

SUBJECT: Priorities Updates and Action Plans
TO: Council Members
FROM: Sue Wilson
DATE: May 9, 2011

ADMINISTRATIVE OVERSIGHT COMMITTEE

Members: Eric Conrad (Chair), Cynthia Carrow, Jolene Chinchilli, Jan Keim, Richard Manfredi, Thad Stevens

Priorities:

1. *Identify opportunities for greater consistency (process and enforcement) among DEP regions*
2. *Work towards more appropriate use and communication of policies, guidance, regulation (literal interpretation vs. direction)*
3. *Enhance DEP effectiveness*

Key Questions:

1. *Increased Consistency: What is being done to ensure the appropriate level of consistency in terms of implementation and enforcement of this initiative?*
2. *Regulation vs. Policy vs. Guidance: Is this initiative being presented at the appropriate level or should consideration be given to utilizing a different mechanism?*

Project: DEP Permitting

Timeline

1/4/2011 Conference call re: developing a white paper on permitting
1/19/2011 Council discussion of draft white paper
2/1/2011 Conference call re: revisions to draft paper
2/15/2011 Council approve's committee's final draft; letter and report sent 2/23
3/15/2011 Exec. Dep. Jeff Logan to Council meeting to discuss priorities, including permitting review
5/18/2011 Executive Committee to discuss status of permitting white paper

Potential Projects:

- The issues of enforcement and penalties were raised in the context of the white paper on permitting; rather than elaborate on it in the permitting paper, it was agreed that it should be referred to the Administrative Oversight committee for consideration once the permitting paper is finalized. Specific points included consistency of enforcement, are there penalty guidelines, sufficiency of legal resources, process for going to enforcement, etc.
- Grant accountability—if a grant is provided to address a pollution problem and the problem reoccurs, the recipient should return the money and remediate at their own expense. What are the priorities for what grant money is left? How can we protect the remainder for the intended use? Referred to Administrative Oversight committee for consideration.

Transition Priorities¹:

- Environmental funding (T1, page 9; T2, pages 2-3)
- DEP role, mission, leadership, operations (T2 pages 4-5, 7-10))
- Permitting and enforcement (T1, page 6; T2 pages 10-11)

AIR COMMITTEE

Members: John Walliser (Chair); Gail Conner, Walter Heine, Dave Strong

Priorities:

1. *Air permits and permitting procedures*
 - *Support and encourage permitting procedures that are economically and administratively efficient yet remain protective of the environment*
 - *Look for every opportunity to achieve measurable improvement in environmental quality as well as advancing economic and administrative efficiency*
2. *Emission reductions*
 - *Look for every opportunity to further minimize air emissions, especially where health and environmental impacts can be measured and/or are strongly correlated*
 - *Promote awareness of the connection between air pollution and public health with focus on both the general public and government decision-makers*
 - *Identify and encourage private sector innovation in minimizing emissions*
 - *Identify and address the not-insignificant impacts of individuals on air quality as well as permittees (e.g., open burning, I&M, etc.) through education, public awareness, etc.*
3. *Influence of/relationship with EPA*
 - *Monitor the effectiveness of the relationship between DEP and EPA w/ re: air programs and issues.*
3. *Energy impacts on air quality*

Key Questions:

- *Air Permits and Permitting Procedures: Does this package result in measurable improvements in environmental quality and advance environmental as well as economic efficiency?*
- *Emission Reductions: Does this proposal sufficiently promote and encourage efforts and technologies to further minimize air emissions?*
- *Influence of/Relationship with EPA: Will this proposal enhance agency coordination of their efforts to improve air quality?*

PROJECT: Air Regulations

Pennsylvania's air quality has improved substantially over the past 30 years as the state has made significant progress in addressing the 6 criteria pollutants listed in the Clean Air Act of 1970. Despite the progress made, the Commonwealth faces tough, new air quality challenges. These challenges, and those we identify in the future, call for innovative approaches that involve all sectors of society, and for aggressive action to protect Pennsylvania's citizens and our cherished, rich environment. DEP should identify and utilize creative and aggressive solutions to confront the ever-evolving air pollution challenges.

