

**DRAFT MINUTES
ENVIRONMENTAL QUALITY BOARD MEETING
June 19, 2018**

VOTING MEMBERS OR ALTERNATES PRESENT

Patrick McDonnell, Chairman, Secretary, Department of Environmental Protection
Natasha Fackler, alternate for Leslie Richards, Secretary, Department of Transportation
Gladys Brown, Chairman, Public Utility Commission
Richard Fox, alternate for Representative Mike Carroll
Leda Lacomba, alternate for Representative John Maher
Timothy Collins, alternate for Senator John Yudichak
Nick Troutman, alternate for Senator Gene Yaw
Michael DiMatteo, alternate for Bryan Burhans, Executive Director, Pennsylvania Game Commission
Terry Dayton, Citizens Advisory Council
Heather Smiles, alternate for John Arway, Executive Director, Pennsylvania Fish and Boat Commission
Douglas McLearn, alternate for Andrea Lowery, Executive Director, Pennsylvania Historical and
Museum Commission
Sam Robinson, alternate for Sarah Galbally, Secretary, Governor's Office of Policy and Planning
Cynthia Carrow, Citizens Advisory Council
James Schmid, Citizens Advisory Council
Don Welsh, Citizens Advisory Council
Jim Sandoe, Citizens Advisory Council
Paul Opiyo, alternate for Dennis Davin, Secretary, Department of Community and
Economic Development
Michael Smith, alternate for Russell Redding, Secretary, Department of Agriculture
Sharon Watkins, alternate for Dr. Rachel Levine, Secretary, Department of Health

DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF PRESENT

Laura Edinger, Regulatory Coordinator
Jessica Shirley, Policy Director
Robert "Bo" Reiley, Bureau of Regulatory Counsel

CALL TO ORDER AND APPROVAL OF MINUTES

The meeting was called to order at 9:00 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The Environmental Quality Board (EQB or Board) considered its first item of business – the approval of the May 16, 2018, EQB meeting minutes.

**Sharon Watkins made a motion to adopt the May 16, 2018, EQB meeting minutes.
Don Welsh seconded the motion, which was unanimously approved by the Board.**

CONSIDERATION OF FINAL-OMITTED RULEMAKING: U.S. NUCLEAR REGULATORY COMMISSION (NRC) CONSISTENCY RULE (25 Pa. Code Chapters 215, 217, 230 and 232)

This final-omitted rulemaking corrects references to specific sections of Title 10 Chapter I of the Code of Federal Regulations that were inadvertently incorporated by reference in Pennsylvania's regulations. These corrections are necessary for the Commonwealth to properly implement the federal requirements of NRC's Agreement State program.

Dave Allard, Director for Bureau of Radiation Protection, provided an overview of the final-omitted rulemaking. Kristen Furlan, Assistant Director for Bureau of Regulatory Counsel, assisted with the presentation.

There was no discussion after the presentation.

**Doug McLearen made a motion to adopt the final-omitted rulemaking.
Jim Sandoe seconded the motion, which was unanimously approved by the Board.**

CONSIDERATION OF FINAL RULEMAKING: RADIOLOGICAL HEALTH (25 Pa. Code Chapters 215-221, 223-228, 230, 232 and 240)

This final rulemaking establishes and maintains adequate radiation protection standards and oversight due to significant technological advances in the use of radiation sources. The rulemaking removes Agreement State transitional language and outdated requirements as well as adds definitions to clarify new and existing regulatory provisions. The rulemaking also contains comprehensive amendments for radon testing, mitigation, and laboratory analysis that largely reflect current practice.

Dave Allard, Director of the Bureau of Radiation Protection, provided an overview of the final rulemaking. Kristen Furlan, Assistant Director of the Bureau of Regulatory Counsel, assisted with the presentation.

Sharon Watkins asked how the standards or levels agree with or differ from other public health federal standards such as OSHA. Mr. Allard responded that the Department of Environmental Protection (DEP) incorporates the NRC's regulations by reference and that compatibility is absolute. Further, he noted that the Occupational Health and Safety Administration (OSHA) has not updated its regulations since the early 1970s, and are tied to 1960s radiation protection standards. Pennsylvania's and NRC's public and worker standards are therefore the more restrictive and protective standards over OSHA. Regarding X-rays, the U.S. Food and Drug Administration only regulates the manufacturers of the X-ray equipment. DEP regulates the people and facilities that use the X-ray equipment, as that is the responsibility of individual States.

Dr. Watkins asked if the Pennsylvania Department of Health (DOH) has regulations that differ from DEP's regulations and if that is the case, if DEP has reached out to legal counsel for Department of Health. Mr. Allard responded affirmatively that the regulations differ and that DEP is actively working with the DOH on the prospective update to their regulations. Regarding the differences in the regulations, the Commonwealth's Radiation Protection Act of 1984 empowers DEP to implement a comprehensive

statewide radiation protection program. The statute also expanded the authority of DEP to regulate other 'electronic product' radiation sources.

Michael Smith made a motion to adopt the final rulemaking.

Jim Sandoe seconded the motion, which was unanimously approved by the Board.

OTHER BUSINESS:

PFOA Petition Update:

Chairman McDonnell provided the following update:

The PFOA (perfluorooctanoic acid) Petition was submitted by the Delaware Riverkeeper Network and accepted for further study by this Board at its meeting on August 15, 2017. At that meeting, it was stated that DEP would begin to evaluate the petition and hoped to report back in June of 2018.

In short, DEP needs more time to review the petition. DEP does not have a toxicologist on staff and a toxicologist is needed to evaluate the science of the petition. DEP has been working with the DOH for the last six months to hire a toxicologist. Once hired, that person will be assisting DEP in assessing the various health advisories from EPA and other states; this includes PFOA.

Further, DEP has submitted a Freedom of Information Act request to obtain information related to the Agency for Toxic Substances and Disease Registry draft assessment or study on PFAS (letter dated May 22, 2018), but has not yet received a response.

In the intervening time, DEP is participating in and reviewing data from national workgroups. These meetings and review are ongoing.

Regulatory Update:

Laura Edinger provided the following updates:

- The Handling and Use of Explosives final rulemaking will be published in the *Pennsylvania Bulletin* on June 23, 2018. The rulemaking will go into effect at the time of publication. This Board adopted the final rule on February 20, 2018.
- On Thursday, June 28, 2018, IRRC will consider two final rulemakings: Control of VOC Emissions from Industrial Cleaning Solvents and Safe Drinking Water General Update and Fees. Both rulemakings were adopted by this Board on April 19, 2018.

After the update was given, Dr. Watkins asked for clarification on the updates and specifically which components of water quality were included in the Safe Drinking Water General Update and Fees rulemaking. Chairman McDonnell explained that those provisions were included in a separate rulemaking. The Revised Total Coliform Rule, the Disinfection Requirements Rule, and the Safe Drinking Water General Update and Fees rule originated as one larger rulemaking but were split into three separate rulemakings. Lisa Daniels, Director of the Bureau of Safe Drinking Water, responded that the components of water quality were included in the Disinfection Requirements final rulemaking recently published in April. DEP is beginning to implement the provisions of that rule.

Next Meeting:

The next meeting of the EQB is tentatively planned for Tuesday, August 21, 2018. The July meeting is cancelled.

ADJOURN:

With no further business before the Board, Don Welsh moved to adjourn the meeting. Cynthia Carrow seconded the motion, which was unanimously approved by the Board. The June 19, 2018, meeting of the Board was adjourned at 9:25 a.m.