

## **Citizens Advisory Council Public Participation Invitation**

On March 27, 2013, the Citizens Advisory Council (CAC) to the Department of Environmental Protection (DEP) extended an invitation to the public requesting ideas on how to improve public participation in developing environmental regulations and policies. In addition to the press release, the invitation was also sent specifically to the members of the various DEP advisory committees and boards.

This document captures the comments received and is organized by topic. In addition a CAC response is offered, which in many cases includes a recommendation to the department. Those comments not related to environmental regulations and policies public participation have been included in the final section titled *Other Comments*.

The list of commentators is included on page 18. The number in parenthesis at the end of each comment refers to the specific commentator who made that particular comment.

The Council stands ready to work with DEP to implement the recommendations contained in this report.

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## General

1. **Comment:** I want to commend you all for what you do. So much is against you and the task is monumental. I am in the drinking water business and as such my primary interests lie in protecting our water sources. (2)

**CAC Response:** Council appreciates the comment.

2. **Comment:** Thank you for the opportunity to provide input for improving communication between DEP and the general public. I have lived in Pennsylvania my entire life (43 years) and have been following environmental issues for much of that time. Even with the best intentions, there is a disconnect between government and the citizenry, and it is my opinion that DEP communication could be improved by: (1) limiting the use of technical jargon or overly long documents that contain a lot of language about acts and laws and legislative actions in public communication. In short: understand your audience and keep it simple, (2) refraining from (contrarily) "dumbing it down" so far as to insult intelligence. The citizens in your audience, the ones who want DEP communication, are fairly educated people; don't talk as if they are fifth graders in marketing messages; use an online glossary or FAQ as necessary & (3) helping people understand why they should care, spelling out the facts, so they grasp the concept that what you do is critical to their well being. In short: give them a reason to buy in; don't just tell them you want them to do so. (4)

**CAC Response:** Council agrees that clear understandable communication is a vital component to the Department's work. Because of the technical nature of the majority of DEP's programs and regulations, explaining what is proposed and its impact on residents can be a challenge. However, it is completely reasonable for the public to expect DEP to effectively communicate. The General Assembly has been supportive of clear communication and over the years has crafted a regulatory process that includes various forms and procedures for agencies to follow. Part of that process is a required Regulatory Analysis Form that, among other sections, requires the program proposing a regulation to briefly explain the regulation in clear and nontechnical language, as well as state why the regulation is needed and the compelling public interest that justifies the regulation. Council recommends that the information on the Regulatory Analysis Form be used throughout the Department's communication and included in public notices and press releases.

In addition, Council recommends DEP prepare a Plain Language Statement of Purpose for each regulation and policy it develops. This “Read Me First” introduction would provide a description of the objective and reasons behind the change, the scientific basis (whether complete or not) for the change and how groups or individuals and the environment would be affected, negatively or positively, and serve as a guide to all the documents available to the public for an in-depth review of the proposal, along with the description of the Public Participation Plan (see response to Comment #13).

The Council is sensitive to the concern of requiring more paperwork to be generated by the agency for each proposed regulation and technical guidance and the Department should review the forms and other background documents required to be prepared to see if those can be simplified without the loss of information the public needs to effectively review a proposal.

3. **Comment:** The Clean Air Council commends the Citizens Advisory Council for undertaking this effort to improve public participation. The fundamental principles of true public participation are civic engagement, empowerment, transparency and accountability. Effective public participation should produce a more informed public, reduce mistrust in our institutions and in industry, establish cooperative relationships, and generate legitimacy for the decisions made. Conventional notice and comment practices are historically inadequate to meet these goals. (10)

**CAC Response:** Council appreciates the comment and agrees with these principles of public participation.

4. **Comment:** It is our understanding that the Council’s current guidelines stress the importance of wide dissemination of information to as many members of the public as possible. We applaud the principles that are currently in place and urge the Council to continue these important goals. (11)

**CAC Response:** Council appreciates the comment.

5. **Comment:** First, the League applauds your request in seeking input. Having reviewed the many links you currently provide to DEP’s twenty-two (22) active advisory committees, the public participation center, the regulatory agenda, the regulatory update, and e-notice feature, there can be little question as to your commitment to public outreach. It is obvious that stakeholders with an on-going, vested interest in environmental issues can obtain valuable information providing that they have ready access to the Internet. Study your [Public Participation Spectrum](#), provided in Appendix B, p. 27, with those at various levels of DEP. How can we move the public from being informed to ultimately being empowered along the continuum of the decision making process? What is the role of DEP in this transition? What suggestions can you provide to

civic groups such as the League of Women Voters to help increase the level of public impact? (12)

