

**MINUTES OF REMOTE MEETING
OF CITIZENS ADVISORY COUNCIL
APRIL 21, 2020**

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Cynthia Carrow, Allegheny County
Mark Caskey, Washington County
Terry Dayton, Greene County
Duane Mowery, Cumberland County
John St. Clair, Indiana County

James Schmid, Delaware County
Jerome Shabazz, Philadelphia County
Thad Stevens, Tioga County
John Walliser, Allegheny County
Jim Welty, Cumberland County
Tim Weston, Cumberland County

CALL TO ORDER:

Chairman Jerome Shabazz called the meeting to order at 10:10 a.m.

APPROVAL OF MEETING MINUTES:

Chairman Shabazz solicited additions or corrections to the February 18, 2020 Minutes. Hearing none, the Chairman requested a motion to approve the Minutes.

Tim Weston moved to approve the meeting Minutes of February 18, 2020. James Schmid seconded the motion, which was unanimously approved.

DEP REPORT:

Secretary McDonnell provided an update on the Department's ongoing response to COVID-19. Commonwealth buildings are open to essential staff, but 95% of DEP's staff are successfully teleworking. The Department has continued to process permits at nearly the same rate as just prior to COVID-19. Routine inspections are not being conducted in order to maintain social distancing. Over 1000 essential, emergency, administrative, and virtual inspections have been conducted. DEP's website, under the COVID-19 Alert Page, contains not only information in terms of total permits, but also guidance and direction for the regulated community. The Department has a process for requesting a temporary suspension of a regulatory requirement and those are posted to the website so folks can see exactly what DEP is suspending and the rationale behind the suspension.

The Department is conducting both essential and non-essential functions under the Continuity of Operations Plan (COOP). One of DEP's biggest struggles has been in the area of environmental justice and working through how to engage in the

public participation process. Reliance on technology makes it difficult for those who do not have access. Allison Acevedo, Director of the Office of Environmental Justice, and Jessica Shirley, DEP's Policy Director, have been working through the process, and it is an ongoing conversation. Natural partners like local libraries where information or updates on cancellations or public participation can be posted do not work in the COVID-19 scenario where municipal buildings are closed except for essential functions.

Executive staff have had very long and intense days over the course of the last month. The Department is learning a lot as it goes through COVID-19, and there will be many action items after the crisis has passed.

In response to specific questions, Secretary McDonnell offered the following:

There are no particular trends on compliance issues. A lot of work has gone into trying to figure out best practices around virtual inspections. Early in the COVID-19 shutdown the Department did suspend the permit decision guarantee, but those are being met 93% of the time. The Department is looking at what it needs to do as things start to open up in terms of construction and other businesses. DEP is trying to get a sense of the status of the conservation districts. At least one conservation district has turned its delegation back to the Department under Chapter 102, so there is a need to verify where the conservation districts are in terms of supporting that work.

The Department is continuing to move forward with RGGI as the modeling shows relatively flat impact on Pennsylvania economically, with improvement in the job picture in some areas.

DEP has updated its grant loan and rebate page, making it much more user friendly.

With regard to the timeline for moving RACT 3 to the EQB, Jessica Shirley indicated that AQTAC weighed in on the Annex last week. The Department will try to hold a virtual EQB meeting in order to move the RACT 3 package, which goes first to the EQB and then out for public comment. CAC members requested that the Department include background documentation supporting its decision when the package goes out for public comment. Secretary McDonnell indicated that he would speak with Krishnan Ramamurthy about this request.

PUBLIC COMMENT:

No public comment was offered. Executive Director Keith Salador offered that the May meeting will be held via skype and that public comment is available during that meeting.

ACT 54 REPORT:

Bill Allen, Director of the Bureau of Mining Programs, offered a handout titled Act 54 - Effects of Underground Bituminous Mining, Bureau of Mining Programs and Bureau of District Mining Operations, 5th Report Overview - explaining the background of Act 54 and the process of the latest report. Bill offered that the plan going forward is data sharing on a more timely basis. Instead of a five-year report, the program would like to do a snapshot each year.

Sharon Hill, also of the Bureau of Mining Programs, discussed the various sections of the handout, explaining in detail: what the Act 54 Report is intended to do; what the statute says about the ongoing collection of data and its analysis and report every five years; specifics on the current report; the Bureau's attempt to identify trends; and follow-up and response to recommendations made in the report. Sharon offered that the annual data collection for 2018 and 2019 will be tabulated and released to the public hopefully this summer. The Bureau is still working to get tables in the tool and coming up with a product for the public to see. Going forward, yearly data releases will go on DEP's website. Because of advancing technology, the 6th report likely will not be in book format.

In light of innumerable questions from CAC members and in-depth discussions around the Act 54 Report, Chairman Shabazz suggested establishing a work group to address issues and concerns surrounding the primary guidance document being developed by the mining program, seeking guidance on the program's GIS report and evaluation of stream recovery, and a broad review of Act 54 itself.

Chairman Shabazz moved to establish an Act 54 work group.

James Schmid seconded the motion, which was unanimously approved.

Members volunteering to participate in the work group included John Walliser, Cynthia Carrow, James Schmid, Terry Dayton, and John St. Clair, with John Walliser serving as Chair.

COMMITTEE UPDATES:

Policy and Regulatory Oversight Committee

Tim Weston offered that there is an upcoming meeting of the committee on May 8 during which the Department wants to review the RGGI and RACT regulations. The agenda is ambitious and will engender a fair amount of discussions and disparate positions. Tim urged CAC members to be timely.

Aggregate Advisory Board

Thad Stevens offered that the committee met on March 30. Several matters needed further definition, but the Department was sympathetic about what many of the participants wanted to do. Bill Allen addressed the Preamble and the committee's desire to review it prior to actual publication, noting that Preambles are not reviewed by advisory boards.

Executive Director Keith Salador offered that advisory boards only review the Annex A. Issues with the Preamble or other documents are addressed in the public comment period. Conversations about the Preamble do take place, but at a later time in the process.

NEW BUSINESS:

CAC and AQTAC will hold a joint webinar on April 23 related to the upcoming report rollout on the carbon budget. Members will receive information on how to log on. CAC will delve into the actual regulation in May.

ADJOURNMENT:

The April 21 meeting of the CAC was adjourned at 11:40 AM.