

**MINUTES
CITIZENS ADVISORY COUNCIL MEETING
March 20, 2018**

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Cynthia Carrow, Allegheny County
Terry Dayton, Greene County
Duane Mowery, Cumberland County
John St. Clair, Indiana County
James Schmid, Delaware County
Thad Stevens, Tioga County
Don Welsh, Chester County
Tim Weston, Cumberland County

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT VIA PHONE:

Mark Caskey, Washington County
Jim Sandoe, Lancaster 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.

APPROVAL OF FEBRUARY 20, 2018 MEETING MINUTES:

Chairman Welsh solicited additions or corrections to the February 20, 2018 Minutes. Hearing none, Chairman Welsh requested a motion to adopt the Minutes.

**Tim Weston moved to approve the February 20, 2018 meeting Minutes.
Cynthia Carrow seconded the motion, which was unanimously approved.**

DEP REPORT:

In the Secretary's absence, Katie Hetherington Cunfer provided a brief update on the following:

Budget Update

Secretary McDonnell testified at budget hearings on February 26 and March 1. Some of the highlights were the additional positions and the additional funding for those positions. Secretary McDonnell noted the success of the Oil and Gas Program's "Pittsburgh 100" initiative, which was made possible after the staffing shortage in the Southwest Regional Office was remedied. The continued implementation of electronic permit applications is also showing success in the Oil and Gas, Mining, and Water programs. Other discussions related to special funds, notably the Hazardous Sites Cleanup Fund, which has no reliable revenue source due to the expiration of the Capital Stock and Franchise Tax. Discussions are underway to identify funding. Additionally, there was significant discussion about pipelines and pipeline safety. Hearings are

currently ongoing and Domenic Rocco, Regional Permit Coordination Manager from the Southeast Regional Office, will be presenting at the hearings.

Active Budget Bills

The Democrats have introduced HB 2077 (Chairman Markosek) and SB 980 (Chairman Hughes) which are identical to the Governor's proposal. The Republicans have introduced HB 2121 (Representative Saylor). There is no accounting for additional staff, falling about \$6.7 million short of DEP's current request. A Senate Republican bill has not yet been introduced.

Federal Budget

One issue of interest to the agricultural and environmental communities is the "grain glitch," which is an unintended consequence of the previous federal budget. The provision created a 20% deduction for the gross payments that farmers receive from cooperatives, which are businesses owned by farmers that perform functions such as buying and marketing members' crops. It created an incentive for farmers to sell their commodities to cooperatives rather than private companies. Those companies are now worried that they will be squeezed out of competition for grain, and they include ethanol producers who factor into the AEPS market.

Chesapeake Bay Principal Staff Committee

On March 2, the Chesapeake Bay Program Partnership Principals' Staff Committee met to further develop the overall plan for reduction of pollutants in the Chesapeake Bay. All parties are in relative agreement about the numbers. The models are getting much closer to what is happening on the ground. The planning targets for Pennsylvania are better news than what they have been in the past.

Solar Future Comments

"Finding Pennsylvania's Solar Future" is a major initiative of DEP's Office of Pollution Prevention and Energy Assistance (OPPEA) funded by a grant from the U.S. Department of Energy. The initiative is a 30-month planning and stakeholder engagement process to identify the best development and investment strategies for solar energy in Pennsylvania. The initial draft plan was released in January to stakeholders. Comments were received by February 16, and the comments are currently being reviewed. The next draft will be released in April, which will go to the stakeholders and third-party academic reviewers. The feedback will be received in May from those groups, and a final draft plan and public education documents will be created. In June, the final draft plan will be released and opened for general public comment.

Cabinet In Your Community

The Wolf Administration has begun a series of town-hall events across the Commonwealth, in which cabinet secretaries engage directly with members of the community. Secretary McDonnell has been from East Stroudsburg to Towanda to Elk County to Lake Wallenpaupack. The March 23 Cabinet in Your Community will be held in Charleroi and at Lehigh Carbon Community College on April 3. Secretaries involved have included the heads of DEP, DCED, DGS, PEMA, Agriculture, Aging, Banking & Securities, and Military & Veterans Affairs, among others.