**CAC Response:** Online tools like the [advisory committee webpages](#), the [Public Participation Center](#), the [Regulatory Agenda](#) and a [Regulatory Update](#), proposals [open for comment](#), the listing of proposals with [closed comment periods](#), the [eNOTICE](#) email notification service and links to the [Pennsylvania Bulletin](#) are scattered throughout DEP's website. In fact, there are several "public participation" webpages on the website. These tools should all be consolidated into one location for easy access by the public, along with the Citizens Guide which describes the purpose of each tool and the relevant supporting documents for each regulatory and guidance proposal. DEP should also have a single Calendar of Events noting upcoming Advisory Committee-related meetings and calls, all public meetings and hearings related to regulatory and technical guidance development and other significant agency activities (see Comment #26).

The Council notes DEP this week has again begun to post agency events on an updated [Calendar function](#) on its website which responds to this recommendation.

9. **Comment:** Internal PA DEP training should complement public participation efforts. Trainings should include education of every agency employee who is involved in a project, not merely those who will have direct contact with stakeholders. The culture of PA DEP should be one that views the public as a valuable partner in decision-making. (10)

**CAC Response:** An important part of implementing any public participation policy is to provide training to program staff on the tools available to encourage public participation, the basic policies and principles behind the agency's public participation program and the seriousness with which the agency believes in public participation and its value to the agency in improving the quality and effectiveness of the regulations and technical guidance it publishes. DEP should also periodically review the individual application of its public participation tools to determine how effective they are in encouraging real public participation.

10. **Comment:** The Clean Air Council is particularly concerned that PA DEP has inappropriately created regulations through guidance documents and encourages CAC to develop safeguards against this practice. PA DEP has issued guidance documents that function as regulations and alter Pennsylvania's EPA-approved state implementation plan. The guidance creates a "binding norm" thereby causing what might otherwise appear to be a statement of purpose to have the effect of a regulation under Pennsylvania law. The Clean Air Act contains certain procedures, including additional public participation, that a state must follow in order to modify a state implementation plan and by regulating through guidance, PA DEP improperly evades these procedures. For example, the Clean Air Council has raised concerns that both the recently released

Exemption List and Aggregation Guidance create binding norms that differ from the state implementation plan. An examination of review memoranda released alongside proposed permits demonstrates that PA DEP staff views the guidance as regulation. (10) **CAC Response:** In response to the Committee's inquiry to provide more information on this issue, the Committee received this further explanation from the Clean Air Council--

The Clean Air Act, Air Pollution Control Act and the codes that implement those acts are the law with respect to regulation of air pollution in Pennsylvania. If DEP would like to change the code, they must go through a very rigorous process which includes rulemaking boards, public input and EPA approval. By creating guidance which differs or expands the code the DEP is effectively creating new regulations without having to go through that process.

This has become of increasing concern during the expansion of natural gas operations in PA. For example, 25 Pa Code 127.14 lists out those air pollution sources that are exempt from plan approval requirements. Under the authority of 127.14(a)(8) (other sources determined to be of minor significance by the DEP), DEP has expanded the list from 7 exempt sources to tens. It is clear in reviewing Review Memos from DEP permit writers that they see the exemption list of law, they are not undertaking a review to determine whether the source is of minor significance and just defers to the "guidance." Our concern is that permit writers see guidance and law and are deferring to that when they only actual regulations are the code and APCA and CAA.

There is a similar issue with respect to the Aggregation Guidance where permit writers feel as though they may not aggregate under the code because of language in the guidance.

We recommend that safeguards be implemented to ensure that guidance does not differ from law and that permit writers feel free to view the documents as guidance only and rely primarily on laws and regulations.

The Citizens Advisory Council agrees technical guidance should not be treated as regulations by agency staff. The CAC notes DEP guidance documents typically contain the following statement "DISCLAIMER: The policies and procedures outlined in this guidance are intended to supplement existing requirements. Nothing in the policies or procedures shall effect regulatory requirements. The policies and procedures herein are not an adjudication or regulation. There is no intent on the part of the Department to give the rules in these policies that weight or deference. This document establishes the framework within which the Department will exercise its administrative discretion in the

future. The Department reserves the discretion to deviate from this policy if circumstances warrant.”

However, the CAC will advise the Department of this concern and ask for their response and explanation on the specifics outlined in the comment.

