

SUBJECT: Priorities Updates and Action Plans—March 2010
TO: Council Members
FROM: Sue Wilson
DATE: March 4, 2010

ADMINISTRATIVE OVERSIGHT COMMITTEE

Members: Thad Stevens (Chair), Cynthia Carrow, Jolene Chinchilli, Eric Conrad, Jan Keim, Richard Manfredi

Priorities:

1. *Identify opportunities for greater consistency (process and enforcement) among DEP regions*
2. *Work towards more appropriate use and communication of policies, guidance, regulation (literal interpretation vs. direction)*
3. *Enhance DEP effectiveness*

Key Questions:

1. *Increased Consistency: What is being done to ensure the appropriate level of consistency in terms of implementation and enforcement of this initiative?*
2. *Regulation vs. Policy vs. Guidance: Is this initiative being presented at the appropriate level or should consideration be given to utilizing a different mechanism?*

DEP Structure, Budget, Complement, Grants, Permit Fees PROJECT

Timeline

2/17/2009	Deputy Secretary Patrick McDonnell reported on DEP's proposed budget
3/2/2009	Conference call re: sewage enforcement reimbursement grants funding
3/17/2009	Sent letter re: reimbursement grants funding
5/5/2009	Conference call re: sewage enforcement grants funding
5/20/2009	Draft letters to CAC for review and consideration; letters approved and sent.
7/21/2009	DEP reports on budget status and on economic recovery.
7/24/2009	CAC sent letter to PA General Assembly re: Environmental Budget Impacts and Leasing of public lands for gas drilling
8/14/2009	Follow-up letter identified a number of budget issues, including impact on federal primacy programs. August 31 response distributed to members.

Recent Reports and Activites:

The President's proposed fiscal year 2011 budget for EPA would cut the agency's funding modestly from roughly \$10.3 billion to \$10 billion, but would increase spending for state assistance programs, reflecting the administration's push to help state governments deal with widening budget gaps. (*Environmental Policy Alert, 2/10/2010*)

AIR COMMITTEE

Members: John Walliser, Chair; Gail Conner, Walter Heine, Jim Swistock

Priorities:

1. *Air permits and permitting procedures*

- Support and encourage permitting procedures that are economically and administratively efficient yet remain protective of the environment
 - Look for every opportunity to achieve measurable improvement in environmental quality as well as advancing economic and administrative efficiency
2. Emission reductions
 - Look for every opportunity to further minimize air emissions, especially where health and environmental impacts can be measured and/or are strongly correlated
 - Promote awareness of the connection between air pollution and public health with focus on both the general public and government decision-makers
 - Identify and encourage private sector innovation in minimizing emissions
 - Identify and address the not-insignificant impacts of individuals on air quality as well as permittees (e.g., open burning, I&M, etc.) through education, public awareness, etc.
 3. Influence of/relationship with EPA
 - Monitor the effectiveness of the relationship between DEP and EPA w/ re: air programs and issues.
 4. Energy impacts on air quality
- Key Questions:
- Air Permits and Permitting Procedures: Does this package result in measurable improvements in environmental quality and advance environmental as well as economic efficiency?
 - Emission Reductions: Does this proposal sufficiently promote and encourage efforts and technologies to further minimize air emissions?
 - Influence of/Relationship with EPA: Will this proposal enhance agency coordination of their efforts to improve air quality?

5-Year Air Reports	Next 5-year Air Report Due 2012	MANDATORY
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Section 4.3(6) of the Air Pollution Control Act provides that “Beginning five years after the effective date of this section and every five years thereafter, the Department shall conduct and submit to the General Assembly an evaluation of the effectiveness of the programs adopted to implement the Clean Air Act. The evaluation shall include...a summary of the activities undertaken by the Citizens Advisory Council....”. To assist the Department in preparing the Act’s required 5-year evaluation reports, the Council will furnish periodic reports of Council’s relevant activities. Council prepared 5-year air reports in 1997, 2002 and 2007.

