA)
Dr. Elizabeth Hughes, Director of Communications, Earth Conservancy
Tara Jones, Executive Assistant, Lackawanna River Conservation Association
Joanne Kilgour, Executive Director, Ohio Valley River Institute
Todd Wood, Mining Engineer Manager, Bureau of Abandoned Mine Reclamation, DEP
Owen Worozbyt, Trail & Environmental Projects Manager, Lackawanna Heritage Valley Authority

Erick Ammon

Glendon King

Eli Brill

Steve Krug – Krug Architects

Jerry Crinella, Jessup

Avery Lentini – DRBC

Ben Dannels

Art Leopold

Elizabeth Davis

Andrew W. McMEnamin

Jayden Demmy

John Mellow

Evan B. Franzese

Andrew Ritter, Jr.

Dan Green

Jeffrey Smith, Citizens For a Healthy Jessup

Robert Haines

Kristin Volchansky, ATNEPA

Nick Haden

Brian

Anthony Hennen – The Center Square

Kara

David Hess

Matt

Robert Hughes

Madi Keaton, PULP

CALL TO ORDER:

Chairman Adam Cutler called the meeting to order at 1:00 P.M.

APPROVAL OF MINUTES:

Chairman Cutler solicited additions or corrections to the Minutes of the May 16, 2023 meeting. Hearing none, Chairman Cutler requested a motion to approve the Minutes.

Arthur Frank made a motion to approve the Minutes of the May 16, 2023 meeting. Heather Bedi seconded the motion. With no abstentions, all were in favor, and the motion was unanimously approved.

SECRETARY'S WELCOME

Secretary Negrin gave a warm welcome to EJAB members and all present. DEP is building on the great work that has been done over the years. The Secretary is looking forward to traveling around to communities and meeting with Stakeholders to learn about each community. Secretary shared his mission to be more active in the Harrisburg area. Environmental Justice is a passionate issue and Secretary Negrin has brought new leadership and experience within DEP with a focus on creating a great foundation, climate leadership and educating the public around Article 1 Section 27. Secretary Negrin briefed EJAB on DEP's Vision and the four pillars; Center of Environmental Excellence; Climate Leadership; Cultural Competency; and Environmental Justice. Environmental Justice is not just about community engagement, but being imbedded in the community, to be an important part of communities and participate in community meetings. The Secretary relies on this Board as a resource for environmental justice.

Secretary Negrin opened the discussion for Q&A. This discussion included ways to better help communicate environmental justice issues to community members, getting advisory board members and DEP staff to local events and outreach. The Governor recently announced an advisory board of youth that will help reach out on the educational side and working on community projects and mural's, urban gardens and partnering with members, such as the event at the Harrisburg YMCA with Rafiyqa Muhammad.

Secretary Negrin discussed working on a children's book around Article 1 Section 27 to get youth knowledgeable about their rights from the beginning. The Secretary and his Special Assistant, Anwar Curtis spoke to a smart, diverse group of first graders who showed passion about the environment. This will help to form the basis around conversations with youth.

The Governor's office specifically has staff that identifies and capitalizes on federal funding. The Governor signed an Executive Order around workforce development issues to specifically hit the ground running on training. Secretary Negrin discussed the importance of going into communities to discuss and speak with community members and identify and develop a protocol to decide where community dollars go.

Special Deputy for the Office of Environmental Justice, (OEJ) Fernando Treviño discussed the Mitigation Community Fund in Beaver County and extended his thanks for EJAB leadership. Fernando worked directly with Adam Cutler for advice and guidance. Members including Tom Torres and Lisa DePaoli have been invaluable members of the Mitigation Community Fund.

Secretary Negrin closed by saying a big settlement announcement is coming soon and the harder issue is when we have a statewide settlement, not just a targeted regional area and how we can get the same value statewide, in a different way. Secretary Negrin hopes to include EJAB member's input.

DEP UPDATES:

Malik Boyd, Communications Director, Communications Office

Malik spoke on the work that DEP has done and is doing, as well as the work that Secretary Negrin is doing and in climate leadership. Communications Office can amplify those messages, especially around environmental justice areas.

Q&A focused on digital communications within DEP and what the focus will be. Malik discussed the standard used across the Commonwealth. Implementing opportunities to place videos on the DEP website and messages from our staff, council or updates that haven't been on the website before. Maximizing users' experiences and plans to help community members to understand better and increase interest.

Rosetta Carrington Lue, Customer Service Office Director, Office of the Secretary

Rosetta discussed the customer experience and the overall satisfaction with their interactions within DEP. This office will look at every aspect of the customer's experience, their interaction and if DEP is making things easier for the customer.

