

**MINUTES**  
**CITIZENS ADVISORY COUNCIL MEETING**  
**April 18, 2017**

**CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:**

Cynthia Carrow, Allegheny County  
Terry Dayton, Greene County  
William Fink, Bedford County  
Walter Heine, Cumberland County  
Jim Sandoe, Lancaster County  
John St. Clair, Indiana County  
Thaddeus Stevens, Tioga County  
Donald Welsh, Chester County  
Jim Welty, Cumberland County  
Tim Weston, Cumberland County

**CITIZENS ADVISORY COUNCIL STAFF PRESENT:**

Katherine Hetherington Cunfer, Acting Executive Director

**CALL TO ORDER:**

Chairman Fink called the meeting to order at 10:20 a.m. in the Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, with a quorum. The meeting was also broadcast via Webex for the public.

**NEW CAC EXECUTIVE DIRECTOR:**

Lee Ann Murray briefly introduced herself. She worked many years ago in the Southcentral Regional Office and most recently with the Chesapeake Bay Foundation. Lee Ann will join DEP as the new CAC Executive Director on May 1. She is excited about the opportunity and is looking forward to speaking with all the members one-on-one regarding their expectations of her role.

**MEMBERS OF THE LEGISLATURE**

An invitation was extended to the leadership of the Environmental Resource and Energy Committees in both the House and Senate to discuss agendas for this session. Present were Representative John Maher, along with House Republican Executive Director Jonathan Lutz; Richard Fox, House Democratic Executive Director from Rep. Mike Carroll's Office; and Joanne Manganello, Senate Minority Executive Director from Senator John Yudichak's office.

*Representative Maher*

On Rep. Maher's agenda is the collapsed system of e-recycling and the sunset date for recycling fees. He believes dealing with the waste stream in its entirety is long overdue. Rep. Maher also expressed his gratitude at the renewed communication between the Department and the Legislature and the collaborative approach of Acting Secretary McDonnell.

*Richard Fox, Democratic Executive Director*

The budget will dominate the conversation for the next few months. Priorities will include the budgets for DEP and DCNR and finding funding for the Grower Greener program.

*Joanne Manganello, Executive Director, Senate Minority*

Joanne believes the most urgent priority right now is funding DEP. Additional priorities include looking at different methods to fund the Growing Greener proposal and underground storage tanks.

### **APPROVAL OF MARCH 21, 2017 MEETING MINUTES:**

Chairman Fink solicited additions or corrections to the March 21, 2017 Council meeting Minutes. Hearing none, Chairman Fink asked for a motion to adopt the Minutes.

**Cynthia Carrow moved to approve the March 21, 2017 meeting Minutes.  
John St. Clair seconded the motion, which was unanimously approved.**

### **DEP REPORT**

Acting Secretary McDonnell provided the following updates:

#### *Organizational Announcement*

Kelly Means (formerly Kelly Heffner) was appointed as DEP's Executive Deputy Secretary for Programs in February. Kelly served as Special Deputy Secretary for Water Resources Planning for the past year and prior to that was Deputy Secretary for Water Management.

#### *Phase 3 Watershed Implementation Plan*

- The development of Phase 3 of Pennsylvania's Chesapeake Bay Watershed Implementation Plan began with the first steering committee meeting on April 3.
- The steering committee will coordinate a broad-based effort by work groups and partners in the 43 watershed counties.
- This year, the EPA is conducting a midpoint assessment of the nutrient levels and will define what Pennsylvania needs to achieve in Phase 3 based on the assessment.
- The next steering committee meeting will be held on May 8.
- A day-long listening event for public input on Chesapeake Bay pollutant reduction planning is scheduled for June 5 at the Radisson Hotel in Camp Hill.

#### *Stormwater Listening Sessions*

- DEP held seven Chapter 102 listening sessions across Pennsylvania to gather comments from two groups.
- The morning listening sessions were for consultants, builders, and developers. The afternoon sessions were intended for Conservation District staff.
- Collectively, DEP received comments from 74 individuals during the morning session and 114 individuals in the afternoon sessions.
- The top three priorities for the consultants, builders, and developers are electronic permit submissions, simplification of small permits, and return of riparian buffer waivers with added flexibility for buffer requirements.
- The top three priorities for the Conservation District staff are simplification of small permits, additional training for District staff and consultants, and electronic permit submissions and digitized inspection reports.