Workplan:

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|-----------|---|
| 2/17/2009 | Overview of draft DEP 5 year report; committee reviewing draft report |
| 4/8/2009 | Committee’s draft comments shared with BAQ |
| 4/21/2009 | Committee’s draft comments presented to Council for consideration; draft was revised, finalized, and sent to BAQ. |
| 5/20/2009 | BAQ discussed Council’s April comments on the draft report; BAQ to report back to CAC w/ re: toxics and synergistic community impacts, and will consider an amendment to the report if appropriate. |

Air Issues	PROJECT
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Pennsylvania’s air quality has improved substantially over the past 30 years as the state has made significant progress in addressing the 6 criteria pollutants listed in the Clean Air Act of 1970. Despite the progress made, the Commonwealth faces tough, new air quality challenges.

These challenges, and those we identify in the future, call for innovative approaches that involve all sectors of society, and for aggressive action to protect Pennsylvania's citizens and our cherished, rich environment. DEP should identify and utilize creative and aggressive solutions to confront the ever-evolving air pollution challenges.

Timeline:

2/17/2009 Committee meeting re: Air Quality Fees rulemaking, proposed ozone designations, air toxics around schools, mercury court decision.

3/3/2009 Sent letter to IRRC supporting fees package

7/21/2009 DEP to present draft regulations on: Large Appliance and Metal Furniture Coatings, Paper, Film and Foil Coatings, Flat Wood Paneling Coatings, Outdoor Wood-fired Boilers, and Non-attainment New Source Review PM2.5.

9/15/2009 Ratified letters re: Large Appliance and Metal Furniture Coatings, Paper Film and Foil Coatings, Flat Wood Paneling Coatings, Outdoor Wood-fired Boilers, and Non-attainment New Source Review PM2.5

12/16/2009 Conference call to discuss pending regulations

1/19/2010 Approved letter re: proceeding with Adhesives and Glass Melting regulations

2/16/2010 Committee meeting w/ BAQ to discuss pending regulations and air issues

3/16/2010 Committee meeting to discuss comments received on Outdoor Wood Burner regulations

Recent Reports and Activities:

EPA is developing a new rule to replace CAIR, a trading program to cut NOx and SO2 emissions from power plants in the eastern half of the US. There is also discussion about expanding its coverage to western states as well. (*Environmental Policy Alert, 2/10/2010*)

The White House's recently announced target for curbing federal agencies' direct greenhouse gas emissions is the first step of an effort to set goals for a broader focus on the carbon footprint of federal activities. The target is for agencies to cut emissions 28% by 2020 from a 2008 baseline, in order to implement an executive order on promoting federal sustainability that was issued last year. (*Environmental Policy Alert, 2/10/2010*)

Global Warming

TRACK

Workplan:

3/21/2007 Presentation on PEC's Energy/Climate Change Center of Excellence

8/11/2008 Governor appointed Sister Pat Lupo to Climate Change Advisory Committee

10/21/2008 Joint CAC/CNRAC meetings re: climate change activities.

7/21/2009 DEP presentation and update on HB 80

2/16/2010 Update on Act 70 Climate Plan

Recent Reports and Activities:

EPA is pursuing two key expansions for its greenhouse gas emissions reporting registry, proposing to require GHG reporting from oil and gas operations and from underground injection of CO2. (*Environmental Policy Alert, 12/30/2009*)

ENVIRONMENTAL STANDARDS COMMITTEE

Members: Dave Strong (Chair), Joyce Hatala, Curtis Kratz, Thad Stevens and John Walliser

Mining/Reclamation/AMD Issues PROJECT

Priorities:

- Expedite remediation of historical problems
- Enhance the ease of reclamation of current mining

Key Question:

- Does this initiative expedite remediation and reclamation of both current and historical mining impacts?

In response to past abuses, federal and state laws now require coal operators to pump and treat the polluted drainage from their mines. However, as many as 140 mine operators may be struggling to meet these demands. If they close down, there is little to stop them from abandoning their environmental obligations at 262 mines and coal waste piles across the state. Together those sites generate an estimated 28 billion gallons of acid drainage annually.

Timeline:

- 2/17/1009 Committee meeting to follow up on AMD/AML on DCNR lands, and to discuss pending waste program changes
- 3/17/2009 Discuss regional meeting proposal re: Marcellus and AML/AMD on DCNR lands
- 7/21/2009 Council to consider draft OSM emergency funding letter; letter approved and sent

Deep Mining (5-year Act 54 report mandatory) TRACK

Priorities:

- Promote quicker resolution of surface and water impacts and ensure that the spirit and intent of the law is properly applied and enforced to result in a just balance of conflicting property uses and users.