11. **Comment:** The Council encourages CAC to undertake a comprehensive review of current public participation efforts at PA DEP, centralize training and guidance for PA DEP staff, centralize resources for the public, identify gaps, design effective programs to fill those gaps and continually evaluate these important efforts. Please keep us apprised of any future actions related to CAC’s efforts on improving public participation in developing environmental regulations and policies. Members of the Council’s staff would be happy to meet with you or the committee to discuss these comments.(10)  
**CAC Response:** This suggestion will be taken under advisement by the CAC Strategic Issues Committee and will be weighed along with Council’s mandated responsibilities, other pending priorities and available resources.
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### Specific Suggestions

12. **Comment:** An early outreach step. This idea was recently implemented by the Ohio EPA for its surface water rulemaking. The Agency has added a step to the rule-making process called Early Stakeholder Outreach. They will be notifying interested parties when they begin reviewing or creating a rule and requesting comments or suggestions on the rule prior to developing any draft rule language. This step will occur prior to their Interested Party Review. (9)  
**CAC Response:** Council agrees with the importance of early input. See response to Question #13 for recommendation.
13. **Comment:** If PA DEP wishes to engage a community, they should invest the requisite time and effort in becoming part of the community. PA DEP staff must spend time physically in the community, listening to people, and going to community meetings. Community engagement involves documenting the concerns of community members and understanding their vision for their community. This cannot only happen at public hearings and meetings, but should include both educational events and opportunities such as listening sessions in which PA DEP regularly listens to concerns from small groups of residents in an on-going and more informal setting. A hallmark of successful community engagement is reaching out to the public at the earliest possible time to invite participation. Providing information early in the course of the decision making process and engaging the public in a dialogue allows participants to inform and actually

shape policy and regulations. This call for input at this stage of CAC's public participation review is a good example of early engagement, and the Clean Air Council encourages this type of initial engagement in all of PA DEP's decision-making processes – not just on policies that deal specifically with public participation. (10)

**CAC Response:** The Committee recommends DEP develop a Public Participation Plan for significant regulation and guidance changes which includes early identification of interested and affect members of the public, identification of the specific public outreach tools it will use to develop and solicit public comments on the change, i.e. informal or formal stakeholder groups, work groups, advisory committees, public meetings and hearings, appropriate supporting documents, white papers and presentations, both online and hardcopy, special webpages and a timeline for activities, including responding to comments and presenting the final product.

The Plan should encourage the widest possible distribution of information on the proposed regulation or technical guidance changes through a variety of media-- online, newspapers, social media and other tools. The Committee strongly believes all interested parties in the process should be treated equally, receive the same white papers, drafts of rulemakings or policies or presentations and at the same time to limit confusion and promote fairness in dealing with stakeholders.

- 14. Comment:** We also urge you to maintain use of newspapers in promoting public hearings and meetings. Section VI, (3) "Availability of Documents", states that the public will be advised of public meetings and hearings through local newspaper notices. Pennsylvania adults maintain a very high level of readership and engagement with their local newspapers-in the course of an average week, 83% of adults in Pennsylvania read a daily, Sunday or non-daily newspaper, in print or online. Moreover, in an effort to reach the broadest possible audience, Pennsylvania's newspapers upload public notices to an online statewide, searchable database, at no charge to government or the public, [www.mypublicnotices.com](http://www.mypublicnotices.com). (11)

**CAC Response:** Newspaper notices are one method of communication and Council encourages the Department to utilize all appropriate methods. See response to Comment #13.

- 15. Comment:** Examine the protocol for notifying the general public and modify as appropriate. Given the various levels of expertise and experience with evolving communication media, are outreach efforts being extended to those who do not have Internet access? Are local government agencies, community organizations, and media outlets a part of this outreach effort? (12)

**CAC Response:** Council agrees with the importance of a wide invitation for input. See response to Question #13 for recommendation.

16. **Comment:** PA DEP should make it clear who was at the table while regulations and policies were developed. In the past, PA DEP has met with industry representatives in the years and months leading up to the release of proposed rules, but has not routinely offered the same opportunities to residents or members of local organizations. PA DEP should welcome the public to attend initial meetings about regulations and policies and also ensure that advisory committees are evenly divided with respect to environmental and industry representatives. Notes should be taken at all meetings around a particular PA DEP decision and they should be made public (10)

**CAC Response:** Council strongly believes all interested parties in the process should be treated equally, receive the same white papers, drafts of rulemakings or policies or presentations and at the same time to limit confusion and promote fairness in dealing with stakeholders. Members of the public are encourage to attend DEP advisory committee meetings, and Council recommends that advisory committee webpages should be updated with agendas and handouts on a timely basis with the goal of posting meeting materials 14 days before a meeting date; In addition, DEP should keep the basic information on each Advisory Committee webpage current-- committee members and contact information, DEP staff liaison and the meeting schedule; Council believes that there should be consistent public notice of all advisory committee subcommittee and work group meetings and conference calls to allow the public the opportunity to participate.

