

**MINUTES OF
CITIZENS ADVISORY COUNCIL
September 10, 2024**

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

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| Robert Barkanic, Chairperson | James Schmid |
| Trisha Salvia, Vice-Chair | Thaddeus Stevens |
| George Ambrose | John Walliser |
| Jacquelyn Bonomo | Jim Welty |
| Duane Mowery | Tim Weston |
| John St. Clair | |

DEP STAFF PRESENT:

Ian Irvin, Executive Director
Casey Damicantonio, Policy Office

CALL TO ORDER:

Chairman Barkanic called the meeting to order at 12:31 PM.

APPROVAL OF MEETING MINUTES:

Chairman Barkanic solicited additions or corrections to the July 9, 2024 Minutes. Hearing none:

Tim Weston motioned to approve the Minutes of the July 9, 2024 meeting. Jacquelyn Bonomo seconded the motion, which was unanimously approved.

DEP UPDATE

Executive Deputy Secretary Ramez Ziadeh provided the following update:

State Budget

- In July, DEP received \$11 million in the well plugging fund to help maintain efficiency in DEP's oil and gas management operations.
- The budget allocated \$1.5 million for DEP's Harrisburg Lab, mainly to purchase new per- and polyfluoroalkyl substances (PFAS) testing instrumentation and to fund two additional staff to help run the equipment.
- DEP received an additional \$10.5 million to fund 40 positions in the regional offices to help with permitting activities, mainly Chapter 102, Chapter 105, concentrated animal feeding operation (CAFO), and other clean water permits. Some will go to Safe Drinking Water to help with PFAS monitoring efforts.

PAG-02 Permit Renewal

- The general National Pollutant Discharge Elimination System (NPDES) Permit is designed to manage stormwater discharges from construction activities, and it is due for renewal every five years in accordance with the requirements of the federal Clean Water Act. The existing permit will expire on December 7 and must be renewed before then. The agency went through the renewal process early this year, took public

comments on the draft permit early this year, worked with stakeholders to resolve comments in June, then moved forward with publishing notice of the final permit at the end of August.

- In December, DEP will implement a reissued version of the PAG-02 General Permit, which mandates several procedural updates. Site inspections under the PAG-02 General Permit must be conducted by personnel who have completed qualified site inspector training and must obtain written approval before conducting inspections. Additionally, the new permit mandates requiring proof of instrument recording before the pre-construction meeting.

Q&A included the Department's handling of a construction site spill near the Bartram Gardens in Philadelphia, PA.

SPEED Act

What is SPEED?

- Streamlining Permits for Economic Expansion and Development (SPEED) was passed as part of the 2024/2025 state budget signed by Governor Shapiro on July 11, 2024. SPEED is a staff augmentation program that allows permit applicants to use external DEP-approved qualified professionals to conduct the initial review of certain permits. The permitting entity will make final determination on the permit applications based on the approved professional's review of the application.
- Eligible permits include:
 - Air Quality Plan Approvals (Chapter 127)
 - Earth Disturbance Permits (Chapter 102)
 - Water Obstruction and Encroachment Permits (Chapter 105)
- DEP will approve a list of qualified contractors that meet certain criteria based on expertise and professional licensing.
- Once DEP receives the recommendations from the DEP-verified professionals, it will conduct a final review according to its regulations and procedures and either issue the permit, deny it, or send a technical deficiency letter to the applicant.

Q&A included the significant concern of Tioga County officials about the lack of affordable housing and the burden of regulations, concern about the length of time for multiple qualified professionals involved in permit approval, and the \$11 million for finding and capping wells that goes into the coffers of the Oil & Gas program.

PRESENTATIONS:

William Haaf, Corporate Manager of Product Stewardship, DuPont (Retired)

Hydrogen – Silver Bullet or Limited Uses?

William Haaf provided a detailed presentation around the production and use of hydrogen, including what would most and least benefit from hydrogen, various technologies, and the benefits of using those turquoise hydrogen.

Q&A included where green hydrogen makes economic sense and the niches and limitations of hydrogen.

**Meaghan Wright and Dorene Pasekoff, East Coventry Advocacy
Food Processing Residuals**

This presentation provided an overview of food processing residuals, best management practices as outlined in DEP’s FPR manual, an explanation of how East Coventry Township has provided an example for other municipalities and the Commonwealth to follow, and highlighted areas of consensus on which to build trust while keeping communities and farms safe.

Q&A included referral to the Antrim Citizens for Safe Water website for details on the FPR spill, the East Coventry Township steering committee, the East Coventry local ordinance, and the progress of House Bill 2393.

PUBLIC COMMENTERS

All written comments submitted were provided to the CAC members.

