

Citizens Advisory Council Meeting

February 21, 2012

Room 105

RCSOB; Harrisburg, PA

Members In Attendance

Cynthia Carrow	Secretary Michael Krancer
Jim Clauser	Pat Lupo
Gail Conner	Nancy Perkins
Terry Dayton	Thaddeus Stevens
Walter Heine	Burt Waite
Janet Keim	John Walliser

**Call Meeting to Order**

John Walliser called the meeting to order at 11:30. Cynthia Carrow moved that Council meet in Executive Session; Thad Stevens seconded and the motion was approved. Executive Session was held from 11:30 to 12:30 pm.

The public portion of the meeting commenced at 12:30 pm.

**Chair's Report**

John Walliser commenced with the approval of minutes. Burt Waite moved approval and Pat Lupo seconded the motion. All were in favor.

John Walliser reported that Burt Waite was reappointed by the Senate for another term. The Council is still carrying two vacancies from the Senate. Peter Wilshusen and Jolene Chinchilli are not going to seek reappointment so they will be leaving the Council. He has not received any word from the Governor's Office about the reappointments of Richard Manfredi or Gail Conner from last year. There is one vacancy from the House and the House has reappointed Jim Clauser and Terry Dayton. The Council has support from DEP and the Governor's Office to proceed with the hiring of a new Executive Director. There will be a new director in place by the March meeting.

## **Public Comment**

Mr. Walliser opened the floor for public comment and the public attendees introduced themselves. In attendance were Steve Kunz, Josie Gaskey with Pennsylvania Coal Association, Jacie Carter, Jeff Schmidt with Sierra Club, and Marjorie Hughes with the Water Deputate.

Jeff Schmidt brought articles for public comment. He congratulated the Council on getting Governor's Office support for filling Susan Wilson's position. DCNR was not able to have the approval to retain their Advisory Council position. Jeff would like to address the Southwest Regional Office issue that was brought to the attention of the public by an article by Don Hopey concerning DEP Southwest regional office attorneys / legal staff. According to the article, the regional counsel was forced to resign and the replacement's connection to Consol violated federal rules, forcing that person to also resign. He suggests investigating the change in the Southwest legal staff. Jeff would also like to have Act 54 recommendations addressed by the Council. He would like the Council to look into the decision making process used by the DEP concerning issuing permits.

## **Updates**

### **MRAB Election**

Cynthia Carrow and Eric Conrad are both willing to be considered for another two year term on MRAB. Terry Dayton motioned for their re-election, Jan Keim seconded; both were approved.

### **Water / wastewater infrastructure strategy**

Burt Waite reported that Jolene Chinchilli originally had brought up issues about water and wastewater infrastructure and a work plan was approved last year to pursue this issue as a Council priority. Burt Waite and Susan Wilson met with Marcus Kohl and Nikki Casey about the Task Force report and learned that legislation was introduced last year but did not get to the floor; it needs to be reintroduced this year. Burt will have more information on it at a future meeting.

### **Regional Report/Act 54**

Susan Wilson is working on a draft report. John Walliser inquired about Professor Stout's study and it is stated that Professor Stout is still collecting data. Council should seek an update from him this summer.

### **Annual Report**

Susan Wilson is still working on the report.

### **Air Committee Report**

Susan Wilson reported that the Air Committee held a January 31 conference call about Chapter 121 and Chapter 139. A draft letter was prepared based on the air committee's recommendation to proceed to

EQB with the regulatory package. Nancy Perkins moved for approval, Pat Lupo seconded the motion. All council members were in favor. The council has been requested to have an Air Committee meeting in conjunction with the March CAC meeting, on March 20<sup>th</sup>, to discuss other air program packages.

#### **Water Committee Report**

Thad Stevens reported that the committee held a conference call on January 31. The committee decided to seek presentations from DEP at a committee meeting following today's CAC meeting on Chapter 93 and the ESCGP for the drilling sector.

#### **New or Unfinished Business**

The council would like to have a presentation in March on DEP's plan of action for the implementation of the requirements of Act 13 and asked Dan Lapato to send a copy of the summary of the Act 13 bill that the Governor's Office put out. Dan Lapato from the Office of External Affairs discussed Act 13 details that include where the funding comes from and where it will go.

Burt Waite discussed the TAB meeting that was held last week. The second draft of the spill policy was provided for TAB's comments. Chapter 78 changes will be coming in the next two years. Some of the changes will be due to the passage of the Act 13 bill. John Walliser asked if TAB addressed Act 13's language of a new containment layer that the Department had to implement for well pad sites. Burt Waite responded that there was no discussion in detail of Act 13 because it had not yet passed at that point. He complimented the Department in providing TAB with the draft spill policy and encouraged DEP to roll out other concepts in the same way.

Burt Waite discussed the Utica drilling in his region.

#### **Department Report**

The Secretary indicated that he was glad to be attending the CAC meeting and wants to listen and respond to their questions. He reported that he will be attending a budget hearing on February 22<sup>nd</sup>. The Secretary opened up the floor to the Council for their questions. Walter Heine inquired about zeroing out funding for sewage facilities planning programs. There was no money allocated in the proposed budget for sewage facilities planning and the funding has decreased since 2008.

Janet Keim wants to address the issue of flooding and E. coli contamination in the Little Lehigh, a stream located near her. She would like to know what we can do to look into the sewage overflows in the area. Janet Keim has a concern about citizens having to address and raise issues that DEP should be addressing. She provided an article to the Secretary about the situation. The Secretary encouraged citizens to bring issues to the Environmental Hearing Board if they feel the DEP is in the wrong.

Burt Waite asks the Secretary about the 16<sup>th</sup> Floor changes that took place recently including John Hines's departure. The Secretary stated he will not be filling Mr. Hines' position and that Special Deputy Secretary Alisa Harris is operating as the Secretary's right hand person.

Thad Stevens would like an update on how many counties will be imposing fees on Marcellus Shale.

Terry Dayton asks if there have been permitting process changes. The Secretary said they have seen a lot of positive changes. He mentioned the Department now has one NOV form instead of multiple, which helps the process. The Secretary states that the permitting process is much more efficient and more business-like. Terry questioned if the staffing is adequate. The Secretary stated that the Marcellus fee will help fund staff for the permitting process. There are no DEP furloughs even with the reduced budget.

Pat Lupo asked if the Litter Bug hotline is still in existence. The Secretary will look into it.

John Walliser would like to know the plans going forward for Act 13. The Secretary explained that the Marcellus Shale Advisory Commission recommendations led to Act 13. Mr. Walliser would like to know if all the DEP recommendations that did not get into the Commission report will be implemented. Secretary Krancer responded that DEP will close the loop with regulations and policies if needed.

The Secretary will be testifying in front of the Senate, then the House regarding the department's budget. When the testimony is finalized the Council would like a copy.

The Secretary presented Susan Wilson with a plaque and a letter from the Governor in recognition of her DEP work. The Council gave Susan Wilson a standing ovation for her service.

Thad Stevens motioned to adjourn the meeting and Walter Heine seconded.