REVIEW OF ACTION ITEMS FROM MAY 16, 2023:

Chairman Cutler shared that on June 26, he and Rafiyqa Muhammad were able to set up call between Chester Water Authority and Capital Region Water. Discussions were held to see what kinds of lessons could be shared in connection with the idea of privatization and what it means for communities that might be affected. Chester Water Authority is to follow-up with Capital Region Water, for further discussions. Chairman Cutler shared EJAB members can help by developing programs and having discussions with others

FEDERAL FUNDING UPDATE

Louie Krak, Infrastructure Coordinator, Office of the Budget

Orphan Well Plugging Efforts

DEP has plugged 74 orphan wells, using \$25 million in grant funds. With those funds, DEP has plans to plug 226 wells. In the past 5 years, DEP has only had funding to plug 60 wells in total. DEP is eligible to receive \$305 million dollars, which will apply yearly, for the next 4 years. DEP is in the process of applying for \$76 million, some of this funding will be funneled into a new grant program, Orphan Well Plugging Grant Program, outlined in Act 136 of 2022. Grant programs are available to qualified well pluggers.

DEP's Energy Program's Office is applying to the Home Energy Rebate Programs, an Inflation Reduction Act solicitation with two sub programs. The first, the Home Efficiency Rebates or HER Program and, second, the Home Electrification and Appliance Rebates or HEAR Program. Each program will be receiving \$129 million dollars over the next 10 years. Rebates are for energy saving, electrical upgrades and improvements.

For questions about HOMES/HEAR, please feel free to reach out to Heidi Kunsch in DEP's Energy Programs Office: hekunsch@pa.gov

Abbey Cadden, Infrastructure Coordinator, Office of the Budget

Abbey shared EPA's announcement of the Solar for All Program. This program has \$7 billion dollars dedicated to expanding access to residential solar power in environmental justice communities. All program funds are dedicated to communities left behind in the climate change and transition to renewable energy. DEP is currently in the process of developing an application to apply for \$400 million dollars and figure out what the framework of the program would look like.

Q&A centered around rental properties being included. Abbey shared that rental properties will be included, depending on the state's program design. Energy Program Office is being proactive to include all in application.

Abbey shared the status of the Community Solar Legislation Bill, to legalize community solar throughout the state. Most other states have the ability to have community solar. This would allow more homes to be updated with solar. Discussions are being held with hope to get legislators support with this competitive application

Autumn Anderson, Deputy Director, Office of the Budget

Autumn discussed a new program developed from the Executive Order signed by Governor Josh Shapiro on July 31, creating the Commonwealth Workforce Transformation Program. The purpose behind this program is to invest in the Commonwealths on the job training for the workforce and break down barriers for folks who have historically experienced barriers to employment. This program is in the development phase of program guidelines and is expected to be released in the coming weeks. For questions or comments, please reach out to Newjobs@pa.gov to apply for new jobs

Q&A centered on the long-term goal to cap wells. Louie explained the scale of the problem is larger than the amount of funding available. DEP estimates about \$90,000-\$100,000 to plug one well. Discussions around how to document undocumented abandoned and orphaned wells to see what the full scale of the problem is.

OEJ UPDATES:

Justin Dula, Director, OEJ

OEJ office has ramped up and is at full staff with one regional coordinator in each region. The newest members of the team are, Jordi Comas, Northcentral Regional Coordinator, Amelia Benson, Southwest Regional Coordinator, Elspeth Koehle, Northwest Regional Coordinator, Dong Yoon Kim, Southeast Regional Office, Special Projects Coordinator

Fernando Treviño, Special Deputy, OEJ

Fernando spoke of having the OEJ fully staffed, having full diversity and experience in underrepresented communities. The OEJ has been elevated to have a Deputy Director, Deputy Secretary, and a Special Projects Coordinator.

Both Chairman Cutler, Vice Chairman Dr. Strand and Arthur expressed appreciation with having a fully staffed environmental justice office. This speaks highly of the commitment to have environmental justice become an important part of the Department and Commonwealth.

Interim EJ Policy & EJ Mapping

Justin announced the Interim Final Policy will be adopted in mid-September with Public Comment period. Press briefing forthcoming with information to be posted on the DEP's website. There will be online training videos for use of the EJ Mapping tool and staff are planning a series of sessions on the mapping tool throughout the commonwealth. The purpose of an Interim Final means that the policy will be enforced and used within the agency. There

will still be a public comment period going forward and including the comments from the previous meetings.

