

Minutes of the
Environmental Justice Advisory Board
August 3, 2010

Call to Order: The quarterly meeting of the Environmental Justice Advisory Board (EJAB) was held in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

The meeting convened at 8:40 am with Dr. Arthur Frank presiding as Chair.

Members in attendance:

Erlinda Aguiar
Laureen Boles
Mario Browne
Nora Carreras
Terri Davin
Dr. Arthur Frank
Dr. Clea Patrick Hollis
Jason Rissler
Mary Vuccola
Dr. Mark White

Members absent (excused):

Eli Brill
Hazem Hijazi
Ann Morrison

Non-members:

Tammey Adams
Rob Altenburg
Holly Cairns
Bo Reiley
Susan Wilson
Alice Wright
Residents representing Eddystone Borough (3)

Welcome and Introductions:

The Chair, Dr. Arthur Frank, welcomed everyone to the meeting. Everyone introduced themselves and mentioned their affiliation. Dr. Frank mentioned that Mary Lou Barton retired and Bo Reiley will be her replacement on the Board.

Approval of Minutes:

A motion was made by Dr. Mark White to approve the minutes of the May 4, 2010, meeting. It was seconded by Erlinda Aguiar. The motion was approved unanimously by the Board.

Office of Environmental Advocate Regional Staff Reports:

Dr. Arthur Frank requested highlights on the three regional Office of Environmental Advocate (OEA) reports and commented on the good things they do.

Alice Wright mentioned her attendance at the recent Environmental Justice Conference in Chester. Approximately 100 attendees participated in the conference. She also mentioned the metal shredding operation attempting to relocate in the Borough of Eddystone. The community of Ambler is split on trying to get asbestos removed from a Superfund site and the other part wants DEP and EPA to clean up the site for a playground and recreation building for their children. Ms. Wright also mentioned that she has been participating in a few EPA teleconferences on the rules for boilers and incinerators to include low-income and minority communities, and the incorporation of environmental justice into a 2011 Smart Growth Conference in North Carolina.

Holly Cairns mentioned that EPA's public meeting on fracking, held in Canonsburg, Washington County, was well attended and many folks testified. She also mentioned that the Environmental Quality Board held two public meetings in the southwest regarding the oil and gas casing and cementing regulations.

Nora Carreras mentioned that the plain language summary for the Oil and Gas regulations has been finalized. It condenses approximately 33 pages of the regulatory package into an eight-page summary document. She also mentioned the eFACTS System is being updated to include census tract data that will be utilized to identify permits that will trigger the EJ policy. Ms. Carreras stated that she's been involved in planning for the upcoming National Brownfields Conference. She also mentioned to the Board the racial tension in Williamsport brought on by the Marcellus Shale industry. Ms. Carreras suggested that the Board take a field trip to Williamsport to visit a Marcellus Shale drilling site.

Department Report:

Dr. Arthur Frank introduced Secretary John Hanger who addressed the Board and opened the floor to questions from the Board members. Terri Davin mentioned that Ryerson State Park and Dunkard Creek in Greene County have been destroyed and wants to have those responsible for ruining the water resources "pay for what they stole." The Secretary addressed her concerns in regards to both areas in great detail. He also discussed the support and opposition to the new Total Dissolved Solids (TDS) regulation and Stream Buffer rule.

Dr. Frank addressed the issue of why legislators have not enacted a severance tax on Marcellus Shale. Secretary Hanger addressed the strong opposition to taxes by certain parts of the Legislature and stated that the budget permits them to vote on the tax as late as October 1. The Governor is determined to have the tax in place by the end of this Administration. Dr. Frank also asked the Secretary to clarify his view of the Board and what he expects from them. Secretary Hanger stated that the Board should feel free to share their opinion on any issue.

Marcellus Shale Update:

Dr. Arthur Frank introduced Scott Perry, Director of the Bureau of Oil and Gas Management, who gave a power point presentation on Marcellus Shale. He briefly explained the history of oil

and gas wells in Pennsylvania and stated that hydraulic fracturing has been done since the 1940's. Mr. Perry discussed in detail the regulation of Marcellus Shale natural gas well drilling in the state. One of the important aspects of Marcellus Shale well drilling is the quantity of water used in the process. Another important issue is water well contamination. Well construction standards are to be finalized by October 2010. Under these new standards, operators will be responsible for replacing water supply if quality and quantity are affected.

Citizen's Advisory Council Update:

Dr. Arthur Frank introduced Susan Wilson, Executive Director of the Citizens Advisory Council (CAC), who mentioned that the Council is continuing to review various regulations as requested. They are working on Phase II of the Transition Report that is more operations specific for the department. The Council will be holding their regional meeting in September in the Wellsboro area and will visit drilling activities on state land. Ms. Wilson also mentioned that there are currently two vacancies on the Council.

Revisions to the EJ Workgroup Report:

Dr. Arthur Frank discussed the revisions needed to the 10-year-old EJ Workgroup Report. The Report needs to be revised to update what has been done and what still needs to be done. The Board separated into groups to work on revisions to sections of the Report. After a lunch break, the Board met again to discuss the necessary revisions. The leader of each group discussed the revisions to their specific sections. An electronic copy of the Report will be distributed to the Board for revisions.

EJAB New Member Discussion / By-Laws:

Dr. Arthur Frank discussed the number of board members and the possibility of adding two additional members. The Board discussed what areas of the state and organizations they should represent. It was suggested that the Board have representation from the Marcellus Shale industry. A recommendation was made for Rev. Horace Strand to be reappointed to the Board and the addition of a Marcellus Shale representative. Mario Browne suggested that the Board obtain a few good candidates regardless of their affiliation. Mr. Browne made a motion to appoint Rev. Strand to the Board and advertise for two additional members. It was seconded by Dr. Mark White. The motion was approved unanimously by the Board.

Dr. Frank recommended sending a letter on behalf of the Board to the Legislature on the natural gas severance tax. Dr. Mark White made a motion to send a letter to all legislators on the natural gas severance tax. It was seconded by Mary Vuccola. The motion was approved unanimously by the Board.

Public Comment Period:

The Chair opened the floor for public comments. Daniel Arrison of Eddystone Residents for Positive Change spoke to the Board providing an update to the situation in the borough and their earlier meeting with Secretary John Hanger. Mr. Arrison thanked the Board for all of the assistance they have provided in the past.

New/Unfinished Business, Questions and Comment Period:

Dr. Arthur Frank discussed sending out the Conference Evaluation Questionnaire to all EJ conference participants via e-mail and the US Postal Service. Dr. Frank also suggested selecting the 2011 dates for the EJAB Meetings.

Dr. Frank made a suggestion to adjourn the meeting. It was seconded by Dr. Clea Patrick Hollis. The meeting adjourned at 3:00 pm.