Key Question:

- Will this initiative provide a better balance between conflicting property uses and users?

Timeline:

- 1/15/2008 DEP reported that resource constraints may affect its ability to prepare the next Act 54 report, due in 2008. CAC has agreed to discuss with DEP options for developing an in house report.
- 3/18/2008 Deputy Secretary Roberts reported on progress in implementing recommendations from the 1998-2003 report
- 4/15/2008 Director of Mining and Reclamation Joe Pizarchik reported on plans for completing the next 5-year report
- 7/15/2008 Harold Miller reported on plans for completing the next 5-year report

Recent Reports and Activities:

DEP recently determined longwall mining at Consol Energy Inc.'s Bailey Mine was responsible for ground movement that damaged the dam at Duke Lake at Ryerson Station State Park. DEP had initiated the investigation following a decision by Allegheny County

Court in a lawsuit filed by the state Department of Conservation and Natural Resources against Consol seeking \$58 million in damages for the dam. A court order, issued in October 2008, directed DCNR to file a claim with DEP under the state's Bituminous Mine Subsidence and Land Conservation Act for damage sustained at the dam.

Workplan:

The 2008 Act 54 report is expected to be completed by summer 2010; University of Pittsburgh staff who are working on the five year report are doing an excellent job in capturing the available data and making meaningful assessments but have slipped behind schedule due to difficulties in correlating information from different sources.

Energy Plan

TRACK

Energy is a foundation of the modern economy; it fuels our industry and our transportation, and heats our homes. Our demand for energy continues to increase, while our sources of traditional fuels diminishes, and the public health and global warming impacts increase. Even global issues such as climate change and energy use should be considered as state issues, as they affect us all.

Timeline:

- 2/17/2009 PPO to continue to discuss wind siting criteria issues relevant to proposed legislation
- 2/25/2009 Staff attended meeting of the Pa. Wind and Wildlife Collaborative
- 3/17/2009 Sent letter re: gaps in Marcellus information
- 4/21/2009 WPC presentation on windmill siting study

Waste Management

PROJECT

Priorities:

- Promote a more sustainable yet still protective approach to waste management.

Key Question:

- *Does the package incorporate or promote more sustainable management of wastes?*

Timeline:

- 3/17/2009 Committee meeting re: pending changes to waste regulations
- 4/6/2009 Committee conference call re: pending changes to waste regulations
- 4/21/2009 Draft comments for Council consideration; letter re: proposed changes to waste regulations sent.

INTEGRATED PROJECTS COMMITTEE

Members: Jolene Chinchilli (Chair), Gail Conner, Joyce Hatala, Pat Lupo, and Burt Waite

Priorities: Cumulative Impacts

- *Determine the status of models and procedures to determine cumulative impact.*
- *Promote consideration of cumulative impact in DEP programs and decision-making.*
- *Expand the use of biomonitoring in communities subject to exposure to pollutants from multiple sources.*

Key Question:

- *Is there a place for consideration of cumulative impact in the context of this initiative?*

Health and Environment

PROJECT

Better understanding of the links between environmental pollutants and human health will allow us to take appropriate actions to reduce and eliminate, where possible, the negative impacts. It is critical that Pennsylvania begin to tie environmental data systems with health data systems so that the correlation of environmental and other factors with health outcomes is better understood. DEP has done much to modernize and improve the usefulness of its many data systems; they now need to be correlated with DOH and other health-related data sets.

Priorities:

- *Promote awareness of the connection between environmental quality and public health with focus on both the general public and government decision-makers.*
- *Ensure that DEP policies, programs and regulations address the connection between environment and public health.*
- *Support and encourage DEP continued participation in the Environmental Health Tracking project with the Health Dept. and encourage DEP to develop its own initiatives in this area.*

Key Question:

- *Does this regulatory package/initiative address the connection between environment and public health? Can it do more?*

Workplan:

Ongoing *Advisory articles to keep the issue in front of CAC and DEP
Evaluate what standards are health based; look into standards for children vs. adults; evaluate need to push for including synergistic and cumulative effects, precautionary principle, etc.
Evaluate the relationship between the county health departments, DOH and DEP
Monitor EJAB and PCIEP activities re: cumulative impact analysis*

Multi Media Approaches

TRACK

Priorities:

