

EJAB Meeting August 2, 2011

Board members in attendance:

Ms. Erlinda Aguiar
Ms. Laureen Boles
Ms. Nora Carreras
Dr. Arthur Frank
Dr. Clea Patrick Hollis

Ms. Ann Morrison
Dr. Horace Strand
Ms. Mary Vuccola
Mr. John Waffenschmidt
Dr. Mark White –
*left during second half of the meeting

Non-Board members in attendance:

Ms. Holly Cairns (DEP – SW OEA)
Ms. Alice Wright Bailey (DEP – SE OEA)
Ms. Susan Wilson (DEP – CAC)
Ms. Clarissa Tillery (CEP – Exec. Director)

Dr. Frank announced that Mario Browne has formally resigned. The new clerical staff member for EJAB, Marsha Lohr, was introduced. For this meeting, the board has two sets of minutes to approve. Last meeting they did not have enough for a quorum so they couldn't approve the February meeting. To questions about quorum, Ms. Morrison explains that it means they could not pass motions but they can still record the meeting and officially file the minutes. They just could not act and pass a motion. It was clarified that there was quorum during the previous meeting. However, the February minutes needed approval because they were not typed at the time of the August meeting due to lack of clerical support for EJAB.

There is discussion about considerations of nominations at the last meeting.

Ms. Morrison asks for approval of minutes. All I's for minutes. With the clarification that there were nominations at the previous meeting.

Staff Reports

Ms. Cairns spoke about an EPA brownfields event in the SER where they toured a brownfield site. EPA provided granted \$1 million award and it was good for the community to see that. Ms. Cairns also attended an open house that First Energy held.

Ms. Cairns mentioned that the OEA staff has been asked by EPA to provide information on how the EJ policy is implemented in PA, as well as provide case studies. EPA is trying to incorporate EJ into their programs and regulations. They would like to observe one of our public informational meetings.

Also, 25 students from the Move-It program came out to DEP. These students are at risk students that are between 18 and 21 years of age. They graduated high school with no plans. Move-It is an EPA grant that puts them through an environmental training program. The students got to learn about waste water treatment, how to get certifications and the available careers.

The Hazlewood LTD site was also discussed. Ms. Cairns is organizing a meeting between the developer, community group, office of Pittsburgh Water & Sewer, and the Department to try to look at the infrastructure on the site.

Ms. Wright discussed the Ardmore Shopping Plaza. The site was previously used to make cars, and there is contamination. The owners of the Shopping Plaza want to redevelop it or sell it. A meeting was held with the local community and church to discuss concerns of further contamination and sampling. The community is primarily African American.

Percium Valley High School had a career day at DEP and learned about environmental justice.

The Pennsylvania Department of Health published a report with the ATSDR and the University of Pennsylvania on the Helping Health activities on the Asbestos site in Ambler. They recognize that there are health concerns.

Rev. Dr. Strand is currently working with Chester Delcora, and a rock crushing company in the city of Chester. They plan to put together a feasibility statement for purchasing houses on North Street and relocating the residents. Some residents would like the opportunity to relocate if it could be done in a financially feasible way. CEP is working with parents in Chester on asthma triggers and forming a partnership with the Chester Fire Department in hopes that they will be able to get funding to install carbon monoxide detectors in the city.

Ms. Carreras and the DEP Office of Policy crafted a plain language summary of the utility map rule. There was discussion on how the summary was prepared, considering the complexities of the rule. Carreras explained that EPA put together a fact sheet and DEP summarized the fact sheet.

The OEA is considering the reinstatement of the internal EJ workgroup. The restructuring of the Office of External Affairs was discussed. She also mentioned that the census 2010 income data is not yet available to update the e-Map system. Some race data is available and samples were provided to EJAB.

Ms. Wright suggested providing information to EJAB when there are regulations open for comments.

Introduction of DEP New Staff Members

Tom Santanna, new Legislative Director for the DEP, was introduced to the group. Justin Leventry is the legislative liaison. It is a priority of the Governor's Office to offer good customer service to constituents. Santanna mentioned that a current important development is the recent publication of the Marcellus Shale Coalition report and how it will impact legislation.

