

**MINUTES OF  
CITIZENS ADVISORY COUNCIL  
May 14, 2024**

**CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:**

Timothy Weston, Vice Chairperson	Dwayne Mowery
George Ambrose	Trisha Salvia
Robert Barkanic	James Schmidt
Cynthia Carrow	Thaddeus Stevens
William Fink	John Walliser
Jason Foster	James Welty

**DEP STAFF PRESENT (other than Presenters):**

Ian Irvin, Executive Director  
Ramez Ziadeh, Acting Executive Deputy Secretary  
Casey Damicantonio, Policy Office

**CALL TO ORDER:**

Vice Chairperson Weston called the meeting to order at 12:32 PM.

**DEP UPDATE**

Executive Deputy Secretary Ramez Ziadeh provided the following update:

Solar for All - On April 22, 2024, United States Environmental Protection Agency (U.S. EPA) announced the Pennsylvania Energy Development Authority (PEDA) as the recipient of \$156 million award for a statewide Solar for All program. This program aims to develop and expand low-income solar programs throughout the state and is the largest investment focused on low income solar in the state's history. The goal of the program is to install 70 megawatts of solar on over 14,000 Low Income Disadvantage Community Households over a five-year period. PEDA will use this funding opportunity to attract banks, credit unions, and Community Development Financial Institutions (CDFIs) to catalyze new financing products to allow low-income homeowners to deploy solar energy systems and realize savings from day one. Over a 20-year period these systems are expected to avoid over 43 million short tons of CO<sub>2</sub> and put over \$192 million into the pockets of low-income households. To be successful, this program will require a broad

coalition of partners from across the state to bring together Pennsylvania's diverse communities. PEDA and the DEP Energy Programs Office are taking the next steps to engage utility and community group stakeholders and begin the process for a Request for Proposal to solicit the support of a program design and implementation partner.

**Turtle Creek Watershed Delisting** - On April 25, 2024, DEP joined U.S. EPA, the Pennsylvania Department of Agriculture, Pennsylvania Department of Conservation and Natural Resources, the Pennsylvania Fish and Boat Commission, Senators Gene Yaw and Scott Martin, the Northern Pennsylvania Conservancy, and the Chesapeake Bay Conservancy to celebrate portions of the Turtle Creek watershed in Southeastern Union County being removed, or "delisted," from the federal Clean Water Act, Impaired Waters List. According to DEP's 2024 Integrate Water Quality Report, approximately 967 miles of streams and 28,727 acres of public lakes have been restored. To accomplish this this delisting, DEP Growing Greener grants were utilized through a block grant funding model which provided flexibility and enabled local decision making to 34 counties to tailor conservation projects to their needs.

**Pre-Application Meetings** - On May 1, 2024, DEP launched a new pilot program for Chapter 102 in 10 participating conservation districts. As part of the new program, DEP is requiring two pre-application meetings with applicants to improve the quality of submissions on the front-end. At the second meeting, the applicant is expected to provide draft final plans and specifications. With this pre-application meetings, DEP is hoping to do one comprehensive review of the formal submission and cut review timeframes by 73 business days. DEP will provide updates on how the program is going in the future.

**PAYback** - The PAYback program seems to be improving the efficiency of permitting programs. Since PAYback went into effect (November 1, 2023), the Department received 21,106 authorization requests and, since November 1, 2023, the Department was able to dispose of 22,728 authorization requests. The Department has not had to refund and fees so far. With a backlog prior to November 1, 2023, the Department has been able to disposition about 47% of those backlogged authorizations.

National Pollutant Discharge Elimination System General Permit - The Department has also been updating the PAG-02 permit, which is set to expire later this year. The draft permit was published for public comment, and the Department is currently evaluating and responding to those public comments before it finalizes the permit and issues it before the existing permit expires.

Erosion and Sediment Control General Permit -The Oil & Gas program is also working on the draft ESCGP-4, which will be presented at the Oil & Gas Technical Advisory Board meeting in June.

Q & A included the fact that the Department is actively reaching out to stakeholders regarding permitting in order to modernize their permitting process. Additional Q & A revolved around a discussion on recycling of solar panels, where the Department is looking into addressing the issue of electronic recycling, generally, with help from the legislature. Finally, there was Q & A on the Sixth Act 54 Report, which is to be publicly released in May 2024.

## **PRESENTATIONS:**

### **[Electronic Waste Clearinghouses](#)**

**Jason Linnell, Executive Director, National Center for Electronics Recycling**

The National Center for Electronics Recycling (NCER) is a nonprofit organization located in West Virginia and is involved in federal, state, and association projects in which they conduct research and run collections programs.

