

CAC Strategic 2013 Work Plan
For consideration at February 19, 2013 CAC Meeting

Background/Purpose – The DEP Citizens Advisory Council relies upon several resources to accomplish its mission; most notably Council members themselves, CAC Staff, the Department, and the public. Given current budget and staffing realities for both the Council and the Department, this Strategic Plan for 2013 recognizes the need to proactively and strategically focus on the Citizens Advisory Council’s mission, Constitutional responsibility, and other stated powers and duties. (See Exhibits)

CAC Priorities: 2013

CAC will center on the following areas:

- The Department’s performance in advancing transparency and public participation in policy development, program implementation, public service, enforcement actions and permitting decisions.
- Ongoing review and analysis of Department activities as mandated by state statutes (for example, the Bituminous Mine Subsidence and Land Conservation Act and the Air Pollution Control Act)
- Providing a forum for issues brought by the public to the CAC, as appropriate. Council will review pending issues quarterly.
- Consult with, and bring issues to the attention of, the legislature
- The Department’s ability to fulfill its statutorily mandated responsibilities and mission in light of continued budget cuts at the state and federal level.

CAC Committee Restructuring

The CAC’s Committee structure will include the following workgroups:

Executive Committee – comprised of the Chair, Vice Chair, and chairs of the remaining committees. The Executive Committee will be responsible for representing the CAC outside of Council meetings, as appropriate and authorized by Council (e.g. meetings with the Governor’s Office, Legislators, and Department Executive Staff); helping set the CAC operating budget; and oversight of the Executive Director.

Policy and Regulatory Oversight Committee – this Committee shall be tasked with appraising new policy, guidance, and regulatory proposals of the Department (all environmental media), as well as following general Department operations. **This Committee is tasked with the role of reviewing DEP Air Quality Program State implementation plans (SIP) and regulations needed for the implementation of the Clean Air Act and providing recommendations to Council.**

Public Participation Committee – this Committee shall be tasked with facilitating public outreach and involvement for Department activities, as well as evaluating the Department’s performance on transparency and public involvement.

Advisory Board Committee – this Committee shall be comprised of all CAC members currently serving on EQB, AQTAC, MRAB, TAB, EHB (Rules), LLWAC, SWAC, RPAC, and any other advisory boards and committees of the Department. The Chair of the CAC shall also be the chair of this

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committee. This Committee shall be responsible for informing the full Council of members' respective participation on, and the issues presented before, various advisory boards.

Strategic Issues Committee – this Committee shall be tasked with identifying and managing special initiatives of the CAC as necessary, including statutory review and analysis efforts (e.g. Act 54 Five Year Report, infrastructure issues, water well construction standards). Identification of an annual strategic issue will serve as a framework for Council meeting agendas throughout the year as Council members educate themselves on the full issue, to culminate with a site visit at the annual regional meeting.

Legislative Committee – this Committee shall be tasked with identifying and implementing actions to fully inform the General Assembly of Council, building a closer working relationship with legislators with the goal of moving CAC initiatives forward and listening to legislator environmental concerns and priorities.

Ad Hoc Committees – The CAC Chair may form ad hoc committees as needed to address specific short-term issues and shall name a Council member to chair each ad hoc committee. Non-committee members may be invited by the committee chair, but do not have voting privileges. In the selection of committee members, in the decision to include non-Council members, and in the use of technical resources a wide variety of interests and perspectives shall be considered. The ad hoc committee shall not have decision-making authority independent of Council, but rather shall advise and report to Council.

NOTE: The chair of each committee would be involved in setting the monthly CAC meeting agenda.

Guidelines for, and Changes in, CAC Activity for 2013

- The CAC will no longer provide general letters of support to the Department on finalized policy proposals, unless the CAC was actively engaged and involved in the development of those proposals. General letters of support should be left to the DEP program advisory committee/boards.
 - The CAC will not seek to debate the technical merits of individual permitting decisions unless there are overall policy/guidance/regulatory implications. The Council will, however, remain focused on public involvement and opportunities for public input in the decision making process, and will continue to bring public concerns on particular issues or activities to light. When no specific program advisory committee exists or is not active or an issue impacts multiple programs, Council will have the option to fill that role.
 - The CAC will work as a public forum for monthly summaries and updates from the Department on significant Department activities. This may include asking for further information or clarification on Department statements or positions.
 - The CAC will use the following criteria addendum as guidelines for issue review.
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ISSUE REVIEW ADDENDUM (This section is currently being re-typed into the appropriate format.)

Wilson, Susan (DEP)

As a reminder, here are the guidelines that Council established for issue review:

- ***Define criteria to evaluate if an issue being raised warrants further discussion. Issues should meet at least one of the following:***
 - Is it a policy or broad administrative issue (rather than individual permit, technical/scientific question or site specific determination)?
 - Is it a statewide, program-wide or cross cutting issue?
 - Is it a site specific issue that has broad programmatic implications?
 - Is it a major legislative initiative that has environmental or public participation implications?
 - If another advisory committee or stakeholder group is looking at the issue, is there value added to having CAC also address it? (e.g. has implications for other programs)
 - Is this an issue that relates to citizen/public participation?
 - Is there a major environmental or public health concern that requires consideration? (e.g., emerging contaminants)

 - ***Define criteria to evaluate when to remove an issue from active discussion.***
 - Is the issue resolved?
 - If not, have we exhausted our options?
 - Are continuing deliberations solution-oriented?
 - Is it now out of our hands or beyond our influence?
 - Is it still a high priority for all of Council in relation to other issues? Is it simply no longer "active" as an issue?
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EXHIBITS

Pennsylvania Constitution
Article I, Section 27

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all of the people, including generations yet to come. As trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

Citizens Advisory Council
Mission Statement

It is the mission of the Citizens Advisory Council to strive to ensure that all people of the Commonwealth enjoy the benefits included in Article I, Section 27 of the Pennsylvania Constitution.

This mission specifically states that the Council is to carry out the mandates of Act 275 of 1971 and Act 95 of 1992, by:

- performing non-partisan, independent oversight of the operations, management and policy of the Department of Environmental Protection;
- evaluating environmental issues and laws;
- participating in the development of environmental regulations; and
- providing advice concerning environmental matters to the Department, the Governor, the General Assembly, and the Commonwealth's federal representatives.

The Council strives to represent all people of the Commonwealth and endeavors to bring a collective view of the public interest in environmental protection and natural resources, forged from the Council's own diversity of personal experiences and perspectives.

(Unanimously Adopted: November 20, 1989; Amended: November 12, 1996; Reaffirmed: March 15, 2005; Amended: April 17, 2007)

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Citizens Advisory Council
Powers and Duties

The Citizens Advisory Council (CAC) to the Pennsylvania Department of Environmental Protection was legislatively created in 1971. This legislation, which created the original Department of Environmental Resources, gave the CAC the following charges:

- The council shall review all environmental laws of the commonwealth and make appropriate suggestions for the revision, modification and codification thereof.
- The council shall consider, study, and review the work of the Department of Environmental Protection and for this purpose, the council shall have access to all books, papers, documents, and records pertaining or belonging to the department.
- The council shall advise the department, on request, and shall make recommendations upon its initiative, for the improvement of the work of the department.
- The council shall report annually to the governor and to the general assembly and may make such interim reports as are deemed advisable.
- The 1992 amendments to Pennsylvania's Air Pollution Control Act added to these charges by requiring DEP to consult with the council in developing state implementation plans and regulations to implement the federal Clean Air Act.