

MINUTES
ENVIRONMENTAL QUALITY BOARD MEETING
December 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
Kathryn Zerfuss, alternate for Stephen DeFrank, Chair, Public Utility Commission
Matt Osenbach, alternate for Senator Gene Yaw, Senate Environmental Resources & Energy Committee
Senator Carolyn Comitta, Senate Environmental Resources & Energy Committee
Emily Eyster, alternate for Senator Carolyn Comitta, Senate Environmental Resources & Energy Committee
Representative Greg Vitali, House Environmental and Natural Resource Protection Committee
Glendon King, alternate for Representative Martin Causer, House Energy Committee
Robert Barkanic, 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 Griffin, Regulatory Coordinator
Laura Campbell, 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 9:02 a.m.

The Board considered its first item of business: approval of the September 9, 2025, EQB meeting minutes.

**Scott Weiant made a motion to adopt the September 9, 2025, EQB meeting minutes.
Kathryn Zerfuss seconded the motion, which was approved by the Board (18-0).**

CONSIDERATION OF RULEMAKING PETITION: UNCONVENTIONAL WELL SETBACKS (AMENDED) (25 Pa. Code Chapter 78a)

Seth Pelepko (Acting Deputy Secretary for Oil and Gas Management) provided an overview of the amended rulemaking petition. Kurt Klappkowski (Director, Bureau of Oil and Gas Planning and Program Management) and Nic Pistory (Assistant Counsel, Bureau of Regulatory Counsel) assisted with the presentation.

Following the Department's presentation, Glendon King asked why this petition was listed on the agenda when it appears to be identical to a petition laid on the table at a previous meeting. Chairperson Shirley explained that the petitioners withdrew their previous petition because the motion expired after three months. Therefore, the petitioners submitted an amended petition with additional documentation.

Chairperson Shirley noted that Protective Buffers PA submitted over 400 postcards from residents who support this amended petition.

On behalf of the petitioners, Lisa Hallowell, senior attorney with the Environmental Integrity Project, provided an overview of the amended petition. Lawrence Hafetz, legal director, and Eleanor Breslin, senior attorney, from the Clean Air Council assisted with the presentation.

Following the petitioners' presentation, Thaddeus Stevens explained that Act 13 of 2012 established setbacks and although the petitioners assert the Department could technically increase setbacks, this seems to require legislative action. He asked how the Department decided this is a regulatory matter. Chairperson Shirley explained that after the Board accepts a petition, the Department begins its analysis. Prior to acceptance, the Department reviews a petition to ensure it is complete, it concerns an activity the Department regulates, and the requested action does not conflict with Federal law.

Senator Carolyn Comitta made a motion to accept the amended petition for further evaluation by the Department. Representative Greg Vitali seconded the motion.

Matt Osenbach stated that Senate Republicans, along with a few Senate Democrats, will be submitting a letter against accepting the amended petition.

Speaking on all petitions on the agenda, Jacob Finkel expressed appreciation for the groundswell of civic engagement and offering these ideas to the Board. He further stated that the Board is voting today on whether to accept a petition for study, not on the merits or substance.

Kathryn Zeffuss stated that after thorough review and consideration, the Public Utility Commission (PUC) has taken an agency position to vote against accepting the amended petition due to concerns relating to the potential impact on resource adequacy, noting energy supply and demand challenges. Further, natural gas powers well over half of electric generation. The mission of public utilities is to provide safe, reliable, and efficient service to customers in Pennsylvania; the mission of the PUC is to ensure their ability to do so. The PUC will work collectively on energy challenges and be a partner on the statewide strategy to support affordability, reliability, infrastructure modernization, economic development, and environmental protection.

Senator Carolyn Comitta voiced her support for the amended petition, noting the negative impacts of fracking on the health of nearby residents are well documented. For years, people have been falling ill and families have been forced to leave their homes, which indicates there is a problem. Senator Comitta

referenced the findings of the 43rd Statewide Investigating Grand Jury report as support for the Board to vote to accept the petition for study.

Representative Greg Vitali offered that, following the Department's report, the Board has the discretion to make modifications to the requests in the amended petition, including consideration of resource adequacy or setback distances that differ from what the petition requested.