After providing an overview of the clearinghouse model used in Illinois and South Carolina and the evolution of Illinois's electronic legislation, Jason went on to discuss the roles and responsibilities of clearinghouses, which is run by a separate organization - Electronics Recycling Representative Organization. These roles and responsibilities include helping manufacturers collectively meet the requirements to implement a statewide manufacturer electronic waste (e-waste) program, administering manufacturer obligation percentages within the Program Plan, allocate opt-in counties to individual manufacturers and groups, request existing relationship preferences, and setting rules for manufacturer or designated group participation.

He also clarified what the clearinghouses are not responsible for. These include contracting with recyclers, collectors or other service providers, deciding which

collection site/s or events will be included in the final Program Plan, decide the entities used in meeting the required minimum sites for convenience standard, and mandating whether assigned groups/manufacturers agree to include all proposed sites/events from opt-in forms.

Jason further discussed the allocation of opt-in counties and how the clearinghouse assigns the opt-in counties to group plans based on manufacturer obligation percentage formula. Assignments are based on counties annual estimates and clearinghouse historic data. Not all assignments are the same size because of number and size of obligation percentage formula. Jason further discussed clearinghouse private programs, including retail collection, curb-side collection, mail-back collection, and other manufacturer-sponsored events, which help level out obligations by manufacturers and groups. Discussion on the true-up process also described over or under collection of obligation percentage and its impact on future years and the buy or sell credits to offset any difference.

Jason also discussed the benefits, including the convenience, consistency in sites and lack of limits for covered materials, funding by the manufacturers, and true-up allowing the fair allocation of costs. Some of the drawbacks include how there could be gaps in rural areas and how collection costs are covered by the local government as part of the share responsibility, which may result in some local governments not funding sites or events.

Q&A included number of participating manufacturers; what the formula looks at in weights and national market share data; businesses not being covered by these programs; manufacturer compliance, specifically the fact that firms must be enrolled in e-waste programs in order to sell their brands in states with these e-waste laws; as well as the fact that these clearinghouses distribute penalties using pounds rather than units because it can be hard to distinguish units when recycling e-waste. Other Q&A involved the recycling of solar panels, which is not part of clearinghouse currently, but Washington and Minnesota have legislation in the works regarding solar panels and the cost of disposing, especially at collection sites. Other items for discussion focused on the general definition of electronic or covered device or product.

### **Food Processing Residuals**

**Larry Holley, Director Bureau of Waste Management**  
**High Garst, Acting Policy Director, Policy Office**

DEP's work around Food Processing Residuals (FPR), which is materials associated with the production and manufacturing of food including potato chips, chicken parts, and liquid material derived from food processing; this material is used in agricultural settings, including up to 53,000 farms in the Commonwealth, by following the Department's best management practices. Concerns about FPR has been going on for some time, but recently a number of concerns particularly related to odor have risen to the Department as well as to some administrative partners and partners in the legislature that led to DEP being interested taking a look at how FPR is currently managed. Currently, there is an FPR manual that provides guidance for land application, storage, and normal agricultural application. This manual was first published in 1994 and revised in 2001.

On October 25, 2023, a workgroup was formed made up of staff from DEP, Pennsylvania Department of Agriculture, the State Conservation Commission, and a handful of state lawmakers and other stakeholders with a background working with FPR. That first meeting focused on reducing the odor from FPR application and storage, protecting ground and surface water from contamination, providing clarity for application and storage, and maintain soil health. The goal the group was given, at the beginning, was to present a final report to the Secretaries of DEP and the Secretary of Agriculture by summer of 2024.

The workgroup identified a few concerns with the way FPR is currently handled. The first concern of course was odor, due to the increase of complaints and a perceived increase of odor coming from farms that use FPR. The second concern was related to transportation, specifically where the FPR is coming from and that it's being transported soundly. And finally, there was a feeling that greater collaboration was needed between the State Conservation Commission and PDA. The workgroup may suggest changes to the current FPR manual to address these concerns when the final report is posted in the coming weeks.

Q&A included the fact that the FRP Workgroup did indeed focus on the protection of ground to surface water as one of its primary goals as well as acknowledging that the current FPR manual has many good practices within it, and while the FPR workgroup may suggest some updates, it will not upend completely the practices that are currently in place. Additional discussion was around what is FPR,

transportation and record keeping, how other states handle FPR, and whether a legislative option is on the table.

#### **APPROVAL OF MEETING MINUTES:**

Vice-Chair Timothy Weston solicited additions or corrections to the April 9, 2024 Minutes. Hearing none:

**Thaddeus Stevens motioned to approve the Minutes of the April 9, 2024 meeting. Jacquelin Bonomo seconded the motion, which was unanimously approved.**

#### **APPROVAL OF ISSUANCE OF ANNUAL REPORTS**

Vice-Chair Timothy Weston solicited a motion to approve the 2022 and 2023 annual reports.