17. **Comment:** An important component of public participation is the development of an internal monitoring program to evaluate the problems and successes of initiatives promoting or involving public participation. Ongoing evaluation will allow PA DEP managers to catch errors in the design of its public participation programs in time to correct them. The evaluation process should include in-depth questionnaires administered as the development of a regulation or policy comes to an end, to be completed by PA DEP staff as well as public participants. Informal interim interviews with staff and participants should also be conducted to monitor programs in progress. All evaluation results should be made publically available so that the public and PA DEP can track both areas of success or areas for improvement. (10)

**CAC Response:** This suggestion will be taken under advisement by the CAC Strategic Issues Committee and will be weighed along with Council's mandated responsibilities, other pending priorities and available resources.

18. **Comment:** The United States Environmental Protection Agency ("EPA") has undertaken many efforts and created various programs to ensure comprehensive public participation. CAC should review these programs and resources to supplement both its public participation review and ensure that PA DEP is sufficiently engaged. EPA published a Framework and it contains many suggestions to ensure effective public



involvement. The Council incorporates, by reference, the suggestions in the Framework into these comments. The core of the Framework is a list of seven basic steps for conducting public involvement: 1. Plan and budget for public involvement activities; 2. Identify the interested and affected public; 3. Consider providing technical or financial assistance to the public to facilitate involvement; 4. Provide information and outreach to the public; 5. Conduct public consultation and involvement activities; 6. Review and use input, and provide feedback to the public; and 7. Evaluation public involvement activities. In addition from learning from EPA, the Council suggests that the CAC review the public participation policies in a variety of other states and mine them for programs or practices that could fill in gaps in Pennsylvania's program. (10)

**CAC Response:** This suggestion will be taken under advisement by the CAC Strategic Issues Committee and will be weighed along with Council's mandated responsibilities, other pending priorities and available resources.

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## DEP Website

19. **Comment:** The eNOTICE is not user friendly, it is particularly tough for the general public to use. (3)

**CAC Response:** DEP's [eNOTICE](#) email notification service has not been updated in more than 10 years and should be made much more user friendly. The current system notifies individuals who have signed up for the service notice by email. Typically these notices are sent when the Environmental Quality Board publishes proposed or final regulations in the Pennsylvania Bulletin. It also provides intermittent notice of proposed and final technical guidance changes published in the Bulletin. At a minimum, the service should be changed to consistently notify users of the opportunity to comment on all regulations and all technical guidance changes and their final disposition. It could also be expanded to tie into a new Calendar of Events (see Comment #8) to provide notice of issues of interest to the subscriber coming up before DEP's Advisory Committees. Council is available to review any redesign ideas prior to implementation.

20. **Comment:** Some general location on the website for emaps using ArcGIS online or some or some other tool to provide information on user friendly maps would be helpful. Current mapping PA AUL mapping tool is helpful. Would like to see one common mapping application for all DEP information. (3)

**CAC Response:** Council will pass your suggestion along to the Department.

21. **Comment:** Single calendar would be great or at least a single calendar and regional calendars- may be the regional ones can be tied into the activities of the local roundtables (3)

**CAC Response:** Council agrees and notes DEP this week has again begun to post agency

events on an updated [Calendar function](#) on its website which responds to this recommendation.

22. **Comment:** An option for searching/organizing proposed regulations and policies. The current listing on the public participation website is helpful; however, it would be easier for users if the proposals and outreach requests could be filtered by subject matter or program area rather than date only. (For instance, waste, water, oil & gas.) (9)

**CAC Response:** Online tools like the [advisory committee webpages](#), the [Public Participation Center](#), the [Regulatory Agenda](#) and a [Regulatory Update](#), proposals [open for comment](#), the listing of proposals with [closed comment periods](#), the [eNOTICE](#) email notification service and links to the [Pennsylvania Bulletin](#) are scattered throughout DEP's website. In fact, there are several "public participation" webpages on the website. These tools should all be consolidated into one location for easy access by the public, along with the Citizens Guide which describes the purpose of each tool and the relevant supporting documents for each regulatory and guidance proposal. DEP should also have a single Calendar of Events noting upcoming Advisory Committee-related meetings and calls, all public meetings and hearings related to regulatory and technical guidance development and other significant agency activities (see Comment #21).

