

MINUTES
ENVIRONMENTAL QUALITY BOARD MEETING
January 20, 2009

VOTING MEMBERS OR ALTERNATES PRESENT

John Hanger, Acting Chairperson, Acting Secretary, Department of Environmental Protection
Kenneth Graham, alternate for Acting Secretary Sandi Vito, Department of Labor and Industry
William Hall, alternate for Chairman James H. Cawley, Public Utility Commission
Lee Ann Murray, alternate for Representative Camille George
Joseph Deklinski, alternate for Representative Scott E. Hutchinson
Richard Fox, alternate for Senator Raphael J. Musto
Patrick Henderson, alternate for Senator Mary Jo White
Bill Capouillez, alternate for Carl Roe, Executive Director, PA Game Commission
Richard Manfredi, Citizens Advisory Council
John Arway, alternate for Dr. Douglas J. Austen, Executive Director, Pennsylvania Fish and Boat Commission
Joanne Denworth, alternate for Secretary Donna Cooper, Governor's Office of Policy and Planning
Cynthia Carrow, Citizens Advisory Council
Walter Heine, Citizens Advisory Council
David Strong, Citizens Advisory Council
Paul Opiyo, alternate for Acting Secretary John Blake, Department of Community and Economic Development
Michael Pechart, alternate for Secretary Dennis C. Wolff, Department of Agriculture
Dr. James Logue, alternate for Acting Secretary Everette James, Department of Health

DEPARTMENT STAFF PRESENT

Richard P. Mather, Sr., Deputy Chief Counsel
Kelly J. Heffner, Policy Office Director
Michele Tate, Regulatory Coordinator

CALL TO ORDER AND APPROVAL OF MINUTES

Acting Chairperson Hanger called the meeting to order at 9:03 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The Board considered its first item of business - the December 16, 2008, EQB meeting minutes.

With no corrections or amendments, Acting Chairperson Hanger called for a motion to adopt the minutes of the December 16, 2008, EQB meeting.

Richard Manfredi moved to approve the December 16, 2008, EQB meeting minutes. Richard Fox seconded the motion, which was unanimously approved by the Board.

CONSIDERATION OF FINAL RULEMAKING: SAFE DRINKING WATER GENERAL UPDATE (25 Pa Code, Chapter 109)

Cathy Curran Myers, Deputy Secretary for Water Management, provided an overview of the final rulemaking to the Board. Dana Aunkst, Director of the Bureau of Water Standards and Facility Regulation, and Marylou Barton, Assistant Counsel, assisted with the presentation.

David Strong moved to approve the final rulemaking. Mr. Manfredi seconded the motion, which was unanimously approved by the Board.

CONSIDERATION OF AMENDMENTS TO FINAL RULEMAKING: TRIENNIAL REVIEW OF WATER QUALITY STANDARDS (25 Pa Code, Chapter 93) (initially adopted by the Board on September 16, 2008)

Cathy Curran Myers, Deputy Secretary for Water Management, provided an overview of the amendments proposed to the final rulemaking. Dana Aunkst, Director of the Bureau of Water Standards and Facility Regulation, and Michelle Moses, Assistant Counsel, assisted with the presentation.

Following the Department's presentation, John Arway inquired about the practical implications of the proposed amendments to the final rulemaking, including whether the enforcement of a site specific molybdenum standard varied in contrast to the enforcement of a statewide standard. He also inquired whether the science used to establish a statewide criterion for molybdenum would be the same science used to establish a site specific standard.

Ms. Moses responded that if a site specific standard for molybdenum is used in a permit, the Department must defend the standard on a case-by-case basis. She further commented that the science utilized by the Department to initially recommend a statewide criterion for molybdenum is the same science that would continue to be used to establish site-specific standards for molybdenum. Deputy Secretary Myers also commented that if a molybdenum standard is established on a site specific basis and if the Department's determination is adjudicated, the Department would be compelled to defend the merits of the criterion; however, if a statewide standard were adopted, the criterion would be a binding standard that would be viewed as the most appropriate standard by a reviewing court.

Mr. Fox moved to adopt the amendments to the final rulemaking. Patrick Henderson seconded the motion, which was unanimously approved by the Board.

CONSIDERATION OF RECESSION OF FINAL-OMITTED RULEMAKING: CLEAN AIR INTERSTATE RULE – REPEAL (25 Pa Code, Chapters 121, 129, and 145)

Thomas Fidler, Deputy Secretary for Waste, Air and Radiation Management, provided the Board with an overview of the Department's recommendation to the Board to rescind its former approval of the Clean Air Interstate – Repeal Final-Omitted Rulemaking. Dean Van Orden, Assistant Director, Bureau of Air Quality, and Kristen Furlan, Assistant Counsel, assisted with the presentation.

William Hall moved to adopt the Department's recommendation. Mr. Arway seconded the motion, which was unanimously approved by the Board.

ADJOURN:

Acting Chairperson Hanger announced that the next scheduled meeting of the EQB would occur on Tuesday, February 17, 2009, at 9:00 a.m. in Room 105 of the Rachel Carson State Office Building, Harrisburg, PA. If there are an insufficient number of agenda items, Acting Chairperson Hanger noted that the meeting would be cancelled and that Board members would be accordingly notified the first week of February 2009.

With no further business before the Board, Mr. Manfredi moved to adjourn the meeting. Michael Pechart seconded the motion, which was unanimously approved by the Board. The January 20, 2009, meeting of the Board was adjourned at 9:47 a.m.