- All comments received will be considered while the Chapter 102 program is revised.

#### *Environmental Justice Listening Sessions*

- DEP has held two of the nine scheduled Environmental Justice Listening Sessions.
- There are eight focus areas, which can be found on the website.
- Hearing from individuals who have direct experience within these communities will be useful in improving departmental processes. The Department would like continued engagement and interaction.

#### *Great American Cleanup of PA*

- The Great American Cleanup of PA began on March 1 and will run through May 31. Last year, 158,000 volunteers cleaned up 5 million pounds of trash.
- There is still time to register cleanup events and receive free trash bags, gloves, and safety vests. Those interested in registering or joining an event should visit [gaofpa.org](http://gaofpa.org).
- As part of the event, DEP will be sponsoring ‘Let’s Pick It Up PA’ every day from April 18 through May 8.

#### *ECOS Spring Meeting*

- Earlier this month the Secretary attended the Environmental Council of the States Spring Meeting in D.C.
- The meeting largely focused on the path ahead in the new presidential administration and new congress.
- Administrator Pruitt addressed the group, outlining priorities primarily around state and federal partnerships, specific areas around infrastructure, air quality improvements, and reducing nonattainment areas. He did not address any of the budget items.

#### *Governor’s Award for Environmental Excellence*

- On April 25 DEP will grant the prestigious Governor’s Award for Environmental Excellence to 21 organizations involved in 16 projects from across the Commonwealth.
- These award recipients represent the best in using innovation, collaboration, and public service to improve and protect Pennsylvania’s environment.
- All applicants were evaluated and selected based on their degree of protection, partnership, public service, environmental education and outreach, pollution prevention, economic impact, innovation, and consideration for climate change.
- Projects selected for awards centered around industrial water conservation, acid mine drainage treatment, energy conservation, plastic waste reduction, energy efficiency and retrofitting, and stormwater runoff reduction.

### **SEISMICITY IN PENNSYLVANIA AND THE PENNSYLVANIA STATE SEISMIC NETWORK (PASEIS):**

Seth Pelepko, Environmental Program Manager in the Office of Oil and Gas Management, discussed the Lawrence County seismic event and what specifically DEP’s regulatory programs are doing related to seismicity, which is pertinent to oil and gas development.

On April 25, 2016, a series of low magnitude events occurred, which were less than 3 on the Richter Scale. The events occurred near a location where an operator was actively hydraulically

fracturing the Utica shale. When the operator discontinued hydraulic fracturing operations at the site, the detected events subsided. An extensive analysis was conducted establishing a relationship between the zipper fracturing being conducted by the operator and the detected seismic events. Zipper fracturing is a practice whereby two wells parallel to each other and extending in the same direction are hydraulically fractured at the same time. The operator immediately took actions to stop the process of hydraulically fracturing and blow back the well to remove some of the pressure. The seismic events discontinued in a short period of time. For every permit that DEP issues for Utica wells, the operator is required to develop a Seismic Monitoring Mitigation Plan. The plan must lay out the framework for the monitoring of low-level events and responding to those events efficiently.

Pennsylvania has 10 wells permitted throughout the state where an operator is permitted to take waste from an oil and gas operation and inject it into the subsurface. DEP conducts a detailed geologic assessment of the permitted materials and looks at well integrity characteristics. The geological review looks at containment potential. Structural geology surrounding the underground injection control wells are investigated. A high level of integrity must be maintained. The goal is always to protect the Commonwealth's valuable resources.

