

**MINUTES  
CITIZENS ADVISORY COUNCIL MEETING  
SEPTEMBER 18, 2018**

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

Cynthia Carrow, Allegheny County	James Schmid, Delaware County
Mark Caskey, Washington County	Jerome Shabazz, Philadelphia County
Bill Fink, Bedford County	Thad Stevens, Tioga County
Duane Mowery, Cumberland County	Don Welsh, Chester County
John St. Clair, Indiana County	

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

John Walliser, Allegheny County

**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.

**DEP REPORT:**

The Secretary provided a brief update on the following:

*West Nile*

2018 has been the worst year for the West Nile virus. There have been 4,745 positive mosquito samples with approximately 30 probable human cases. The Commonwealth is potentially on track for a significant human and avian impact. The state bird, the Roughed Grouse, has been hard hit by the virus.

*Black Fly*

The Department has limited funding to spray for black flies. Surveillance is being conducted to ascertain what is going on with the black flies, but high flow events have prevented spraying. Between now and the first frost, a significant increase in the black fly population is expected.

*Lyme Disease Control Programs*

DEP is working with the Department of Health on a newly-formed Lyme Disease Task Force and has been leveraging its vector management capabilities to do some of the surveillance on behalf of the Department of Health. Another tick-borne disease, Powassan, has been of interest to the Department of Health as it can be particularly impactful to humans and has been found in some of the northeastern states.

*AFIG Grants*

Revised guidelines for the Alternative Fuel Vehicle Rebate Program were announced on August 31. The purchase cap was raised from \$50,000 to \$60,000.

*Solar Future Update*

Finding Pennsylvania's Solar Future Plan was open for public comment from July 7 to

August 20. DEP received 137 comments. The comments will be reviewed and a comment/response document will be drafted. A webinar to review the comment/response document is planned for October, and the plan will be unveiled in November. A Strategy Support and Market Transformation Plan has been released to help drive discussions for upcoming stakeholder meetings in November and March.

#### *Chesapeake Bay*

The Steering Committee has released recommendations that were received from workgroups on the types of activities that should be considered for the Phase 3 Watershed Implementation Plan (WIP). The planning process is being piloted in four counties: Lancaster, York, Franklin, and Adams. The lessons learned from these pilots will be used to refine the process for inclusion in the Phase 3 WIP, along with a timeline for completing the remaining countywide plans in the Bay Watershed over the next 2-3 years.

#### *Safe Drinking Water General Update and Fees*

The Safe Drinking Water General Update and Fees rulemaking was published in the *Pennsylvania Bulletin* on August 18. The Department anticipates that it will begin to receive those funds in the first quarter of 2019. New Safe Drinking Water positions have begun to be filled.

#### *NRC Consistency Rule*

On September 15, the final-omitted NRC Consistency Rule was published in the *Pennsylvania Bulletin*. The rulemaking corrects references necessary for the Commonwealth to properly administer the requirements of the Agreement State program under the NRC's rules.

The Radiological Health final rulemaking is anticipated for publication in the fourth quarter of this year.

On October 18, IRRC will be looking at the following rulemaking packages: Air Quality General Permitting (final-omitted); Storage Tanks (final); and Noncoal Fees (final).

The Secretary has been named as Secretary/Treasurer for the Environmental Council of the States.

Following a question from Duane Mowery, Secretary McDonnell acknowledged that the recent Sewage Advisory Committee meeting cancellation on very short notice and without communication with the Chairman was not in line with his expectations for the process.

#### **INTRODUCTIONS:**

Executive Director Keith Salador briefly introduced himself to the CAC members. Keith came from DEP's Bureau of Regulatory Counsel where he spent four years working with multiple programs, including cleanup and brownfields, oil and gas, radiation protection, and several water programs. He is originally from Bucks County and moved his family to the Harrisburg area when he started with DEP. CAC members introduced themselves to the new Executive Director by providing brief bios.

**PUBLIC COMMENT:**

Mike Molesevich, an environmental consultant for over 30 years, offered his comments to the Council regarding noise as a form of air pollution.

**APPROVAL OF JULY 17, 2018 MEETING MINUTES:**

Chairman Welsh solicited additions or corrections to the July 17, 2018 Minutes. Hearing none, Chairman Welsh requested a motion to adopt the Minutes.

**Bill Fink moved to approve the July 17, 2018 meeting Minutes.  
James Schmid seconded the motion, which was unanimously approved.**

**CHAIRMAN'S REPORT:**

CAC member Jim Sandoe has resigned from the CAC and the EQB for health reasons. Members interested in serving on the EQB should make themselves known in advance of the EQB elections to be held at CAC's October meeting. A CAC alternate will cover the EQB meeting in October.

Cynthia Carrow will chair a Nominating Committee to identify a candidate to fill Jim Sandoe's position as Vice Chair of the CAC for the remainder of the term. Bill Fink and John Walliser volunteered to assist with the process.

Jim Sandoe was also a member on the Solid Waste Advisory Committee. Members were asked to consider serving as a replacement.

Members were reminded that four seats have currently expired: Mark Caskey, Terry Dayton, John Over, and Jim Welty. Terms ending on January 15, 2019 include: Cynthia Carrow, Bill Fink, Duane Mowery, and David Dunphy. There are three vacant seats, including the seat most recently vacated by Jim Sandoe.