- *Support and encourage the development of new tools to build upon and go beyond progress made under current programs.*
- *Ensure that new approaches result in measurable improvement in environmental quality and advance environmental as well as economic efficiency.*

Key Question:

- *Does this package result in measurable improvements in environmental quality and advance environmental as well as economic efficiency?*

Pollution Prevention

TRACK

Priorities:

- *Identify all opportunities to make pollution prevention the norm (not just the award winning exception) in all media.*

- *Incorporate incentives for pollution prevention in all DEP regulations, policies and programs.*
- *Support the existing DEP goal of zero discharge of pollutants as a driver for adoption of pollution prevention, continuous improvement and environmental management systems by those who are subject to environmental regulation.*

Key Question:

- *Does this package promote pollution prevention and continuous improvement as key pieces of the initiative?*

PUBLIC PARTICIPATION AND OUTREACH COMMITTEE

Members: Cynthia Carrow (Chair), Jim Clauser, Gail Conner, Bernie Hoffnar, Curtis Kratz, and Pat Lupo

Public Participation in DEP Decision Making PROJECT

Priorities:

- *Seek continued improvement in DEP's decision making at all levels*
- *Internal communication and interregional consistency*
- *External outreach, re: DEP activities (not to be confused with EE)*
- *Accountability for both*

Key Questions:

- *Does the proposal incorporate plans and mechanisms to enhance public participation in decision-making affecting its outcomes?*
- *What are the plans for both internal and external communication regarding this initiative? What outcome measures will be used to ensure that communication is effective and at least adequate?*

Timeline:

1/6/2009 Conference call re: wind power siting criteria issues
 2/17/2009 Committee meeting re: wind siting issues; draft letter to CAC for consideration
 2/25/2009 Staff attended meeting of the Pa. Wind and Wildlife Collaborative
 3/17/2009 Sent letter re: gaps in Marcellus information
 3/25/2009 Pa. Wind and Wildlife Collaborative meeting
 4/21/2009 WPC presentation on siting study

Advisory Committee Review PROJECT

Timeline:

1/6/2009 Conference call re: SAC issues
 2/17/2009 Draft letter to CAC for consideration; letter sent February 19, 2009
 9/11/2009 DEP convening a meeting of advisory committee liaisons to discuss protocols related to Advisory Committees and procedures such as submission of PA Bulletin Notices.

Workplan:

Ongoing Work with Policy Office re: improving collaboration with and coordination of advisory committee input on departmental initiatives

Environmental Education and Stewardship**PROJECT**Priorities:

- *Elevate the role of environmental education within the department and to improve cooperation among resource agencies.*
- *Increase community/grass roots awareness, knowledge, skill and involvement in achieving and maintaining desired environmental quality and quality of life utilizing environmental education as one of the primary tools.*

Key Question:

- *What does the proposal do to enhance education and environmental stewardship relevant to its intended environmental outcomes?*

Timeline:

The Conservation Directory is available and updateable on line.

Environmental Justice**TRACK**

In June 2000, the EJ Work Group made recommendations for addressing environmental equity; one of the most significant remaining tasks is to deliberate the best means to implement cumulative and disparate impacts analyses.

Priority:

- *Monitor and aid Environmental Justice staff and the Environmental Justice Advisory Board in improving how the department addresses these issues.*

Key Question:

- *How does this proposal address environmental justice and related issues?*

WATER COMMITTEE

Members: Burt Waite (Chair), Cynthia Carrow, Jolene Chinchilli, Jim Clauser, Gail Conner, Joyce Hatala, Walter Heine, Jan Keim, Curtis Kratz, Pat Lupo, Richard Manfredi, Thad Stevens, Dave Strong

Priorities:

1. *Quantity*
 - a. *Advocate for implementation of a comprehensive and integrated system of water resource management.*
 - b. *Watershed protection: ensure adequate flow to maintain designated uses and the integrity of the hydrologic cycle*
2. *Quality*
 - a. *All Pennsylvanians have access to safe drinking water*
 - b. *All waters meet or exceed designated use/maintain integrity of hydrologic cycle*
 - c. *Minimize pollution entering the Commonwealth's waters and ensure they don't alter the designated use*

Key Questions:

1. *Quantity: Does this initiative incorporate plans and mechanisms to protect and enhance water quantity including maintaining the integrity of the hydrologic cycle?*

2. *Quality: Does this initiative incorporate plans and mechanisms to protect and enhance water quality including minimizing pollution entering the Commonwealth's waters?*

Trib Strategy and Nutrient Trading **TRACK**

While soundly designed water quality trading programs may provide a very effective and efficient means to further improve water quality, they should also include parameters as safeguards within which such trading may operate.

