

MINUTES
CITIZENS ADVISORY COUNCIL MEETING
September 19, 2017

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Terry Dayton, Greene County
William Fink, Bedford County
Walter Heine, Cumberland County
Jim Sandoe, Lancaster County
James Schmid, Delaware County
Jerome Shabazz, Philadelphia County
John St. Clair, Indiana County
Thaddeus Stevens, Tioga County
Don Welsh, Chester County
Tim Weston, Cumberland County

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT VIA CONFERENCE LINE:

Mark Caskey, Washington County
John Walliser, Allegheny County

CITIZENS ADVISORY COUNCIL STAFF PRESENT:

Lee Ann Murray, Executive Director

CALL TO ORDER:

Chairman Don Welsh called the meeting to order at 10:00 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA, with a quorum. The meeting was also broadcast via a conference call line for the public.

DEP REPORT:

Secretary McDonnell provided the following DEP updates:

Budget/Revenue Developments

- There is a movement to take over \$600 million from environmental special funds, many of which have very specific dedicated purposes, to balance the budget. These include the Environmental Stewardship Fund, the Hazardous Sites Cleanup Fund, the Underground Storage Tank Indemnification Fund, and the Recycling Fund. The bill includes no plan to replenish these funds, nor to satisfy their purposes from another source.

Chesapeake Bay Meeting

- The Chesapeake Bay Program Watershed Implementation Plan Phase III development is in process. Mid-point assessment data from the EPA will drive what the allocations will look like across the states.

MS4 Event in Lemoyne

- On September 14, Secretary McDonnell joined officials from local governments and Capital Region Water to salute efforts to reduce stormwater runoff pollution. Hundreds of municipalities were striving to meet a September 16 deadline for draft MS4 permit applications and Pollutant Reduction Plans. The Secretary was encouraged to see communities coordinating amongst

themselves to identify the best places to implement practices and the most cost-effective ways to manage stormwater.

ECOS Meeting and Award

● On September 12, the Environmental Council of States (ECOS) presented an award to PA DEP for the Brownfields to Playfields Initiative. The Plan identifies brownfield spaces and outdoor recreation strategies that will help to address societal needs and make it easier for children of all communities to play outdoors. The Plan will be renewed every five years to capture changes in demographics and outdoor interests. Seven pilot projects were selected, covering about 40 acres. The next round will look at opportunities within abandoned mine lands.

APPROVAL OF JUNE 20, 2017 MEETING MINUTES:

Chairman Welsh solicited additions or corrections to the June 20, 2017 Minutes. Mark Caskey requested that his attendance at the June 20 meeting via Webex be noted in the Minutes. Chairman Welsh requested a correction to reflect his nomination as Chairman of the Citizens Advisory Council versus Chairman of the Nominating Committee. Chairman Welsh asked for a motion to adopt the Minutes with the amendments.

Thad Stevens moved to approve the June 20, 2017 meeting Minutes with amendments. Walter Heine seconded the motion, which was unanimously approved.

CHAIRMAN'S REPORT:

Chairman Welsh announced the retirement of Walter Heine from the Citizens Advisory Council where he has served for over 34 years. Walter Heine briefly thanked the members for their kindness to him over the years and expressed his appreciation for the opportunity to serve on the Council.

KARST GEOLOGY:

Sharon Hill, a Professional Geologist and Chief of the Permits and Technical Section in the Bureau of Mining Programs, presented an overview of karst geology and sinkholes in Pennsylvania. She provided a detailed explanation of the development of sinkholes, which are being caused or accelerated by human activities and triggered by water level declines and construction activities, including subsurface disturbance and drainage changes.

Louis Vittorio, Jr., Vice President and Principal Hydrogeologist at EarthRes in Pipersville, Pennsylvania, discussed carbonate geology and sinkholes in Pennsylvania. He provided an in-depth presentation on karst formation over millennia, sinkhole formation and triggers, climate change and storm intensity, sinkhole investigation and remediation, and sinkhole prevention and construction practices.

POLICY OFFICE REPORT AND UPDATE:

Development and Review of Regulations Policy

Laura Edinger, Regulatory Coordinator in the Policy Office, provided updates which have been made to the regulatory review policy originally developed in the 1990s. The updates will increase transparency and clarity. Included in the updates are the removal of internal workflow procedures to assist with readability and simplicity. The regulatory review policy is intended to

facilitate meaningful conversation between DEP and stakeholders who are interested in participating in policy development and is intended to provide guidance as to how environmental regulations are crafted and how they move through the process in Pennsylvania. It further provides an overview to the public, including the regulated community, as to how the Commonwealth Regulatory Review process is implemented and it clarifies what, why, and how DEP carries out its regulatory obligations. It also clarifies the role of advisory committees and other public input into the process. It illustrates when and how the regulated community and the general public can participate.

Policy for the Development and Publication of Technical Guidance

Abbey Cadden, Executive Policy Specialist and Technical Guidance Coordinator, stated that the Policy for the Development and Publication of Technical Guidance was originally developed in 1996. Revisions to the policy have included references to DEP's new online e-Comment system and information about the non-regulatory agenda. The policy outlines DEP's key considerations for the development of technical guidance documents, the tools available to enhance transparency in the process, the public comment period, and maintenance and distribution of technical guidance documents. The key considerations looked at internally are conformance with state statutes and regulations, necessity, and whether it provides clarity, administrative efficiency, and economic impacts. The revisions significantly simplify the technical guidance document from the previous version. Internal procedures were removed which did not help the public or regulated communities' understanding of the process. A section entitled "Providing Comments" was added to provide more clarity about the e-Comment system. The updated policy provides advice about when to use the document, definitions, key developments for consideration, and information about how DEP maintains and distributes technical guidance documents.