¹ T1 = Transition report #1; T2 = Transition report #2

Timeline:

- 12/7/2010 Conference call to discuss committee recommendation on HEDD concept, and discuss 2011 priorities
- 1/19/2011 Draft letter re: HEDD presented to CAC for concurrence
- 1/24/2011 Conference call with BAQ to discuss draft regulation for flexible packaging printing, and lithographis and letterpress printing
- 2/15/2011 Council approved committee recommendation and draft letter re: FPP/LLP
- 4/21/2011 AQTAC meeting**

PROJECT: 5-Year Air Reports**Next 5-year Air Report Due 2012**

Section 4.3(6) of the Air Pollution Control Act provides that “Beginning five years after the effective date of this section and every five years thereafter, the Department shall conduct and submit to the General Assembly an evaluation of the effectiveness of the programs adopted to implement the Clean Air Act. The evaluation shall include...a summary of the activities undertaken by the Citizens Advisory Council...”. To assist the Department in preparing the Act’s required 5-year evaluation reports, the Council will furnish periodic reports of Council’s relevant activities. Council prepared 5-year air reports in 1997, 2002 and 2007.

Transition Priorities:

- Climate Change (T1, pages 16-17).

ENVIRONMENTAL STANDARDS COMMITTEE

Members: Dave Strong (Chair), Eric Conrad, Joyce Hatala, Curtis Kratz, Thad Stevens and John Walliser

Restoring Past Mining Degradation

In response to past abuses, federal and state laws now require coal operators to pump and treat the polluted drainage from their mines. However, as many as 140 mine operators may be struggling to meet these demands. If they close down, there is little to stop them from abandoning their environmental obligations at 262 mines and coal waste piles across the state. Together those sites generate an estimated 28 billion gallons of acid drainage annually.

Priorities:

- Expedite remediation of historical problems
- Enhance the ease of reclamation of current mining

Key Question:

- Does this initiative expedite remediation and reclamation of both current and historical mining impacts?

Timeline:

- 4/28/2011 MRAB meeting**

PROJECT: Deep Mining (5-year Act 54 report mandatory)

Priorities:

- *Promote quicker resolution of surface and water impacts and ensure that the spirit and intent of the law is properly applied and enforced to result in a just balance of conflicting property uses and users.*

Key Question:

- *Will this initiative provide a better balance between conflicting property uses and users?*

Timeline:

- 11/16/2010 Greg Shuler to present the third 5 year report.
- 12/2010 Final report provided to CAC
- 1/19/2011 Greg Shuler provided overview of the third 5-year report for 2003-2008; the report was compiled by University of Pittsburgh staff. Council discussion.
- 2/24/2011 Conference call to discuss comments received, panel parameters
- 3/15/2011 Consider panel proposal
- 4/19/2011 Act 54 report: presentations by Steve Kunz, Schmid and Co, and George Ellis, Pa. Coal Assoc.. Responses/additional comments by DEP, Pitt (I), PCA, Sierra Club, Citizens Coal Council. Discussion between CAC, presenters and panelists.
- 5/18/2011 Act 54 report—continue discussion of report and questions with DEP**
- 10/2011 Proposed regional meeting in SW Pa.**

Energy Plan

Energy is a foundation of the modern economy; it fuels our industry and our transportation, and heats our homes. Our demand for energy continues to increase, while our sources of traditional fuels diminish, and the public health and global warming impacts increase. Even global issues such as climate change and energy use should be considered as state issues, as they affect us all.

Waste Management

Priorities:

- *Promote a more sustainable yet still protective approach to waste management.*

Key Question:

- *Does the package incorporate or promote more sustainable management of wastes?*

Transition Priorities:

- Restore paste degradation (T1, page 4)
- Turn environmental liabilities into economic opportunities (T1, page 4)
- Environmental infrastructure (T1, page 9)
- Energy and conservation (T1, pages 12-15, pages 17-19)

PROSPECTIVE AND STRATEGIC PROJECTS COMMITTEE

Members: Jolene Chinchilli (Chair); Cynthia Carrow, Joyce Hatala, Jan Keim, Pat Lupo, Rich Manfredi, Thad Stevens, Burt Waite and John Walliser

PSP plans, coordinates, and develops the proactive, overarching work of the Council. It was created on July 28, 2010, and replaces the Integrated Projects Committee and the Strategic Planning Workgroup. Responsibilities:

- *Facilitate annual strategic planning session*
- *Draft an annual strategic plan based on priorities identified by Council*
- *Meet at least quarterly to determine progress and update/revise annual plan if necessary*
- *Address or coordinate issues that do not fit into other CAC committee structure, are overarching or involve multiple DEP programs or more than one agency, or are identified in annual plan as responsibility of the SPC*