Governor's Office of Performance Through Excellence

On February 2, the Governor's Office announced the creation of the Office of Performance Through Excellence (OPE) through Executive Order 2018-01 which will bring GO-TIME, performance data, and the private-sector process of lean management together into one office. The purpose of the office is to adapt private-sector principles of efficiency into the very different culture of the public sector. The lean management system will serve as that bridge. DEP currently has an open position titled Business Transformation. The Department is looking for an individual at an AO5 level to lead the process through the Agency. Council members were encouraged to submit names of interested parties skilled in lean management.

Interviews for Environmental Justice Director

The Office of Environmental Justice performs a specialized function within DEP; to serve as a point of contact for Pennsylvania residents in low-income and racial-minority areas. Its goal is to increase citizens' awareness of and involvement in the DEP permitting process. The Office is currently in the process of replacing its Director. Interviews are scheduled to conclude by the middle of March. Two Environmental Advocates continue to run the functions of the office throughout the six regions.

Act 54 Scope of Work

DEP is engaged in the current reboot of the Act 54 Assessment, which is being conducted in collaboration with the University of Pittsburgh. This is the fifth such assessment that DEP has undertaken since the statute was enacted. Work started on the contract and budget approximately 18 months prior to its approval in November 2017. During that period, DEP met with the University of Pittsburgh and conducted phone conferences to discuss the content of the fifth report, costs, data collection issues from the previous reports, program changes instituted since the last report, and electronic file transfers. In September of 2017, the parties agreed on tasks and a final budget that was submitted to the Department of General Services for approval. The costs are higher this time around. Changes in both federal and state directives for contracted work, University policy, and changes in the composition of the work team contributed to the increased cost. DEP ultimately decided to remove some biological field work from the report as a consequence. Contents of the assessment will include data collection on active mines, streamflow data, groundwater, wetland delineation, BUMIS and GIS Database, as well as stream impact and pooling assessments. Other items were proposed to be added, but DEP ultimately decided to remove them to control costs.

PRESENTATIONS:

Members of DEP's Bureau of Waste Management provided comprehensive presentations on the Waste Management program, including municipal and residual waste, waste minimization and planning, hazardous waste management, reporting and fee collection, and program development and support.

CHAIRMAN'S REPORT:

The April 17 meeting of the CAC is scheduled to be the legislative roundtable. The Chairs of the House and Senate Environmental Committees have been invited to attend. The House Minority Chair, Representative Carroll, and Richard Fox indicated they would be attendance. No response has been received from the Senate side at this time. Executive Director Lee Ann Murray will

attempt to get confirmation from the invitees. The Council will compile a short list of priorities to discuss with the legislators. Topics for the upcoming April 17 CAC meeting were discussed in the event the legislative invitees' schedules prohibit their attendance.

The Council advised senior executives of the formation of the Ad Hoc Budget Committee and began to collect information. For the major programs, the Council would like to be able to pie chart or flow chart where the dollars come from, what they go to, and what the Department gets for it.

The Ad Hoc Budget Committee may want to look at the following:

- Red flag areas, such as the HSCA Fund and West Nile/Black Fly;
- Staffing for the Safe Drinking Water program;
- Oil and Gas program staff;
- Updating of permit fees;
- Retirements and succession planning;
- Efficiency initiatives; and
- Consequences, such as federal sanctions and environmental damage, and the needs that will go unmet should a program fail to be able to deliver.

A chairman for the Ad Hoc Budget Committee will need to be elected.

With the hiring of the Executive Director and the filling of Council vacancies, the CAC now has the ability to take on a big project, such as financial assurance pitfalls, outreach on radon, advisory committee roles in DEP, Act 537 as an unfunded mandate, etc., if it so desires. Executive Director Lee Ann Murray will compile a list of action items at the end of each meeting and provide the list to Council members as an accountability mechanism.

NEXT MEETING:

The next meeting of the Citizens Advisory Council will be April 17, 2018.

ADJOURNMENT:

With no further business, Chairman Welsh requested a motion for adjournment. James Schmid moved to adjourn the meeting, which was seconded by Thad Stevens, and all were in favor. The March 20, 2018 meeting of the CAC was adjourned at 1:50 PM.