Workplan:

Request a report on the nutrient credit exchange and auction to be operated by PennVest and CCX.

Water and wastewater infrastructure needs **PROJECT**

Pennsylvania ranks high on EPA's National Needs Survey--6th in 1996 with a total of \$6.1 billion in anticipated needs to build, upgrade and maintain publicly owned sewage treatment plants. Almost \$4 billion of that is for Combined Sewer Overflows (CSO), where sewers and storm drains have been combined.

Timeline:

Ongoing Compile available information regarding infrastructure needs
 Discuss water conservation initiative

Wastewater Management (Centralized and On-Lot) **ACTIVELY TRACK**

One-quarter of Pennsylvania residents depend on septic systems for sewage treatment. While we continue to research and develop new technologies to expand the choices available to property owners, it appears that there are significant barriers to utilizing anything other than conventional systems, which are soil-dependant and therefore have siting limitations. It also appears that there are significant concerns about the long-term performance of any of the systems, especially given the lack of knowledge exhibited by much of the public who use them.

Water Resources Management **TRACK**

Council's March 2000 position formed the basis for many aspects of DEP's proposal. Council supports a stronger, more comprehensive approach to both water management and well construction standards than is captured in Act 220, but supports the Act as a step forward.

Timeline:

4/21/2009 State Water Atlas provided to Council

Water Quality **TRACK**

Water resources that become polluted are of limited human or ecological value. We must protect these resources not just for human consumption and recreation, but also for their even more important ecological values. The setting of Total Maximum Daily Loads (TMDLs) for those waters that are impaired must remain of high priority in order to protect both the human and ecological values of this critical resource.

Timeline:

3/17/2009 Briefing on proposed Permit-by-Rule, Chapter 102
 4/3/2009 Conference call re: proposed Permit-by-Rule
 4/21/2009 Draft letter re: PBR to CAC for consideration; letter approved and sent.
 4/21/2009 Dep. Sec. Scott Roberts & Ron Furlan met with CAC to discuss changes in Marcellus Shale permitting updates.
 4/21/2009 Water Committee met the department to discuss the recently proposed Total Dissolved Solids regulatory updates.
 5/20/2009 Water Committee to follow up on PBR and TDS
 6/10/2009 Conference Call to discuss PBR & TDS
 7/21/2009 Committee met to discuss proposed PBR & TDS
 11/9/2009 Committee conference call to discuss PBR comments
 11/17/2009 Comments approved and sent by CAC

STRATEGIC PLANNING WORKGROUP

Members: Jolene Chinchilli (Chair); Cynthia Carrow; Jan Keim; Rich Manfredi; Thad Stevens; Burt Waite, John Walliser

Charge: The Strategic Planning Workgroup will address obtaining information from the department in a timely manner; assessing the need for outreach to the legislature, agency personnel, and the general public to increase awareness of Council's mandate; and partnering with nonprofit organizations to advance certain priorities. It may consider these matters independently of the others and make recommendations for consideration of the full Council as it concludes each portion of its charge.

Workplan:

1/26/2009 Conference call re: priority setting
 2/17/2009 Council approval of SPWG report on priority setting
 3/6/2009 Conference call re: recommended approach to short term priorities
 3/17/2009 Workgroup report re: immediate priorities; priorities adopted
 5/9/2009 CAC/CNRAC presentation at *Confluence*
 5/20/2009 Workgroup meeting re: transition plans
 7/6/2009 Workgroup conference call re: transition plans
 7/21/2009 Council voted to immediately make the Transition Report its top priority
 9/15/2009 Workgroup meeting to discuss transition issues, format, process
 9/21/2009 Draft outline
 11/10/2009 Workgroup conference call
 11/17/2009 Workgroup meeting to discuss transition issues
 12/1/2009 Workgroup conference call
 1/5/2010 Workgroup conference call
1/19/2010 Council approved *Key Environmental Issues for the Keystone State*; report sent to gubernatorial candidates
3/16/2010 Workgroup meeting to discuss Phase 2 issues