Cumulative Impacts

Priorities:

- *Determine the status of models and procedures to determine cumulative impact.*
- *Promote consideration of cumulative impact in DEP programs and decision-making.*
- *Expand the use of biomonitoring in communities subject to exposure to pollutants from multiple sources.*

Key Question:

- *Is there a place for consideration of cumulative impact in the context of this initiative?*

Health and Environment

Better understanding of the links between environmental pollutants and human health will allow us to take appropriate actions to reduce and eliminate, where possible, the negative impacts. It is critical that Pennsylvania begin to tie environmental data systems with health data systems so that the correlation of environmental and other factors with health outcomes is better understood. DEP has done much to modernize and improve the usefulness of its many data systems; they now need to be correlated with DOH and other health-related data sets.

Priorities:

- *Promote awareness of the connection between environmental quality and public health with focus on both the general public and government decision-makers.*
- *Ensure that DEP policies, programs and regulations address the connection between environment and public health.*
- *Support and encourage DEP continued participation in the Environmental Health Tracking project with the Health Dept. and encourage DEP to develop its own initiatives in this area.*

Key Question:

- *Does this regulatory package/initiative address the connection between environment and public health? Can it do more?*

Recent reports and activities:

DOH has launched a new website for the Pennsylvania Environmental Public Health Tracking Network, or PA EPHTN, allowing the public to track health challenges and environmental-related diseases such as asthma. The website provides health information and data along with explanations about what the data means. Users can also search for information about the data including its source, ownership and dates of creation. (2/28/2011)

Multi Media ApproachesPriorities:

- *Support and encourage the development of new tools to build upon and go beyond progress made under current programs.*
- *Ensure that new approaches result in measurable improvement in environmental quality and advance environmental as well as economic efficiency.*

Key Question:

- *Does this package result in measurable improvements in environmental quality and advance environmental as well as economic efficiency?*

Pollution PreventionPriorities:

- *Identify all opportunities to make pollution prevention the norm (not just the award winning exception) in all media.*
- *Incorporate incentives for pollution prevention in all DEP regulations, policies and programs.*
- *Support the existing DEP goal of zero discharge of pollutants as a driver for adoption of pollution prevention, continuous improvement and environmental management systems by those who are subject to environmental regulation.*

Key Question:

- *Does this package promote pollution prevention and continuous improvement as key pieces of the initiative?*

Transition Priorities:

- Turn environmental liabilities into economic opportunities (T1, page 4)
- Community health (T1, page 4)
- Pollution prevention (T1, page 5, 17; T2, pages 5-6)
- Fact based decision making and sound science (T2, pages 6-7)

PUBLIC PARTICIPATION AND OUTREACH COMMITTEE

Members: Cynthia Carrow (Chair), Jim Clauser, Gail Conner, Curtis Kratz, and Pat Lupo

Public Participation in DEP Decision MakingPriorities:

- *Seek continued improvement in DEP's decision making at all levels*
- *Internal communication and interregional consistency*

- *External outreach re: DEP activities (not to be confused with EE)*
- *Accountability for both*

Key Questions:

- *Does the proposal incorporate plans and mechanisms to enhance public participation in decision-making affecting its outcomes?*
- *What are the plans for both internal and external communication regarding this initiative? What outcome measures will be used to ensure that communication is effective and at least adequate?*

Workplan:

- 3/15/2011 Committee meeting to discuss communication with and among advisory committees.
 Committee to compile recommendations on how to better inform citizens about Marcellus and develop a better relationship with the public.
- 5/18/2011 **Special Deputy Alisa Harris re: deputate priorities**

Environmental Education and Stewardship

Priorities:

- *Elevate the role of environmental education within the department and to improve cooperation among resource agencies.*
- *Increase community/grass roots awareness, knowledge, skill and involvement in achieving and maintaining desired environmental quality and quality of life utilizing environmental education as one of the primary tools.*

Key Question:

- *What does the proposal do to enhance education and environmental stewardship relevant to its intended environmental outcomes?*

Environmental Justice

In June 2000, the EJ Work Group made recommendations for addressing environmental equity; one of the most significant remaining tasks is to deliberate the best means to implement cumulative and disparate impacts analyses.

