

MINUTES
CITIZENS ADVISORY COUNCIL MEETING
February 18, 2014

CITIZENS ADVISORY COUNCIL MEMBERS PRESENT:

Terry Dayton (Chairman), Greene County
Cynthia Carrow, Allegheny County
Walter Heine, Cumberland County
R. Timothy Weston, Cumberland County
David Hess, Dauphin County
Seth Mendelsohn, Dauphin County

CITIZENS ADVISORY COUNCIL STAFF PRESENT:

Michele Tate, Executive Director (*participated via conference call*)

CALL TO ORDER:

Chairman Terry Dayton called the meeting to order at 10:20 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Chairman Dayton asked all Council members to introduce themselves.

CHAIRMAN DAYTON'S REPORT TO COUNCIL:

Following the introductions of all Council members present, Chairman Dayton noted that a quorum for the meeting was not attained; therefore, Council could not take official action on any subject matter at the meeting. Chairman Dayton updated Council on the productive meeting he and Michele Tate had with Secretary Abruzzo in January, where they discussed the importance of Council in advising the Department on several initiatives, including revisions to the Department's policy on Community Environmental Projects in Conjunction with Civil Penalty Assessments, as well as the involvement of Council in reviewing proposed rulemakings and General Permit packages. Chairman Dayton also noted that he, Ms. Tate and Secretary Abruzzo discussed ways Council and the Department could work together on strategic planning through quarterly meetings of Council with DEP Executive Staff.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) REPORT TO COUNCIL:

Hayley Book, Director, DEP Policy Office, provided a report to Council in which she elaborated on several topics, including Governor Corbett's recently proposed FY 2014/2015 budgets for DEP, as well as DCNR, the predominant comments the EQB has received to date regarding the proposed Chapter 78 rulemaking on Environmental Protection Performance Standards at Oil and Gas Well Sites, and the recent appointment of Kelly Burch, former DEP Northwest Regional Director, to the newly created position of Executive Director of Oil and Gas Operations. She also provided an overview of the Commonwealth's recently released Energy Plan and provided updates on the Department's TENORM Study Report, Nutrient Trading Program, and the policy on Public Participation in the Permit Review Process. Regarding the finalization of the permit review policy, Ms. Book noted the final policy will be available on March 1, 2014, and that the Department is currently developing a plan to implement the policy, which the Department would appreciate Council's review and input.

PUBLIC COMMENTS:

Bonita Hoke, PA League of Women Voters: Bonita Hoke, Executive Director of the PA League of Women Voters, provided comments to Council in which she expressed the League's concerns regarding the restoration and protection of the Commonwealth's waters, including the health of the Chesapeake Bay. By noting that the Susquehanna River provides half of the fresh water to the Chesapeake Bay, she noted that DEP must restore the Susquehanna River and protect its exceptional value and high quality streams. She expressed concern over the impact water withdrawals have on special protection waters, and noted the League's concern whether the Susquehanna River Basin Commission (SRBC) is properly evaluating such permit withdrawal requests impacting the Commonwealth's special protection waters. As an example, she noted that on March 6, 2014, the SRBC will consider a withdrawal request affecting the Lycoming Creek in Tioga and Lycoming counties, which is currently classified as exceptional value. In addition to water withdrawals, Ms. Hoke noted the League's concerns associated with the passage of Act 41 of 2013, which amended the Sewage Facilities Act and will impact how DEP evaluates on-lot septic system modules in special protection watersheds. She noted the League's specific concern over the bill, as on-lot systems are a significant source of nitrate pollution in ground and surface waters and are not capable of protecting the Chesapeake Bay.

CHESAPEAKE BAY WATERSHED AGREEMENT:

Andrew Zemba, Director of DEP's Interstate Waters Office, provided a presentation to Council on recently proposed updates to the Chesapeake Bay Watershed Agreement, which is currently open for public comment through March 17, 2014. The new agreement updates the previous 2000 agreement and includes a number of goals and measurable outcomes to guide partners in the restoration of the Chesapeake Bay, including areas covering water quality, fisheries and habitat, land conservation, public access and environmental literacy. Mr. Zemba emphasized the agreement provides partners with flexibility in choosing which outcomes it will pursue.

At the conclusion of Mr. Zemba's presentation, Tim Weston noted that under the topic of land conservation, the draft plan includes a goal to add an additional 2 million acres throughout the basin as protected land by 2025. He noted his concerns about this goal, including questioning the resources needed to accomplish it. Mr. Zemba acknowledged Mr. Weston's concerns and noted it would be an area the Department would examine closely.

Dave Hess noted to Council the specific pollution reduction goals included in the plan's Water Quality section, which includes a goal to reduce nutrient and sediment pollution loads by 60% in comparison to 2009 levels by 2017. Mr. Hess asked how DEP intends to track reduction measurements to ensure progress is being made by Pennsylvania in meeting its goals. Mr. Zemba explained to Council that reduction measurements are tracked by using the Chesapeake Bay Watershed Model and by tracking progress to two-year milestones to meeting the Chesapeake Bay TMDL allocations. He noted to Council that at the end of March, EPA will be examining Pennsylvania's progress on its two-year milestones to assess whether the Commonwealth is on track for meeting its goals. Mr. Zemba said he would be happy to return to the CAC this spring to discuss EPA's assessment of Pennsylvania's progress, including identifying measurable improvements that are being realized in water quality.

NEW/UNFINISHED BUSINESS:

Chairman Dayton noted to Council that since a quorum was not attained, Council would postpone discussion on several agenda items, including DEP's On-lot Sewage Disposal System Planning and DEP 2014 priorities.

ADJOURN:

With no further business, Chairman Dayton adjourned the meeting at 11:38 a.m.