Dr. Andrew Nyblade talked about the Pennsylvania State Seismic Network, which has been a network in progress for over 10 years. DCNR partnered with DEP to fund an expansion of the network from 10 stations to a total of 30 stations, which completed in September of 2016. The stations were strategically located to be at universities, at state parks, and also around other existing seismic stations. While there has not been a lot of seismic activity in the state, many of the events that do occur are occurring in areas with oil and gas activity. DEP and DCNR expanded the network to better monitor seismic events across the Commonwealth and to record and discriminate between the different types of seismic events. All of the data recorded from the stations goes directly, via the internet, to the Incorporated Research Institute for Seismology (IRIS), an academic consortium supported by the National Science Foundation. It is only a matter of seconds from the time the data is recorded until it is available for viewing online. The IRIS website is <http://ds.iris.edu/mda/PE>. More details about the Pennsylvania State Seismic Network can be found at <http://paseis.geosc.psu.edu>.

### **PENNSYLVANIA NUCLEAR POWER PLANTS' CONTRIBUTION TO THE STATE ECONOMY**

Dean Murphy, Ph.D., stated that, at the request of the Pennsylvania Building and Construction Trades Council, the Pennsylvania Chamber of Business and Industry, the Allegheny Conference on Community Development, and the Greater Philadelphia Chamber of Commerce, The Brattle Group, estimated the value of nuclear plants in Pennsylvania to the state's economy. The analysis determined that:

- Nuclear plants contribute approximately \$2 billion to the state gross domestic product;
- Account for 15,900 in-state full-time jobs;
- Help keep electricity prices low;
- Are responsible for \$69 million in net state tax revenues annually;
- Without the energy from nuclear power plants, there would be greater reliance on fossil fuel generation, which would increase carbon and other air emissions. Nuclear power plants will avoid over 37 million tons annually of CO<sup>2</sup> emissions and significant

amounts of criteria pollutants, such as nitrogen oxides and sulfur dioxide, over the next ten years.

## **CAC COMMITTEE REPORTS:**

### **MAAB**

Tabled until Katherine Hetherington Cunfer can determine if the two vacancies can be filled by individuals other than CAC members.

### **MRAB**

Some inconsistencies have been noted in the current set of regulations. This will be fixed so the changes made by the federal government will automatically be referenced in DEP regulations.

There was discussion about the definition of timbering. A work group is being assembled to attempt to better define timbering so it does not shut off the ability to clean up trees.

At the latest Regulatory, Legislative, and Technical Committee meeting, some members made a proposal to change effluent limits via the mining regulations, not via the water regulations. The Department believes that is not appropriate. Some folks from the industry side pushed to have this in the mining regulations. It was put up for a vote and it did pass. It is an open discussion at the moment, but the Department is trying to encourage the mining board members and PCA to bring this up as part of the water regulation discussion and not try to incorporate it into the mining regulations.

The comment period for GP5/GP5A, the methane regulations, did get extended through the beginning of June. Discussions are ongoing about how to make this a permit that is workable and useable.

### **LEGISLATIVE**

Katherine Hetherington Cunfer had a discussion with the Solid Waste Advisory Committee regarding writing joint letters to the legislature encouraging action on the recycling sunset, as well as fixing the Covered Device Recycling Act. The letters were proposed as a call to action, not a specific focus request. SWAC voted that they would like to join CAC on the letters.

An additional letter was drafted related to SB 144, Senator Yaw's Bill, related to alternative systems in sewage facilities planning. The letter encouraged the legislature to give the Department a chance to move the regulations forward.

Chairman Fink requested a motion to accept the three letters with the re-writes that were discussed.

**Thad Stevens moved to approve the three letters with the re-writes that were discussed. Cynthia Carrow seconded the motion, which was unanimously approved.**

Senate Bill 624 was recently put forward by both Senator Scarnati and Senator Yaw related to surface mining activities. It seeks to effect retroactive bituminous mining permits that are currently in litigation over whether presumed disturbance is enough to keep a permit from actually being issued.

**NEW BUSINESS**

Cynthia Carrow agreed to continue to Chair the Nominating Committee. She asked Terry Dayton to be Vice Chair, to which he agreed.

**NEXT MEETING**

The next meeting will be May 17.

**ADJOURNMENT:**

**With no further business, Chairman Bill Fink requested a motion for adjournment. Thaddeus Stevens moved to adjourn the meeting, which was seconded by Jim Sandoe and all were in favor. The April 18, 2017 meeting of the CAC was adjourned at 1:00 PM.**