Matt Osenbach asked if a motion could be made to temporarily table the motion to accept the amended petition until the next meeting. Chairperson Shirley said there is currently a motion on the table. If it fails, a subsequent motion may be made.

Glendon King asserted that the legal question was clear, and the petition's request is not an action the Board can take. The Department has previously analyzed setbacks and none of the cases cited by the petitioners change that setbacks were set by, and can only be modified, by the General Assembly. He felt the Board should consider the criteria in the Board's petition policy for whether to accept a petition for study, such as if the petition is not appropriate for rulemaking due to policy and regulatory considerations. He encouraged the Board to vote "no" on the petition for this reason. He also encouraged the Department to explore options to revise the petition policy through policy or legislative changes.

The motion was approved by the Board (12-5). Kathryn Zerfuss, Matt Osenbach, Glendon King, John St. Clair, and Thaddeus Stevens voted in opposition.

(Robert Barkanic was not present for voting on the rulemaking petition.)

CONSIDERATION OF RULEMAKING PETITION: DETERMINATION OF ATTAINABLE BOTTOM (25 Pa. Code Chapters 78 and 78a)

Seth Pelepko (Acting Deputy Secretary for Oil and Gas Management) provided an overview of the rulemaking petition. Kurt Klapkowski (Director, Bureau of Oil and Gas Planning and Program Management) and Nic Pistorio (Assistant Counsel, Bureau of Regulatory Counsel) assisted with the presentation.

There was no discussion following the Department's presentation.

On behalf of the petitioners, Rachel Gleason, executive director of the Pennsylvania Coal Alliance, provided an overview of the rulemaking petition. Terry Bossert, general counsel of the Marcellus Shale Coalition, assisted with the presentation.

There was no discussion following the petitioners' presentation.

John St. Clair made a motion to accept the petition for further evaluation by the Department. Matt Osenbach seconded the motion.

Matt Osenbach thanked the petitioners for their presentation. He noted that Senator Gene Yaw is the prime sponsor of legislation, Senate Bill 712, providing for well plugging requirements. There was a bipartisan vote out of the Senate Environmental Resources & Energy Committee and it now is in the Appropriations Committee.

Thaddeus Stevens recalled seeing abandoned wells, without ownership, that will continue to deteriorate and pollute if they are not plugged. He feels this petition would allow for an attainable bottom and an affordable way to plug these wells.

The motion was approved by the Board (18-0).

(Emily Eyster, alternate for Senator Carolyn Comitta, voted on the rulemaking petition.)

CONSIDERATION OF RULEMAKING PETITION: ONSITE PROCESSING OF FLUIDS FROM OIL AND GAS OPERATIONS (25 Pa. Code Chapter 78a)

Seth Pelepko (Acting Deputy Secretary for Oil and Gas Management) provided an overview of the rulemaking petition. Kurt Klapkowski (Director, Bureau of Oil and Gas Planning and Program Management) and Nic Pistory (Assistant Counsel, Bureau of Regulatory Counsel) assisted with the presentation.

There was no discussion following the Department's presentation.

On behalf of the petitioner, Terry Bossert, general counsel of the Marcellus Shale Coalition, provided an overview of the rulemaking petition.

There was no discussion following the petitioner's presentation.

Matt Osenbach made a motion to accept the petition for further evaluation by the Department. Glendon King seconded the motion, which was approved by the Board (18-0).

(Emily Eyster, alternate for Senator Carolyn Comitta, voted on the rulemaking petition.)

CONSIDERATION OF RULEMAKING PETITION: PREPAREDNESS, PREVENTION AND CONTINGENCY PLANS AT WELL SITES (25 Pa. Code Chapter 78a)

Seth Pelepko (Acting Deputy Secretary for Oil and Gas Management) provided an overview of the rulemaking petition. Kurt Klapkowski (Director, Bureau of Oil and Gas Planning and Program Management) and Nic Pistory (Assistant Counsel, Bureau of Regulatory Counsel) assisted with the presentation.

There was no discussion following the Department's presentation.

On behalf of the petitioner, Terry Bossert, general counsel of the Marcellus Shale Coalition, provided an overview of the rulemaking petition.

There was no discussion following the petitioner's presentation.