Q&A centered around the changes that were made in the Policy. This Policy goes beyond to look at what DEP can do beyond the permitting process. OEJ worked with Office of Chief Counsel (OCC) to identify creating a mapping tool, with separate guidance in the methodology document. A segment was added on doing proactive community engagement with communities before they are experiencing an environmental crisis. Enhanced Public Participation elements have been streamlined. This Policy will include Oil and Gas information in the Opt-In process. Additional details have been added to the inspection compliance and enforcement section. This Policy moves away from talking about Enhanced Public Participation permits and focuses on projects as a whole and realizing projects may have multiple permits associated, making it more understandable for a community to follow. The PennEnviroScreen Mapping tool has 32 different factors, including health factors and socioeconomic factors. DEP is still bound by the statutes and regulations but hope to make better connections between community members prior to a permit being issued.

INTERAGENCY UPDATES

Justin Dula, Director, OEJ

DEP has added five new departments to the Environmental Justice Interagency Council (EJIC). The Departments of Aging, Corrections, Human Services, Labor & Industry and the Pennsylvania Emergency Management Agency, were all added. During the last bimonthly meeting of the EJIC, Secretary Kavulich, from the Department of Aging, joined the meeting and provided a brief overview of his department.

Climate Action for EJ Communities Program:

Sarah Pinter Energy Programs Specialist, Energy Programs Office (EPO)

CAEJC project has wrapped up stakeholder engagement for this effort. A comprehensive summary will be released and will be of engagement sessions and feedback received. The summary will be highlighting the environmental justice priorities, heard from communities during the meetings held throughout the Commonwealth. EPO will be working on a strategy, taking priorities and focusing on how to translate into work that can be done from the EPO.

Lindsay Byron, Group Manager, EPO

EPO is incorporating the work from the environmental justice communities into the CAEJC Plan. Pennsylvania has received \$3 million grant from EPA, through the Inflation Reduction Act, to conduct climate planning. This includes learning how to improve outreach efforts to developing a Priority Climate Action Plan and developing a Comprehensive Climate Action Plan.

SUBCOMMITTEE UPDATES

Joanne Kilgour, Executive Director, Ohio Valley River Institute

Through conversations with EJAB member Rashida Lovely, Joanne is proposing the Public Defenders for Environmental Justice Communities memo, to model an environmental justice advocate, after the Pennsylvania Office of Consumer Advocate. Environmental justice advocates have been calling for a more comprehensive approach towards addressing environmental justice issues. Public participation without mechanisms for enforcement have

been leaving environmental justice community members feeling unheard and disappointed. Joanne explained the vision of this memo would be to have an independent agency to represent the interest of environmental justice residents, with a goal to include residents within 50 miles of an environmental justice area. This office would have authority to represent the interests of these communities and residents and coordinate with DEP's OEJ, to offer assistance and education to the public.

Chairman Cutler summarized that this ambitious memo could be of help for environmental justice communities. Q&A centered around what the structure and staffing would look like with an environmental justice advocates office and if there would be any conflicts.

PUBLIC COMMENT:

Jeff Smith

Jeff addressed a permit delivered by DEP to a large natural gas polluter powerplant in Lackawanna County, within an environmental justice community. This is an example of why there is a need for an independent agency to review permits. Residents of these communities can't afford to participate in the hearings and meetings being held and having a resident advocate would help. An independent review process that can hold companies accountable, environmental justice communities won't be around.

Jerry Crinella, Jessup, PA

Jerry discussed the same permit issue as above, for the powerplant in Lackawanna County. As part of the borough, a letter was submitted opposing the permit. Other zoning issues were found when investigating the permit further. Concerns were raised to DEP by public comment, unfortunately, the permit was approved without the community knowing, leaving community residents feeling unrepresented.

CONTINUATION OF SUBCOMMITTEE UPDATES

Tom Torres discussed how this agency could work with DEP and collaborate to help stop future occurrences and issues in the environmental justice communities from happening. This could also affect the actions of the DEP and how they approach such issues such as permitting and funding allocating.

Fernando Treviño discussed reaching out to Governor's office about this idea. EJAB and DEP cannot implement, and additional discussions would have to come from Governor's office.

Chairman Cutler and Vice Chairman Strand summarized that the position on this board is to appeal to the DEP to be conscientious and concerned about policies affected residents and not be in the position to bring negative decisions that will harm the health and welfare of the residents. No oppositions were made, and a small group will be formed to further discussions on the public defender's memo.

ROUNDTABLE DISCUSSIONS:

Abandoned Mine Reclamation (AMR)

Amani Reid, Eastern Regional Coordinator, OEJ

According to the fact sheet from the Eastern PA Coalition for Abandoned Mine Reclamation (EPACAMR), there are over 5,000 miles of Pennsylvania's 83,000 miles of streams that are polluted by abandoned mine drainage, the largest source of non-point source pollution in Pennsylvania. There are over 200,000 acres of abandoned mine lands, statewide. This AMR discussion focuses on leaders in the state, who are working to reclaim and restore this land.