Advisory Committee Guidelines Policy

Hayley Jeffords, Executive Policy Specialist, provided an update on the Advisory Committee Guidelines policy. The guidelines originated in 1998 and have not been updated since that time. The purpose of the document is to explain the role, function, and expectations of DEP's advisory committees. DEP currently works with 25 advisory committees, some statutorily created, some created by DEP, so a policy needed to be crafted that would be broad enough to cover all the possible stipulations and provide specificity wherever possible and appropriate. The goal for the revisions was clarity, to ensure meaningful collaboration with DEP advisory committees and the public, and to provide answers to questions that have been received over the years. The basic structure of the policy describes committee membership and appointment procedures which are sometimes determined by statute and the creation of committee bylaws. It includes a section describing public notice of meetings and the scheduling of the meetings. Meeting schedules, cancellations, and reschedulings are all published in the PA Bulletin and placed on DEP's website. Each committee has their own webpage under the public participation section of DEP's website, which is also where all the meeting materials and agendas are published at least two weeks in advance of the next meeting. Meeting agendas are to be developed in consultation with committee chairs and all committee meetings must provide time on the agenda for public comment. The advisory committee guidelines are an attempt to clarify roles at advisory committee meetings. Committee members are asked to review meeting materials ahead of time to facilitate discussion at the meeting, especially when that committee will be voting on

comments to DEP on a regulatory package or technical guidance document. DEP's role is supporting and informative and the agency will designate an appropriate agency employee to act as liaison for each committee. That individual will attend the meetings and provide much of the administrative support to committees. DEP staff work internally to create most meeting materials and to complete all the public notice activities. DEP Deputy Secretaries and Bureau Directors or other staff will also be present at meetings when meetings are relevant to their program. This is to ensure that meaningful discussion of the issues can take place. The policy also describes the role of the public at the meetings. While advisory committees can place reasonable restrictions on time limits for public comment, members of the public will have an opportunity to speak at every advisory committee meeting. The updated Advisory Committee Guidelines Policy will help DEP continue on a path to increasing public transparency and to better assist individuals outside the agency to understand DEP's processes and the actions it takes.

PUBLIC COMMENT:

Tom Bailey, a high school teacher from Westmoreland County, provided a brief presentation on the 2011 accident at the Fukushima-Daiichi Nuclear Station in Japan and the high levels of radioactive wastewater from breached containment buildings seeping into the Pacific Ocean on a daily basis. Mr. Bailey expressed his additional concerns about the increased radiation from the five commercial nuclear stations in Pennsylvania where tons of radioactive waste are created every year and which continues to be stored on site.

COMMITTEE REPORTS:

POLICY AND REGULATORY OVERSIGHT COMMITTEE:

Council member Tim Weston provided the following update.

The Policy and Regulatory Oversight Committee met and had a briefing on a draft final rulemaking for amendment to the air regulations in Chapter 126. Approximately 10 months ago, the Committee received a briefing on the determination that Pennsylvania could eliminate its Reid Vapor Pressure regulation for gasoline content. Changes have been made in the federal standards for automobiles which have partially mooted the need for controlling gasoline directly because the same emissions are being now controlled by technology. Pennsylvania had adopted a statute after the federal regulations were put in place to provide for the repeal of those now outdated gasoline standards. The EPA mandated that it must be done in two steps; petition the EPA for a state implementation plan amendment and the EPA will then grant it and remove it. The Committee suggested that the Department move forward with the final rulemaking.

Tim Weston moved that the Council ratify the action of the committee in suggesting that the Department move forward with a final rulemaking. Jim Sandoe seconded the motion, which was unanimously approved.

Chairman Welsh read aloud to the Council a letter which was drafted to be sent to Krishnan Ramamurthy in the Bureau of Air Quality on the final rulemaking for the gasoline volatility requirements recommending that the Department move forward with the final regulation.

Thad Stevens moved to approve the letter. Tim Weston seconded the motion, which was unanimously approved.

Tim Weston further reported that the sulphur dioxide ambient air quality standard requires that PA designate those areas which are in nonattainment or attainment. The Department has evaluated the areas, three across the Commonwealth, and have identified what facilities in those areas are likely influencing the exceedance. In some instances, modifications have already been made that will solve the problem. Existing monitoring is beginning to show that has occurred.

Chairman Welsh read aloud to the Council a draft letter to be sent to Krishnan Ramamurthy in the Bureau of Air Quality in support of the Department's completed SO2 nonattainment area SIPs.

Tim Weston moved to approve the letter. Thad Stevens seconded the motion, which was unanimously approved.

NEW BUSINESS:

Executive Director Lee Ann Murray solicited thoughts or comments on the new draft logo. Hearing none, Chairman Welsh requested a motion to approve the new logo.

Jim Sandoe moved to approve the logo. Tim Weston seconded the motion, which was unanimously approved. Bill Fink opposed the motion.

For the upcoming Strategic Planning meeting, the Executive Director requested that members think about venturing further into social media or other areas to promote meetings or special events going on within the Department. She asked Council members to look at the CAC website and provide suggestions for updating the site.

NEXT MEETING:

The next meeting of the Citizens Advisory Council will be October 17, 2017.

ADJOURNMENT:

With no further business, Chairman Welsh requested a motion for adjournment. Bill Fink moved to adjourn the meeting, which was seconded by Terry Dayton, and all were in favor. The September 19, 2017 meeting of the CAC was adjourned at 1:40 PM.