Keith Salador noted his interest in attending and giving a presentation about CAC at the Pennsylvania Association of Environmental Professionals annual conference in May 2019.

**Bill Fink made a motion to endorse Keith Salador's participation in the Pennsylvania Association of Environmental Professionals annual conference in May of 2019. Mark Caskey seconded the motion, which was unanimously approved.**

**PRESENTATION:**

George Hartenstein, Deputy Secretary of the Office of Waste, Air, Radiation and Remediation, provided an in-depth presentation on the divisions within the Bureau of Cleanup and Brownfields (Cleanup Standards, Site Remediation, and Storage Tanks). He discussed land recycling, the main characteristics of Act 2, superfund cleanups, above ground and underground storage tanks and tank releases, as well as funding, annual budget, and the opportunities and challenges related to cleanups. Chairman Welsh suggested that CAC's Legislative Committee consider writing a letter to the General Assembly regarding the unfunded status of the Hazardous Sites Cleanup Fund.

## **COMMITTEE REPORTS:**

### **POLICY & REGULATORY OVERSIGHT COMMITTEE**

The Policy & Regulatory Oversight Committee received a briefing from the Bureau of Air Quality on the PM2.5 precursors proposed rulemaking, which is a new EPA rule requiring states to amend new source review regulations to include emissions of volatile organic compounds and ammonia as PM2.5 precursors in certain counties that are designated as nonattainment. The proposed rule sets thresholds for major facilities that emit VOCs and ammonia. The Committee had additional comments clarifying language about what constitutes a major facility, and the Council recommended that a technical justification for the ammonia emissions rate threshold be included in the preamble to the proposed rulemaking. Council had previously prepared a draft letter recommending advancement of the rulemaking to the EQB, which letter was provided to CAC members prior to the meeting.

**Thad Stevens moved to amend the draft letter to the Bureau of Air Quality to delete “concur with advancing” and instead state that the CAC voted to “advance” the proposed rulemaking to the Environmental Quality Board. Bill Fink seconded the motion, which was unanimously approved.**

With the recommended amendment, the Chairman asked for a motion to approve the draft letter.

**James Schmid made a motion to advance the proposed rulemaking to the Environmental Quality Board. Thad Stevens seconded the motion, which was unanimously approved.**

### **ENVIRONMENTAL QUALITY BOARD**

The actions taken by the Environmental Quality Board in August included:

- Final omitted rulemaking on the electronic submission of Air Quality General Plan Approval
- Adoption of a final rulemaking on the administration of the Storage Tank and Spill Prevention Program
- Final rulemaking on the Non-Coal Mining Program Fees
- Presentation of a regulatory fee report from the Water Quality Management and NPDES programs

### **AD HOC BUDGET COMMITTEE**

Chairman Welsh believes the various regulatory fee reports will provide the Ad Hoc Budget Committee with the needed data to consider the budget of the many different programs at the correct level of detail and specificity. The Executive Director will obtain a copy of the most recent reports from the Department’s programs. Mark Caskey volunteered to both join and serve as Chair of the Ad Hoc Budget Committee. With the resignation of Jim Sandoe, the committee now consists of Don Welsh, Jim Welty, John Walliser, and Mark Caskey. Chairman Welsh

extended a general invitation for additional CAC members to join the Ad Hoc Budget Committee.

### **AGGREGATE ADVISORY BOARD**

Bill Fink attended the Aggregate Advisory Board meeting in August, at which the same regulatory fee reports were discussed.

### **SOLID WASTE ADVISORY COMMITTEE**

A CAC member is needed on the Solid Waste Advisory Committee.

### **DRAFT TRANSITION DOCUMENTS:**

Issue papers being drafted or updated include:

- Bill Fink (Chesapeake Bay TMDL)
- Tim Weston (Water, Wastewater, and Stormwater Infrastructure Challenges/Water Resources Management)
- Thad Stevens (Sewage Facilities Planning and Regulation)
- Jim Sandoe (Waste Recycling/Climate Change)
- Don Welsh (State/Federal Relationship)
- Terry Dayton (Ideas for Promoting Environmental Mitigation)
- Jim Sandoe (Waste and Electronics Recycling)

With the resignation of Jim Sandoe, the Council will need an author for waste and electronics recycling.

The unclaimed papers are: AMLR fund; preparing for the evolving energy future; legacy problems (including radiation, hazardous waste, AML, abandoned wells, and sediment); business transformation; and the scope of review of engineered plans. The Chairman solicited volunteers to author the unclaimed papers and encouraged members to submit drafts to the Executive Director as soon as possible.

### **NEXT MEETING:**

The next meeting of the CAC will be October 16, 2018, at which meeting the Chesapeake Bay program will provide an update. The November 2018 meeting will be a combined meeting with the Environmental Justice Advisory Board if a topic that is of mutual interest can be determined.

### **ADJOURNMENT:**

**With no further business, Chairman Welsh requested a motion for adjournment. Bill Fink moved to adjourn the meeting, which was seconded by Cynthia Carrow, and all were in favor. The September 18, 2018 meeting of the CAC was adjourned at 1:05 PM.**