Priority:

- *Monitor and aid Environmental Justice staff and the Environmental Justice Advisory Board in improving how the department addresses these issues.*

Key Question:

- *How does this proposal address environmental justice and related issues?*

Timeline:

- 2/15/2011 Nora Carreras -- EJAB update
 5/3/2011 **EJAB meeting**

Transition Priorities:

- **Interagency cooperation, integrate environment into all decision making (T1, page 7)**
- **DEP and the public/perception of DEP (T2, pages 6-7))**
- **Building capacity (T1, page 10, 7)**

WATER COMMITTEE

Members: Thad Stevens (Chair), Cynthia Carrow, Jolene Chinchilli, Jim Clauser, Gail Conner, Joyce Hatala, Walter Heine, Jan Keim, Curtis Kratz, Pat Lupo, Richard Manfredi, Dave Strong, Burt Waite

Priorities:

1. *Quantity*
 - a. *Advocate for implementation of a comprehensive and integrated system of water resource management.*
 - b. *Watershed protection: ensure adequate flow to maintain designated uses and the integrity of the hydrologic cycle*
2. *Quality*
 - a. *All Pennsylvanians have access to safe drinking water*
 - b. *All waters meet or exceed designated use/maintain integrity of hydrologic cycle*
 - c. *Minimize pollution entering the Commonwealth's waters and ensure they don't alter the designated use*

Key Questions:

1. *Quantity: Does this initiative incorporate plans and mechanisms to protect and enhance water quantity including maintaining the integrity of the hydrologic cycle?*
2. *Quality: Does this initiative incorporate plans and mechanisms to protect and enhance water quality including minimizing pollution entering the Commonwealth's waters?*

Water and wastewater infrastructure needs

Pennsylvania ranks high on EPA's National Needs Survey--6th in 1996 with a total of \$6.1 billion in anticipated needs to build, upgrade and maintain publicly owned sewage treatment plants. Almost \$4 billion of that is for Combined Sewer Overflows (CSO), where sewers and storm drains have been combined.

Workplan:

- Compile available information regarding infrastructure needs
- Discuss water conservation initiative

Wastewater Management (Centralized and On-Lot)

One-quarter of Pennsylvania residents depend on septic systems for sewage treatment. While we continue to research and develop new technologies to expand the choices available to property owners, it appears that there are significant barriers to utilizing anything other than conventional systems, which are soil-dependant and therefore have siting limitations. It also appears that there are significant concerns about the long-term performance of any of the systems, especially given the lack of knowledge exhibited by much of the public who use them.

Water Resources Management

TRACK

Council's March 2000 position formed the basis for many aspects of DEP's proposal. Council supports a stronger, more comprehensive approach to both water management and well construction standards than is captured in Act 220, but supports the Act as a step forward.

Water Quality**TRACK**

Water resources that become polluted are of limited human or ecological value. We must protect these resources not just for human consumption and recreation, but also for their even more important ecological values. The setting of Total Maximum Daily Loads (TMDLs) for those waters that are impaired must remain of high priority in order to protect both the human and ecological values of this critical resource.

Potential Projects:

- Press reports on the discharge of drilling wastewater reference dilution as the solution to pollution; is this regression appropriate? Referred to Water Committee for consideration.
- Act 537 issues discussed at the November meeting: “local governments depend on the department’s 537 plan analysis before approving sewer extensions; part of that analysis has to do with whether the sewage infrastructure can handle increased development. Secretary Hanger agreed that the process needs to be reviewed. The fundamental problem is infrastructure; we have \$30 billion in capital needs. The Sustainable Water Infrastructure Task Force (SWITF) report recommended that water rates need to be raised to 2% of the average Pennsylvanian’s income to meet the capital needs (not including operating costs).” Referred to Water Committee for consideration.
- How refocus available money, new tools to address Bay, AMD needs?
- How address pharmaceutical/personal care product impacts on water quality, water treatment?
- Impact of Marcellus on water quality and quantity?

Transition Priorities:

- Restore past degradation (T1, page 4)
- Environmental infrastructure (T1, page 9)
- Conservation

FULL COUNCIL ACTIVITIES**PROJECT: Annual Report (Mandatory)**

Summarize Council activities over the calendar year and provide updates on ongoing issues.

1/19/2011 2010 Annual report approved by CAC

11/15/2011 **Draft 2011 annual report to CAC for review**