**William Fink motioned to approve the annual reports for 2022 and 2023. George Ambrose seconded the motion, which was unanimously approved.**

#### **CAC COMMITTEE REPORTS:**

##### *Nominations Committee*

The committee appointed Cynthia Carrow as Chair. William Fink and John Walliser were also appointed as members. The Committee proposed Robert Barkanic to stand for election as chair, and he agreed. The Committee also proposed Trisha Salvia to stand for election as Vice-Chair, and she agreed. Any other members interested in standing for elections should contact the Committee or Executive Director. Voting will take place at the June meeting.

#### **PRESENTATIONS CONT'D:**

**Draft Proposed Rulemaking to Amend 25 Pa. Code Chapter 122, National Standards of Performance for New Stationary Sources  
Soumya Arikeri, Air Quality Engineer, Bureau of Air Quality**

The Department is proposing a rulemaking to amend 25 Pa. Code Chapter 122 to provide the express legal authority for the Department to be able to adopt and submit to the United States Environmental Protection Agency (U.S. EPA) for approval a State Plan developed in accordance with 40 CFR Part 60, Subparts B

and Ba. as well as request delegation from the U.S. EPA to implement and enforce the requirements of an applicable Federal Plan established by the EPA under 40 CFR Part 62.

The Department also proposes to amend 25 Pa. Code Chapter 122 by adding §§ 122.4 and 122.5.

- § 122.4. Adoption of Federal Plans for existing sources.
- § 122.5. Implementation and enforcement of emission guidelines and Federal Plans for existing sources

The proposed rulemaking package, including the executive summary, preamble, proposed Annex A, and regulatory analysis form will be made available online when the proposed rulemaking is added to a meeting agenda for consideration by the Environmental Quality Board.

**Vice-Chair Timothy Weston motioned to approve the Council's recommendation to adopt this rulemaking to the Environmental Quality Board. James Schmidt seconded the motion which was unanimously approved.**

**Draft Proposed Rulemaking 25 Pa. Code Chapter 129  
Arun Sharma, Air Quality Engineering Specialist, Bureau of Air Quality**

This proposed rulemaking would correct the errors in the mass-equivalent basis factors established in 25 Pa. Code § 129.115(c) as well as correct a cross-reference error in 25 Pa. Code § 129.115(d). If published as a final-form rulemaking in the Pennsylvania Bulletin, this proposed rulemaking will be submitted to the EPA as a revision to the Commonwealth's SIP.

Q&A included a clarification that the rulemaking is being proposed strictly to correct the record.

**Vice-Chair Timothy Weston motioned to approve the Council's recommendation to adopt this rulemaking to the Environmental Quality Board. James Schmidt seconded the motion, which was unanimously approved.**

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## **PUBLIC COMMENT:**

The following individuals, and the organizations they represent, if any, provided comments at the meeting. Links to their written comments are provided. In cases where written comments were not provided, a brief summary is provided:

[Keith Myers](#). Mr. Myers provided written comments, but he provided additional comments regarding anomalies from sensors at certain locations, including high levels of solar radiation, and the deletion of data from Air Quality data.

[Barbara Brandom](#)

[Karen Feridun, Co-founder of Better Path Coalition](#)

[Chris Greentown](#)

## **CAC COMMITTEE REPORTS CONT'D:**

### *Legislative Committee*

The Committee is still focusing on electronic waste, but they are also looking into more presentations of FPR as well as PACER and PRESS.

### *Strategic Issues Committee*

The Committee met on May 3, 2024, and they are looking into finding a presenter on crypto-mining. If anyone knows of a potential presenter, please contact the Committee. The Committee is also looking into a topic that would concern both CAC and EJAB for the joint meeting.

### *Public Participation Committee*

Since Rev. Hescox and Dr. Green have officially left CAC, George Ambrose is now Chair of the Public Participation Committee. A letter has been provided to CAC members to use for recruitment for the Committee.

### *EQB*

The June and July meeting were cancelled.



***Mining and Reclamation Advisory Board***

There is an open spot for an additional CAC member on the MRAB, if anyone is interested, please contact Ian Irvin. The next MRAB meeting is July 25.

***Aggregate Advisory Board***

Next meeting is August 28.

***Low-Level Radioactive Waste***

Has not met.

***Solid Waste Advisory***

Will meet on June 26.

***Oil and Gas Technical Advisory Board***

Meeting on June 13.

***Radiation Protection Advisory Committee***

Will meet on October 16.

***Sewage Advisory Council***

Will meet September 18.

**NEW BUSINESS/OPEN DISCUSSION:**

The next meeting of the CAC will be June 11, 2024 at 12:30 PM.

**ADJOURNMENT:**

**With no further business, Timothy Weston moved to adjourn the meeting. Cynthia Carrow seconded the motion, and all were in favor.**

**The May 14, 2024 meeting of the CAC was adjourned at 4:13 PM.**