In addition, presently DEP does not have a Technical Guidance Agenda which lays out the policies the agency plans to develop in each program over the coming six months, like the [Regulatory Agenda](#) does for regulatory development. Council recommends that a six months Technical Guidance Agenda be prepared and posted.

DEP should also consolidate and better organize the webpages it now devotes to technical guidance [open for comment](#), [recently closed](#), [recently finalized](#) by not only where the guidance is in the process and by date, but also by program area. It should also be clear where the public [can get copies](#) of the guidance at each step.

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## Hearings

25. **Comment:** Public meetings should be held early in the decision-making process and regularly thereafter. The meetings should not result in industry, PA DEP and the public in separate corners of the room. PA DEP should consider hiring neutral and experienced facilitators to ensure that the public feels comfortable and respected at these important meetings. (10)

**CAC Response:** Council agrees with presenting information to the public as early in the process as possible. Use of paid facilitations is probably limited by budget constraints, regardless, Council will forward your suggestion to the Department.

26. **Comment:** Develop and share pertinent information with the public regarding the actual hearing process. This could be done through fact sheets, webinars, community television programs, or other informational outlets. The bottom line is for citizens to develop a comfort level in having their voice heard in a manner that ensures that their message is delivered effectively to decision makers. Answers to the following questions may seem obvious to many, but may be helpful to others. What is the nature of the process? Is it informational with give-and-take or is it a more formal hearing that is “one-way” with only comments being heard and recorded? Will the hearing be recorded live for public review or will it be transcribed with formal minutes? If questions are raised in written or oral components, will they be responded to in a format to which all stakeholders have access? How will oral and written comments be transmitted? What are the expectations for those who wish to make comment in terms of timelines, content, and so on? What restrictions and/or safeguards are in place to provide for respectful behavior in the event that confrontation may evolve? (12)

**CAC Response:** Council agrees. See response to Comment #5 recommending development of a new citizens guide.

27. **Comment:** Share “next steps” with the public that will allow on-going engagement. Citizens want to know: Have their voices been heard? Did comments make a difference? Are there other avenues they may use if individuals feel dissatisfied? (12)

**CAC Response:** Council agrees. See response to Comment #5 recommending development of a new citizens guide.

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### **Advisory Committee Roles, Communication & Support**

28. **Comment:** What struck me at first is that there are twenty-two councils. Much as is the case with permitting and other regulatory requirements, none of these topics exist in a vacuum. As a member of the SWAC and RFAC, I would appreciate as part of our agenda/packets updates on what is happening in the other councils. (1)

**CAC Response:** The Department has broad shoulders with responsibilities in many areas. The formation of advisory committees to advise and assist with those efforts has matched the issues as they arise or as statutes are passed to address areas of concern. Council recommends that the list of DEP advisory committees on the DEP Public Participation website be reviewed and refreshed to include only currently active committees. In addition, Council recommends that the Department promote its monthly report to Council and encourage other advisory committee members to regularly review it. DEP presents to the CAC each month a report outlining significant activities going on within the agency.

29. **Comment:** It seems like SWAC has been conspicuously inactive for the last year or so.  
(1)

**CAC Response:** Council agrees. According to their Bylaws, the Solid Waste Advisory Committee (SWAC) has responsibility for “to work closely with the Department to develop programs, policies and regulations to effectively implement solid waste management and recycling programs. The Committee may recommend to the Secretary of the Department that rules, regulations, standards, criteria, and procedures it deems necessary be adopted, amended or repealed and changes be made to statewide solid waste management initiatives” and has met only once each year for the past few years. Council will pass along this concern to the Department.

30. **Comment:** Some of the groups have not met nor issued guidance documents for many yrs. why not disband? What is the process/ trigger to disband? How does a group know what happens to their input? Is the state required to assess and respond? This total feedback process depends on man power resources at DEP to assess and review the input and then determine if it is of value or not or if more info is needed or if money is available and if the suggested guidance meets the DEP goals. This is time consuming. Yet the input may not be an area or issue of priority to DEP. A more efficient process is needed that is focused on specific needs. Some time should be spent on that aspect. Perhaps DEP should request specific areas of guidance and pose specific questions and issues that need to be addressed? DEP needs to state their needs and why / where - the current process works or does not work. Some members from various groups should meet with DEP to provide their input on the total process/ priorities. (7)

**CAC Response:** Some advisory committees are created by statute (such as the Citizens, Advisory Council and the Agricultural Advisory Board) with members named by various groups defined in the statute. Others are created by the Department to advise in a particular area (such as the Environmental Justice Advisory Board or the Radiation Protection Advisory Committee, as examples) and are named by the Department. Council recommends that the list of DEP advisory committees on the DEP Public Participation website be reviewed and refreshed to include only currently active committees. In addition, the Department should continue to utilize the established committees as a sounding board for ideas and for valuable real-world perspectives.

