

MINUTES
ENVIRONMENTAL QUALITY BOARD MEETING
September 9, 2025

VOTING MEMBERS AND/OR ALTERNATES PRESENT

Jessica Shirley, Chairperson, Secretary, Department of Environmental Protection
Jacob Finkel, alternate for Akbar Hossain, Secretary, Governor's Office of Policy and Planning
Greg Hostetter, alternate for Russell Redding, Secretary, Department of Agriculture
Adam Walters, alternate for Frederick Siger, Secretary, Department of Community & Economic Development
Kristen Rodack, alternate for Dr. Debra Bogen, Secretary, Department of Health
Scott Weiant, alternate for Nancy Walker, Secretary, Department of Labor and Industry
Shane Rice, alternate for Michael Carroll, Secretary, Department of Transportation
Heather Gahagan, alternate for Tim Schaeffer, Executive Director, Pennsylvania Fish and Boat Commission
Paul Lupo, alternate for Stephen Smith, Executive Director, Pennsylvania Game Commission
Joe Lauver, alternate for Andrea Lowery, Executive Director, Pennsylvania Historical and Museum Commission
Kathryn Zerfuss, alternate for Stephen DeFrank, Chair, Public Utility Commission
Matt Osenbach, alternate for Senator Gene Yaw, Senate Environmental Resources & Energy Committee
Emily Eyster, alternate for Senator Carolyn Comitta, Senate Environmental Resources & Energy Committee
Glendon King, alternate for Representative Martin Causer, House Energy Committee
Representative Greg Vitali, House Environmental and Natural Resource Protection Committee
Carol Collier, Citizens Advisory Council
Trisha Salvia, Citizens Advisory Council
John St. Clair, Citizens Advisory Council
Thaddeus Stevens, Citizens Advisory Council
John Walliser, Citizens Advisory Council

DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF PRESENT

Lauren Imgrund, Policy Director
Laura Campbell, Regulatory Coordinator
Laura Griffin, Regulatory Coordinator
Robert "Bo" Reiley, Bureau of Regulatory Counsel

CALL TO ORDER AND APPROVAL OF MINUTES

The hybrid meeting of the Environmental Quality Board (EQB or Board) was called to order by Chairperson Shirley at 9:00 a.m.

Chairperson Shirley introduced Lauren Imgrund to the Board. She joined the Department in August as Policy Director. Lauren previously served as the Deputy Secretary for Conservation and Technical Services at DCNR as well as the Associate Director of Partnerships and Civic Engagement with the National Park Service.

The Board considered its first item of business: approval of the April 8, 2025, EQB meeting minutes.

Thaddeus Stevens made a motion to adopt the April 8, 2025, EQB meeting minutes.
Jacob Finkel seconded the motion, which was approved by the Board (19-0).

FINAL RULEMAKING: CORRECTIONS TO ADDITIONAL RACT REQUIREMENTS FOR MAJOR SOURCES OF NOx AND VOCs FOR THE 2015 OZONE NAAQS (RACT 3)
(25 Pa. Code Chapter 129)

Ali Tarquino Morris (Deputy Secretary for Waste, Air, Radiation, and Remediation) provided an overview of the final rulemaking. Nick Lazor (Director, Bureau of Air Quality) and Jesse Walker (Assistant Director, Bureau of Regulatory Counsel) assisted with the presentation.

There was no discussion following the Department's presentation.

Kathryn Zerfuss made a motion to adopt the final rulemaking. Emily Eyster seconded the motion, which was approved by the Board (19-0).

FINAL-OMITTED RULEMAKING: U.S. NUCLEAR REGULATORY COMMISSION CONSISTENCY RULE – INCORPORATION BY REFERENCE (25 Pa. Code Chapters 215, 217, 219, 220 and 230)

Ali Tarquino Morris (Deputy Secretary for Waste, Air, Radiation, and Remediation) provided an overview of the final-omitted rulemaking. Dwight Shearer (Director, Bureau of Radiation Protection) and Lindsay Williamson (Assistant Counsel, Bureau of Regulatory Counsel) assisted with the presentation.

There was no discussion following the Department's presentation.

Adam Walters made a motion to adopt the final-omitted rulemaking. Kathryn Zerfuss seconded the motion, which was approved by the Board (19-0).

PROPOSED RULEMAKING: ENVIRONMENTAL LABORATORY ACCREDITATION FEES (25 Pa. Code Chapter 252)

Ian Harlow (Deputy Secretary for Administration) provided an overview of the proposed rulemaking. Dr. Pamela Higgins (Director, Bureau of Laboratories) and Leda Lacomba (Assistant Counsel, Bureau of Regulatory Counsel) assisted with the presentation.

There was no discussion following the Department's presentation.

Kathryn Zerfuss made a motion to adopt the proposed rulemaking. Emily Eyster seconded the motion, which was approved by the Board (17-2). Matt Osenbach and Glendon King voted in opposition.