Bobby Hughes, Executive Director, (EPACAMR)

Bobby Hughes introduced the work of the following three speakers, working on the abandoned mine reclamation and how can we overlap this within our EJ communities.

Dr. Elizabeth Hughes, Director of Communications, Earth Conservancy

Earth Conservancy is a nonprofit organization dedicated to the reclamation and return of nearly 16,500 acres of former coal company owned land to the region. Founded by a group of community leaders in 1992 with an overall mission is to mend the environment, improve community and encourage economic growth. In addition to coming up with a plan to reuse these acres. After World War II, anthracite coal began to decline. When companies shut down, operations were abandoned, leaving abandoned mine lands with acid mine drainage. About every 1-2 miles there are coal features and impairments, leaving the Northeastern area population, in decline.

Todd Wood, Mining Engineer, DEP, Bureau of Abandoned Mine Reclamation (AMR), Acid Mine Drainage Division

The Acid Mine Drainage Division is a non-regulatory part of DEP that oversees the abandoned mine land program in Pennsylvania. Bureau of AMR is responsible for all mine related problems, including mine fires, portals, impacts on water, among other hazards. Work is done in accordance with the Federal Office of Surface Mining rules and regulations, under the authority of the Surface Mining Control and Reclamation Act. Todd spoke of several large-scale reclamation projects in the Northeast, including excavating and extinguishing a mine fire in Lackawanna County. Further South, in Luzerne County, there is a large scale mine reclamation project to eliminate coal refuse piles and high walls. Once reclaimed, the property owners plan to construct a solar farm. The Bureau of AMR also maintains one of the largest environmental restoration projects in the Commonwealth, the Schuylkill River Project. The project was done in the 1950s with a goal to restore the river, from the days of Anthracite mining when silt was cleaned off the coal and dumped into the Schuylkill River.

Jaret Gibbons, Executive Director, Appalachian Region Independent Power Producers Association (ARIPPA)

ARIPPA is a trade association representing the waste, coal reclamation energy industry. There is a system in place that allows to go back and reclaim abandoned mine sites, called a Circulating Fluidized Bed (CFB) Boiler System. ARIPPA currently has 10 facilities operating in Pennsylvania. These facilities clean up 5-8 million tons of coal refuse a year with a total of 250 million tons of coal refuse being reclaimed since the late 1980's.

Q&A centered around concerns on utilizing waste for remediation of AMR sites and waste that has been in contact with surface waters. Adequate monitoring of wells and surface water

monitoring is suggested. Follow-up addressed that no foreign material is used, only material that has already been on site for reclamation work.

CONTINUATION OF ROUNDTABLE DISCUSSIONS:

Lackawanna River Watershed

Juan Serrat, Eastern Regional Coordinator, OEJ

Tara Jones, Executive Assistant, Lackawanna River Conservation Association (LRCA)

LRCA is an environmental non-profit that has been working on opportunities to coordinate mine reclamation opportunities with stormwater, to restore ecological and hydrological functions of waterways. Tara spoke about The Old Forge Borehole and working on stream restoration to make it better.

Owen Worozbyt, Director of Operations, Lackawanna Heritage Valley Authority (LHVA)

LHVA is a national and state heritage area, as the region holds historical heritage. This area was known for getting coal out of the ground and to the market. LHVA's focus has been the Lackawanna River Heritage Trail and creating a forest buffer, to act as a filter, to the mining lands to stop some of the mine sediment and run-off into the Lackawanna River.

Bobby Hughes, Executive Director, EPACAMR

Bobby highlighted being an EJAB member for many years and working with EPACAMR, serving Northeast to Northcentral PA with conservation district partners. Bobby spoke on his role and the work the EPACAMR and being able to work with and establish partnerships within the EJ communities around the issue of the AMR and helping others to advocate.

Q&A centered around building equity into the permitting process and increasing access to the Lackawanna River for all. Increasing access to the river to benefit all and have a better quality of life have been on the forefront for LRCA.

WRAP UP AND NEXT STEPS:

The November 14 meeting will be a combined meeting with the CAC and will be offered both in person and virtually.

ADJOURNMENT:

Chairman Cutler requested a motion to adjourn the meeting.

Rashida Lovely made a motion to adjourn the meeting. Arthur Frank seconded the motion, and all were in favor.

The August 15, 2023 EJAB meeting adjourned at 6:51 PM.