31. **Comment:** My suggestion is to release the volunteers from having to wait 4-8 months to receive re-imbusement funds for our participation in RPAC. We were told we would have to use the Pa. approved travel company to secure hotel reservations and or travel

reservations: The problem with this is that we have to log onto the webpage and secure a hotel reservation at one of the approved hotels. This is just another layer of unneeded time delay in my opinion. Upon receiving the hotel reservation I found no difference in the cost or other matters than if I had made the reservation myself, directly with the hotel. The price and rooms were exactly the same. The antiquated form we use to request a re-imbusement should be re-done to confirm with the modern electronic methods available today. For instance, a form that we can type on directly and which updates the totals as we enter them. This form can then be submitted electronically to the Dept. for consideration, along with the necessary receipts. I think these suggestions would be a step in the right direction which would allow for prompt consideration and payment of our re-imbusement requests. Unlike the current method wherein I am still awaiting my imbusement for the Oct. 2012 meeting. (5)

**CAC Response:** Except for a few specific committees such as the State Conversation Commission whose members receive a per diem for their attendance at meetings in addition to reimbursement for expenses, most advisory committee members are entitled to receive reimbursement for their travel and meeting expenses. Advisory Committee members often block full days away from their regular business to prepare for and participate on an advisory committee. The Department and the Commonwealth receive a tremendous amount of benefit because of this volunteer time – which easily reaches thousands of dollars a year. At the same time, careful review of the distribution of public funds is necessary. Council recommends that the Department simplify and standardize the reimbursement request process for its advisory committee members and name a small group of DEP administrative staff to assist the DEP liaison to each committee and would track reimbursements. No advisory committee members should have to wait longer than 30 days for a properly completed reimbursement request.

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## Other Comments

These comments were received by Council on public participation issues not related to the development of regulations and guidance. The Council feels these additional comments merited discussion as DEP revises its permit review and other public participation policies.

32. **Comment:** Hold more open house types of meetings in advance of hearings on major permits or controversial topics- informal settings for people to ask questions and get answers. (3)

**CAC Response:** Council agrees with this suggestion and will consider this in reviewing the Department's anticipated changes to the Permit Review Public Participation Policy.

33. **Comment:** It would increase public participation if more localities, the same ones that are affected by the gas drilling process were allowed to voice the opinions and occurrences of the residents. (6)

**CAC Response:** Council agrees with this suggestion and will consider this in reviewing the Department's anticipated changes to the Permit Review Public Participation Policy.

34. **Comment:** I would like to see at least one member of the local community up on stage as part of the panel when the DEP holds its Public Hearings on any Marcellus Shale project. This extra member could be a local resident to each hearing Locale and could change from site to site,...or it could be a more permanent position and the member would sign up and be picked by the Board and the person would take part in any and all discussions relating to the approval or denial of any permits for any project. The person's valued suggestions could be included in the Final Review or Findings document and the person could travel to each locale as a member of the Panel. I think public opinion of the DEP has waned incredibly since Governor Rendell left office and a move of this nature would help instill confidence once again in the Court of Public Opinion. (8)

**CAC Response:** Council will consider this in reviewing the Department's anticipated changes to the Permit Review Public Participation Policy.

35. **Comment:** We have many watershed organizations geared toward protecting "some" streams but I do not think this is enough. I think we need to reach out to enough people to monitor and protect all streams. ...In a nutshell...Break out your watershed maps and delineate all waterways by class...all the way down to the microplots that may only hold an intermittent stream. Define them all with an identifier that makes them easy to locate....then lobby the public for sponsors of each small area microplot of land. I think you will find many people willing to "cover" the small tributary or intermittent stream "in their backyard" Develop a watershed form which can be filled out conveniently and is easiest to administer (by computers?) and send these forms to the sponsors as often as you deem necessary. I think that once you show people that what they do can effect change they will be more willing to contribute the few dollars it will take to administer this program. (2)

**CAC Response:** Council will pass this suggestion on to the Department.

36. **Comment:** Modify the environmental education requirements of our public schools. The health of our environment and our stewardship of it is much more important than we treat it in our public schools! Treat our environment as the life sustaining resource it is

as we train up our youth. Show them this program is in place so that they can make a difference now and after they graduate....give them something meaningful to do with the knowledge they gain in school. (2)

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**CAC Response:** Council will pass this suggestion on to the Department.