PROPOSED RULEMAKING: SAFE DRINKING WATER REVISED CONSUMER CONFIDENCE REPORT RULE (25 Pa. Code Chapter 109)

Jill Whitcomb (Deputy Secretary for Water Programs) provided an overview of the proposed rulemaking. Ed Chescattie (Director, Bureau of Safe Drinking Water) and Leda Lacomba (Assistant Counsel, Bureau of Regulatory Counsel) assisted with the presentation.

Following the Department's presentation, Kathryn Zerfuss asked when the Department expected the proposed rulemaking to be published in the *Pennsylvania Bulletin*. Chairperson Shirley replied that the review and publication process may take up to three months.

Thaddeus Stevens asked if there was feedback from the regulated community. Ed Chescattie stated that the draft proposed rulemaking was presented to the Public Water System Technical Assistance Center Board and they did not have any significant concerns.

Jacob Finkel made a motion to adopt the proposed rulemaking. Kathryn Zerfuss seconded the motion, which was approved by the Board (19-0).

FINAL RULEMAKING: TRIENNIAL REVIEW OF WATER QUALITY STANDARDS (25 Pa. Code Chapter 93)

Jill Whitcomb (Deputy Secretary for Water Programs) provided an overview of the final rulemaking. Nick Vivian (Director, Bureau of Clean Water), Josh Lookenbill (Water Quality Division Manager, Bureau of Clean Water) and Michele Moses (Assistant Director, Bureau of Regulatory Counsel) assisted with the presentation.

Following the Department's presentation, Carol Collier stated that one of the purposes of the triennial review is to look at waterbodies that are not up to full standards, provide reasons why, and what can be done. Regarding preparation for the next triennial review, the 27-mile stretch of the Delaware Estuary has been on the triennial list for years, listed as secondary contact. In this current triennial review, no facts were provided as to why it should remain listed as secondary contact except for the basis that there was a navigation safety study, which has now been shown to not be used as a factor in deciding water quality levels. She asked what the Department will do to ensure the necessary data is available for the next triennial review, further recommending that the Department lead co-regulators in developing an action plan. She concluded by expressing appreciation for the Department's work. Josh Lookenbill explained that there had not been a holistic data set for the entire Delaware Estuary until the Department worked with the Delaware River Basin Commission in 2024. An additional data set will be collected in 2025 and 2026. He stated that the Department will be required to reaffirm uses in the next triennial review. Data collection and coordination with co-regulators is well underway.

Kathryn Zerfuss made a motion to adopt the final rulemaking. Jacob Finkel seconded the motion, which was approved by the Board (15-4). Matt Osenbach, Glendon King, John St. Clair, and Thaddeus Stevens voted in opposition.

PRESENTATION OF STATEMENT OF POLICY: WATER QUALITY TOXICS MANAGEMENT STRATEGY (25 Pa. Code Chapter 16)

Jill Whitcomb (Deputy Secretary for Water Programs) provided an overview of the statement of policy. Nick Vivian (Director, Bureau of Clean Water), Josh Lookenbill (Water Quality Division Manager, Bureau of Clean Water) and Michele Moses (Assistant Director, Bureau of Regulatory Counsel) assisted with the presentation.

The Chapter 16 Statement of Policy amendments were provided to the Board as an informational item in concert with the Triennial Review final rulemaking. Amendments to policies are Department actions. There were no questions or discussion following the Department's presentation.

No formal action needed.

Jacob Finkel made a motion to postpone the two petition items to a future Board meeting due to the length of the agenda for this meeting. Representative Greg Vitali seconded the motion.

Glendon King asked if the motion was for the next two items on the agenda and asked if a future meeting would have less items for consideration. Chairperson Shirley replied that if the motion passes and the petitions are moved to the next meeting, there would potentially be three petitions on the agenda at the October meeting.

Thaddeus Stevens opined that the petitions seem to be critical to some industrial sections. He asked for a reason to postpone consideration. Jacob Finkel explained that due to the length of the agenda, it would be helpful to have the Board consider the petitions at the next meeting.

Glendon King asked why the motion was to postpone the agenda items rather than to adjourn the meeting. Chairperson Shirley explained that the motion to postpone ensures these petitions will be considered at the next EQB meeting. Bo Reiley affirmed this explanation. Glendon King expressed concern that the motion may violate the Board's petition policy. Bo Reiley explained the petition policy is not a regulation and therefore cannot be violated. Jacob Finkel clarified that he made a privileged motion under Rule 14 of Robert's Rules of Order to deviate from the petition policy.

Matt Osenbach asked if the petition process is codified in regulation. Bo Reiley stated it is not.

Kathryn Zerfuss asked if the Board is making one vote to postpone consideration by suspending the policy to do so. Chairperson Shirley affirmed her statement.

Glendon King encouraged the Board to consider ways to improve the current petition process through policy.

Thaddeus Stevens stated that he did not support the motion.

The Board voted to approve the motion (13-6). Paul Lupo, Matt Osenbach, Glendon King, John St. Clair, Thaddeus Stevens, and Carol Collier voted in opposition.

ADJOURN

Glendon King moved to adjourn the meeting. Thaddeus Stevens seconded the motion. The September 9, 2025, meeting of the Board was adjourned at 10:11 a.m.