There was a lengthy discussion on whether or not Tom could advocate on issues that affect EJ communities and if there is a possibility to include EJ in the process. Tom explained how EJ considerations could be considered much earlier through the different internal reviews at the program level, the regulatory council, budget office and the policy office. The group agreed that there are opportunities to educate legislators about EJ. Mr. Santanna will work with Ms. Carreras for updates on current issues so the board can offer comment or suggestions. Ms. Morrison and Rev. Strand discussed the possibility of meetings with the legislators. Mr. Santanna explained how the process works in the Legislative Office concerning DEP's positions on legislation. More discussion followed concerning the role of the board as advisors to the Secretary and to the extent it is the board's role, as an advisory board, to conduct community advocacy or advocacy in general with legislators. After much discussion, diverse opinions were discussed. Mr. Santanna indicated that he would be comfortable with meet and greet type of meetings to explain what EJAB does and who they represent. The group thanks Mr. Santanna for coming to the meeting.

Andrew Gaul, with Office of Program Integration, was introduced to the Board. Andrew's position is Special Science & Technology Resource Team Member. He assists with special projects. Mr. Gaul has degrees in business, biology, and environmental engineering. The Executive Deputy Secretary for Programs, John Hines, prioritizes his projects. Mr. Gaul answered questions from EJAB members and others in the room.

Review of By-Laws

A handout was distributed and is open for discussion. The review is for fulfilling desires of board, in terms of participation, commitment, and ease of access for sharing information for the board members.

The first issue discussed was attendance (Pg. 1, Article 4, Item B). The current bylaws require members to at least attend one meeting per year. Several alternatives, opinions and issues were considered: more meetings via conference call; explaining/requiring physical presence; good standing if participation only by phone; importance of physical presence to at least one meeting per year; since there are only 4 meetings per year, members should be there for at least 50% of the meetings; would imposing attendance increase vacancies; Skype could be an option; does voting by proxy count as attendance and should it be specified in the bylaws; two out of four is reasonable; job restrictions; prior notice; and how long to hold a spot on the board when personal circumstances arise.

Ms. Morrison wants to strike the provision for alternates, as it is hard to find someone who knows the community and has the EJ knowledge that the board member has. Alternates cannot vote.

The board moves on to discuss page 2, article 5, voting. Board members have the ability to participate in person or by phone. An option could be other computer means or technology advancements. The board would like to add the option of voting via e-mail or other electronic means not already mentioned in the bylaws. There was discussion on voting by proxy.

Ms. Morrison will generate a track changes document and send it out for comments. Any written or e-mailed comments for voting need should be sent to Ms. Morrison.

Presentation on Funding Opportunities for EJ Communities

Ms. Cairns's presentation is concerning funding opportunities for EJ communities. Mr. Waffenschmidt wants to make people aware of foundations, and the board suggested simplifying the document. Ms. Aguiar points out that a lot of non-profits aren't state registered because they don't have the data needed or are missing the records information.

Dr. Frank introduces Vicky Lori, Chief of Community Empowerment Division of DCED, who gave a presentation about community affairs, funding and development. Ms. Lori shared information on the Neighborhood Assistance Program through tax credits, the Enterprise Zone Program (NAP/EZP) for private partnerships that want to construct or enhance warehouses, development projects within an enterprise zone which is considered a distressed area, and the special program priorities. She also shared information on the Neighborhood Partnership Program. The presentation was paused to allow Secretary Krancer to speak.

DEP Updates – Secretary Michael Krancer

Secretary Krancer spoke about the Marcellus Shale Commission's report: reason, process, commission composition, and the two main areas of interest from the public and the media: impacts and the geological considerations frequently mislabeled as pooling. Many stakeholders were involved in the creation of the report and a wide range of groups provided input. The board asked questions regarding funding in local communities; community health concerns; potential disagreements with findings; gaps in the report; limitations of local fire departments and lack of training; emergency responders; and hospitals and funding for hospitals. The Secretary also addressed questions regarding brownfields in EJ areas and his letter to drillers.

Presentation on Funding Opportunities for EJ Communities (Continued)

Ms. Lori finalized her presentation.

Dr. Frank introduces George Payne, Vice President of Programs in the Harrisburg YWCA. The Harrisburg YWCA is a social services agency located within South Allison Hill and received a NAP grant from DCED. Mr. Payne explained how this funding assisted their organizations through building and infrastructure, the salary of the neighborhood coordinator, building operation for the Center for Employment, Education, and Entrepreneurial Development, and IT and insurance costs. Mr. Payne answered questions from board members and OEA staff.

Lunch

Dr. Mark White will not be in attendance for the second half of the meeting.