Glendon King made a motion to accept the petition for further evaluation by the Department. Matt Osenbach seconded the motion, which was approved by the Board (18-0).

(Emily Eyster, alternate for Senator Carolyn Comitta, voted on the rulemaking petition.)

CONSIDERATION OF RULEMAKING PETITION: REDESIGNATION OF SHADES CREEK WATERSHED, LUZERNE COUNTY (25 Pa. Code Chapter 93)

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

There was no discussion following the Department's presentation.

On behalf of the petitioners, Faith Zerbe, water watch director of the Delaware Riverkeeper Network, and Rich Troscianecki, president of North Pocono Citizens Alert Regarding the Environment, provided a brief overview of the rulemaking petition.

There was no discussion following the petitioners' presentation.

Representative Greg Vitali made a motion to accept the petition for further evaluation by the Department. Kathryn Zerfuss seconded the motion, which was approved by the Board (15-3). Matt Osenbach, Glendon King, and Thaddeus Stevens voted in opposition.

(Emily Eyster, alternate for Senator Carolyn Comitta, voted on the rulemaking petition.)

PRESENTATION OF REGULATORY FEE REPORT: WATER AND WASTEWATER SYSTEMS OPERATORS' CERTIFICATION PROGRAM (25 Pa. Code Chapter 302)

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

There was no discussion following the Department's presentation.

This was a presentation to the Board. No formal action was needed.

PRESENTATION OF REGULATORY FEE REPORT: RADIATION PROTECTION PROGRAM (25 Pa. Code Chapters 218 and 240)

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

Glendon King asked when a proposed rulemaking would be brought to the Board. Ali Tarquino Morris replied that a draft proposed regulation would be presented to the Radiation Protection Advisory Committee, followed by consideration by the Board, which is anticipated to occur in 2026.

This was a presentation to the Board. No formal action was needed.

OTHER BUSINESS

Laura Griffin provided the following regulatory update.

- The Blast Site Clarification for Noncoal Mining Operations final-omitted rulemaking was adopted by the Board at the November 12, 2024, meeting, and was published in the *Pennsylvania Bulletin* on June 7, 2025.
- The Board adopted three rulemakings at the April 8, 2025, meeting:
 - The Legal Authority for Delegation of Federal Plans in 40 CFR Part 62 proposed rulemaking was published in the *Pennsylvania Bulletin* on June 21, 2025. Twenty-one public comments and comments from IRRC were received.
 - The Administration of the Land Recycling Program – Chromium (VI) proposed rulemaking was published in the *Pennsylvania Bulletin* on June 28, 2025. Five public comments were received; IRRC did not comment.
 - The Water Quality Standards for Site-Specific Criteria final-form rulemaking was published in the *Pennsylvania Bulletin* on August 9, 2025.
- The Board adopted five rulemakings at the September 9, 2025, meeting:
 - The Environmental Laboratory Accreditation Fees proposed rulemaking was published in the *Pennsylvania Bulletin* on November 1, 2025. Ten public comments were received; IRRC comments are due by December 31, 2025.
 - The Safe Drinking Water Revised Consumer Confidence Report Rule proposed rulemaking is scheduled for publication in the *Pennsylvania Bulletin* on December 13, 2025, opening a 30-day public comment period closing on January 12, 2026.
 - The U.S. Nuclear Regulatory Commission Consistency Rule—Incorporation by Reference final-omitted rulemaking was published in the *Pennsylvania Bulletin* on November 1, 2025.
 - The Corrections to Additional RACT Requirements for Major Sources of NO_x and VOCs for the 2015 Ozone NAAQS (RACT 3) final-form rulemaking was published in the *Pennsylvania Bulletin* on December 6, 2025.
 - The Triennial Review of Water Quality Standards final-form rulemaking and Water Quality Toxics Management Strategy statement of policy are scheduled for publication in the *Pennsylvania Bulletin* on December 20, 2025.

NEXT MEETING

Chairperson Shirley announced the next EQB meeting is tentatively scheduled for February 10, 2026.

ADJOURN

With no further business before the Board, Matt Osenbach moved to adjourn the meeting. Jacob Finkel seconded the motion, which was unanimously approved by the Board. The December 9, 2025, meeting of the Board was adjourned at 10:42 a.m.