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**37. Comment:** The public should be involved in local as well as state implementation of national programs, and participation should be encouraged at all stages of the decision-making process. PA DEP should invite participants to help monitor programs so they can make suggestions for modification and help track environmental compliance of regulated entities. For example, the public could be invited to facility inspections or to review air monitor data. (10)

**CAC Response:** Council believes strongly in transparency with all stakeholders involved in environmental enforcement programs and will pass this suggestion on to the Department.

**38. Comment:** Potential regulations and policies must be discussed in a way that is more accessible to the layperson. Some decisions, such as those involving modeling or risk assessment, demand an understanding of extremely technological information, making them more difficult for the public to grasp than those dealing with other issues. Nevertheless the conclusions of the modeling and risk assessment can have major implication for the public. Further, scientific uncertainty plagues many environmental issues. PA DEP has historically been hesitant to present the public with scientific and other data that is unclear or conflicting; however, withholding information breeds distrust and threatens participation efforts. Honestly explaining the nature of scientific uncertainty to the public is crucial to maintaining public trust. Proactive initiatives are necessary to combat these technological hurdles. Examples include providing easily accessible technical assistance to the public, distributing reader-friendly materials and greater reliance on the internet. PA DEP may need to develop new modes of communication that make use of images, videos and even stories in order to better inform decisions on environmental issues. (10)

**CAC Response:** Council believes strongly in transparency with all stakeholders involved in environmental enforcement programs and will pass this suggestion on to the Department.

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**39. Comment:** Ensuring every citizen and businessperson's comment is taken into consideration, regardless of wealth, constituency, lobbying status. For instance, the

vegetation management policies of some PA electrical distributors is detrimental to the beauty and health of our communities. Filing a complaint with the PUC or other agency falls on deaf ears or is tedious, laborious, and frustrating. The management practice screams of the protection of profit, not environmental health, and if the regulating agency doesn't care, why should the citizens refrain from cutting down all their trees or spraying herbicides versus pruning, etc.? This is the disconnect. Give the people who still care an outlet to file a complaint; give the complaints some weight when a pattern is identified; have the teeth to make the changes that support our right to "clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment;" and give those who participated in the process an avenue to staying informed and engaged. (4)

**CAC Response:** Council believes this is a very important issue. The Department should be transparent and accountable in the way it handles complaints and should clearly describe how complaints are handled, timelines for responding to those complaints and avenues available for complaint follow-up. The exception would be where disclosing the complainant is required by agency policy. The specific concern expressed about the Public Utility Commission handling of complaints will be forwarded to the Commission.

40. **Comment:** Provide one, simple, **hotline or information line**, answered by friendly, Pennsylvania individuals that is open for anyone to call for more information, for providing input, for reporting concerns related to the environment. Let it be understood that folks should not hesitate to call. For instance, driving down the road this week, I could smell a private septic overflowing in a heavy rainstorm. There should be well publicized number for me to call to find out how to report this, like 911, on the tip of everyone's tongue. Contacts for various, relative, government agencies should be available (health department, etc.) Even I, who writes about environmental issues for the living, was unsure what to do about my concern, and that just shouldn't be. (4)

**CAC Response:** Council believes this is a very important issue. The Department should be transparent and accountable in the way it handles complaints and should clearly describe how complaints are handled, timelines for responding to those complaints and avenues available for complaint follow-up. The exception would be where disclosing the complainant is required by agency policy.

41. **Comment:** There should be a centralized complaint or concern tracking system so PA DEP may respond to citizen complaints in a comprehensive fashion. PA residents living in the shale fields reported that the PA DEP complaint telephone number has not been working on several occasions over an eight month time period, and residents and Clean



Air Council staff have called during normal business hours and found that no one answered and that there was no answering machine. Compared to other states with natural gas development like Texas, Pennsylvania's handling of resident complaints would be considered very slow and inefficient. The Texas Commission on Environmental Quality ("TCEQ") is available 24 hours a day to take either online or phone complaints, and uses a simple online system to take information and respond rapidly. The Clean Air Council encourages PA DEP to consider implementing this type of 24-hour online reporting system and hotline. In addition to the above-mentioned general unresponsiveness, residents reported that they had not been treated respectfully by PA DEP staff, and that their complaints were often dismissed without any type of proper investigation.(10)

**CAC Response:** Council believes this is a very important issue. The Department should be transparent and accountable in the way it handles complaints and should clearly describe how complaints are handled, timelines for responding to those complaints and avenues available for complaint follow-up. The exception would be where disclosing the complainant is required by agency policy. Council agrees that reporting incidents should be made as easy as possible through a variety of mechanisms—telephone, the Internet.