Update on Internal Work Group

The Internal Workgroup will be meeting again. Ms. Wright and Ms. Cairns have provided names of people in their regions that would like to volunteer for the workgroup, and they are also recruiting people from Central Office. They currently have a letter that is going out, encouraging people to join the workgroup. The workgroup will be incorporating Environmental Justice topics. The workgroup will work on regulation packets and summarizing points. The Internal Workgroup will begin meeting in the next two or three months. The compilation of the Internal Workgroup will be focusing on the organization of DEP, but will be comprised of Environmental Justice members as well. They want to provide public comment on issues that are technical and not all communities would understand the language used. The intent will be to help guide decisions and provide expertise. The Internal Workgroup will be accessible to the EJAB group when policies and grants come up that they have questions about.

There is still no progress in the subject of Adam Cutler as EJAB's attorney.

EJ Experience in Chester Document for EPA

Mr. John Waffenschmidt gave a presentation about Chester. Under EPA's Plan EJ 2014, EPA is undertaking many initiatives to include EJ in all aspects of the agency and to be sensitive to the Environmental Justice concerns. Mr. Waffenschmidt has provided comments for several of these initiatives. Mr. Waffenschmidt crafted a document using Chester as an example of a success story in an Environmental Justice community. The National Environmental Justice Advisory Board asked Mr. Waffenschmidt to submit a document telling the story of Chester. Mr. Waffenschmidt sent the finished product to NEJAB. Mr. Waffenschmidt's work is on post zoning and site selection, what he views as the determiner of the potential for community and industry conflict.

John focused on three points for success:

- 1.) The PA regulatory framework which established the rights of parties.
- 2.) A structured process of dialogue between the community, regulators, and the company.
- 3.) Community, regulatory, and company participants who took a leadership role in the process.

In addition, Mr. Waffenschmidt noted two other summary conclusions / suggestions. One being that EPA not develop policies which would contribute to a community's economic deprivation. In that regard, permit conditions not directly related to measurable environmental benefits should not encumber a facility's operating ability. The other being that communities should be provided with assistance in understanding permit conditions and the nature of environmental impacts.

Dr. Strand addressed the importance of partnership and credits Covanta for being a partner from the beginning and talking to people as people and creating a successful partnership. Mr. Waffenschmidt provided additional details of this publication.

Brownfields Programs

Tom Mellot, DEP Brownfields and Act 2, provided an overview of DEP Brownfields' Program. The presentation included information on the PA Site Finder; the brownfields directory; funding; the brownfields redevelopment process; a success story in an EJ area; BAT and its role; challenges of redevelopment; and his role and contact information. The group thanked Mr. Mellot for his presentation.

Election of Officers

Dr. Frank opens the floor for nominations to the board. Ann Morrison states that the positions that are open for nominations are Chair, Vice-chair and Parliamentarian. Positions are open every two years or when the board chooses to have elections.

Dr. White left his nominations and votes to be presented by proxy. There was discussion on whether or not it is appropriate to accept Dr. White's proxy. The parliamentarian clarifies that under the current by-laws, Dr. White is allowed to leave his written proxy.

Nominations for Chair are: Dr. Arthur Frank (nominated by Ms. Morrison and Dr. White), Rev. Horace Strand (nominated by Dr. Hollis). Nominations for Vice Chair are: Dr. Mark White (nominated by Ms. Morrison) and Erlinda Aguiar (nominated by Ms. Boles). Nominations for Parliamentarian: Ms. Ann Morrison (nominated by Ms. Vuccola). Dr. Hollis moves to close nominations for all offices, Ms. Boles seconded.

The written votes in the meeting bring a tie for Chair. Ms. Aguiar had the vote for Vice Chair and Ms. Morrison for Parliamentarian.

Ms. Aguiar presented a motion to keep Ms. Morrison as Parliamentarian. None oppose. Ms. Vuccola seconded motion. Mr. White's vote would have broken tie but was decided to not count his vote because he left the meeting and other members who were not present did not have the opportunity to vote by proxy.

There was a lengthy discussion on whether or not the opening for the position of Chair was up for reelection and if Ms. Carreras indicated in the previous meeting that Dr. Frank's position was not expired, as some members recalled.

The votes from this meeting were tabled because the Chair was not discussed in a previous board meeting. There will be an election to be held at the next meeting. If unable to be there, they need to submit election in writing.

Ms. Boles and Dr. Strand motion that current by-laws stand up until the election. Dr. Hollis seconds motion that current by-laws stand.

Nomination slate shall be attached with minutes sent out before the next meeting.

Mr. Waffenschmidt would also like to maintain by-laws for this nomination

Nominations remain the same.

Public Comment, New/Unfinished Business

No public comment was provided. It was announced that the next meeting is November 15th and there is a possibility of a joint session with the Citizens Advisory Council.

Adjournment

Dr. Frank motioned to adjourn.