KAREN FERIDUN

This commenter discussed the details of a voluntary agreement called “Radical Transparency” entered into last November between Governor Shapiro and Nick Deuliis, CEO of CNX which she considered a cynical attempt to undermine those harmed by fracking by discrediting thousands of peer-reviewed papers, government reports, and media investigations that have demonstrated the grave harms fracking poses to health, safety, the environment, and climate. Ms. Feridun came to express outrage that the Department of Energy lists the Shapiro/CNX Radical Transparency deal in its ARCH2 Community Benefits Commitments summary under the category of Equitable Impacts on a list of examples of how the hub is working to implement Justice 40 principles at the site level. Ms. Feridun believes that Radical Transparency is a slap in the face to all the victims of fracking who will continue to be victimized to provide blue hydrogen’s feedstock.

CAC COMMITTEE REPORTS:

Legislative Committee

Executive Director Ian Irvin reported that the committee met on August 1 and is still working on the strategic plan while keeping tabs on legislation happening at the Capitol. Because of the limited number of sessions days and campaign season, the Committee is not really moving forward until something moves across the street.

Public Participation

George Ambrose reported that the committee had not met but had decided on a number of strategies that will be moved forward, including Farm Show presence, handouts, printed updates, website reports, more public input, and referring the testimony of people that provide input to the appropriate committees of the CAC so they may be acknowledged and/or provided a response.

Policy and Regulatory Oversight

Executive Director Ian Irvin reported that the committee did not meet.

Strategic Issues Committee

Executive Director Ian Irvin reported that the committee recently reviewed their strategic plan and talked about upcoming presentations and topics the committee may want to tackle in 2025, including solar panel recycling. The Vice Chair of the PUC has agreed to talk about data centers and the energy uses there. Energy Solutions has agreed to talk about TMI decommissioning. There will be more presentations on hydrogen hubs and PFAS, specifically the EPA and safe drinking water aspects.

Aggregate Advisory Board

Executive Director Ian Irvin reported that the final omitted rulemaking clarified usage of the word “area”. There were several different meanings, so the regulation changed one of the meanings to site.

Thad Stevens reported that there is an upcoming September meeting of the Aggregate Advisory Board’s Regulatory, Legislative, and Technical Committee.

EQB

John Walliser reported that there were three items on the EQB agenda.

- DEP brought forth a proposed rulemaking for publication in the *PA Bulletin* for water quality standards in response to the submittal of data from the Fish & Boat Commission in their redesignation of Class A trout streams that would qualify the streams as high quality waters under the DEP regulations: 96 stream segments across 34 counties, approximately 489 stream miles, potentially covering 166 facilities. There will be no impact on their existing discharges, but it may impact new or expanded permit applications in those water bodies. DEP made the recommendation to publish the rulemaking in the *PA Bulletin* with a 45-day public comment period and a hearing, which was approved.
- The second item was from the Laboratory Accreditation Program. A fee and program cost analysis report was completed, which is done every three years. The findings from the analysis are that in fiscal year 2023 the costs eclipsed revenues for the program, primarily for two reasons: 1) there has been a decrease in the number of accredited laboratories due to consolidation, which means fewer but larger labs, therefore greater testing parameters and program costs, including more complex testing methods for issues like PFAS. DEP will be recommending a proposed rulemaking to raise the fees. The last time the fees were raised was in 2017. There was no action taken by the EQB at this time.
- A motion was made by one of the EQB members to have DEP develop a proposed rulemaking to abrogate an existing regulation with respect to heavy duty diesel truck emission rules. That regulation is currently in litigation. There was no substantive discussion on the motion, and the motion failed.

Chairman Barkanic mentioned that one EQB member also raised a concern about the stream designation package in that DEP lumped 96 streams together, virtually covering every

watershed, and stated that it might be more difficult for members of the public to participate and comment because it was such a massive undertaking. The Chairman suggested that might be something for the CAC to discuss in the future to see how that might be better managed.

NEW BUSINESS/OPEN DISCUSSION:

Executive Director Ian Irvin offered that the following advisory board meetings that CAC members are a part of will be held as follows:

September 27 Low Level Radioactive Waste Advisory Board

October 9 Solid Waste Advisory Board
Recycling Fund Advisory Board

October 6 Radiation Protection Advisory Board

October 23 Mining Reclamation Advisory Board

The Executive Director will send reminders to the CAC members that are on those advisory boards.

Josh Neyhart introduced himself as the new DEP liaison to the CAC. Josh grew up in Berks County, went to Shippensburg University, moved to Michigan to work in the Witmer Administration in the Department of Ag working on policy related to environmental runoff, moved back to PA mid-pandemic, worked in the Shapiro Administration, and recently joined DEP' Policy Office. He is happy to be a resource and aid in the work of the CAC in any way he can.

The next meeting of the CAC will be October 8, 2024, at 12:30 pm.

ADJOURNMENT:

With no further business, James Schmid moved to adjourn the meeting. Thad Stevens seconded the motion, and all were in favor.

The September 10 meeting of the CAC was adjourned at 3:22 PM.