**Commentators:**

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1. Michele Nestor, President, Nestor Resources, Inc. Valencia, PA
2. Gordon Scott Beers, [hmagsb@verizon.net](mailto:hmagsb@verizon.net)
3. Michael M. Stokes AICP, Assistant Director, Montgomery County Planning Commission, Norristown, PA
4. Ruth Heil, Freelance Writer, TheWriteBeat
5. John Pammer, D.C., DACBR, Member of the DEP Radiation Protection Advisory Committee (RPAC)
6. Mark McConnell, [markedward6967@gmail.com](mailto:markedward6967@gmail.com)
7. Bill Haaf, [billhaaf@verizon.net](mailto:billhaaf@verizon.net)
8. Howard Hannum, Sidney Center, NY
9. Susan Z. Forney, EHS InfoLink, Inc., [szforney@ehsinfoLink.com](mailto:szforney@ehsinfoLink.com)
10. Clean Air Council, Philadelphia, PA
11. Paula K. Knudsen, Pennsylvania NewsMedia Association
12. League of Women Voters of Pennsylvania, Harrisburg, PA

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**March 27, 2013 CAC Press Release**

**FOR IMMEDIATE RELEASE**

**March 27, 2013**

**Media Contact:**

Marjorie Hughes, CAC Executive Director  
717-787-4527  
Mahughes@pa.gov

**DEP Citizens Advisory Council Asks Public For Ideas On Improving Public Participation**

Harrisburg, Pa (March 27)-- The Citizens Advisory Council to the Department of Environmental Protection is asking the public for ideas on how to improve public participation in developing environmental regulations and policies, according to John Walliser, Council Chair.

“The Department of Environmental Protection is now updating the agency’s public participation policies which have not seen significant changes in more than a decade,” said Walliser. “The Council believes this is a unique opportunity to ask the public for ideas on how they can be better informed about regulations and policies under development and how they can offer their comments and suggestions.”

Walliser noted DEP is also updating its public participation policies covering permit reviews and environmental justice reviews, but the Council and the public will be reviewing those changes separately.

“Giving the public-- from individual citizens to affected businesses-- the opportunity to have an impact on regulations and policies developed by DEP is a fundamental principle the agency has embraced,” said Walliser. “At the same time, the Council is aware there is always room for improvements.”

DEP now has [22 active advisory committees](#) with over 300 members covering issues as varied as waste management, air pollution, coal mine safety, environmental justice, low-level waste disposal and radiation protection, oil and gas management, on-lot sewage systems and water quality.

DEP has also developed tools like the [Public Participation Center](#) on its website, its six-month [Regulatory Agenda](#) and a [Regulatory Update](#) to keep the public informed of regulatory and policy development. In addition, it also publishes proposed regulations and policies in the Pennsylvania Bulletin for review and holds hearings on key proposals.

Through DEP’s [eNOTICE](#) email notification service, the public can sign-up for email notices of regulations and policies going through the process.

In recent years several issues related to the regulatory and policy development process have been brought to the attention of Council which might help guide the public in making suggestions for improvement:

- Infrequent updating of advisory committee webpages to include advisory committee agendas and handouts in time for public review before meetings and basic information like committee membership and agency contacts;
- Lack of public notice for some advisory committee and subcommittee meetings and conference calls;
- The eNOTICE system could be used more effectively to provide information growing through the regulatory and policy development process; and
- The lack of a single calendar of upcoming advisory committee and subcommittee meetings and conference calls on the agency’s website.

“For the next 30 days we are inviting the public to email the Council their suggestions for improvements to the regulation and policy development process,” said Walliser. “The

Council will also be contacting each member of DEP's advisory committees for their first-hand suggestions on improving public involvement."

The Council has established a special webpage at: <http://goo.gl/UuOEu> for background on existing DEP public participation requirements and an email address for submitting improvement ideas: [RA-epcontactcac@pa.gov](mailto:RA-epcontactcac@pa.gov). Public suggestions are due April 26.

"The Council will collect and evaluate all the ideas we receive and forward the recommendations to DEP and the General Assembly," said Walliser.

Walliser noted once formal changes to the regulatory and policy development public participation process are proposed by DEP they will undergo their own comment period managed by the department.

For more information on DEP's Citizens Advisory Council, visit [www.dep.state.pa.us](http://www.dep.state.pa.us) and enter Keyword "CAC."

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