

**ENVIRONMENTAL JUSTICE ADVISORY BOARD**  
RCSOB, 16<sup>th</sup> FLOOR, DELAWARE ROOM  
HARRISBURG, PA  
**APRIL 9, 2019**

**VOTING MEMBERS PRESENT:**

Adam Cutler  
Arthur Frank  
Hazem Hijazi  
Carol Parenzan  
Allison Robinson

**VOTING MEMBERS PRESENT VIA PHONE:**

Gary Horton  
Jerome Shabazz  
Tom Torres  
Alice Wright (for Horace Strand)

**NON-MEMBERS PRESENT:**

Allison Acevedo  
Nora Alwine  
John Brakeall  
Abbey Cadden  
Glenda Davidson  
Justin Dula  
Belmin Kalkan

**CALL TO ORDER:**

Chairman Cutler called the meeting to order at 9:00 A.M.

**APPROVAL OF MINUTES:**

Chairman Cutler solicited additions or corrections to the Minutes of the November 13, 2018 meeting. Hearing none, the Chairman requested a motion to approve the Minutes of November 13, 2018.

**Allison Robinson moved to approve the Minutes of the November 13, 2018 meeting. Arthur Frank seconded the motion, which was unanimously approved.**

**REVIEW OF ACTION ITEMS FROM NOVEMBER 13, 2018 MEETING:**

**Parliamentarian** – A previous discussion was held to amend the bylaws to provide that the Parliamentarian (currently Eli Brill) would have the responsibility and authority, going forward, to maintain a repository of EJAB documents. Chairman Cutler will prepare proposed language, which he will forward to the EJAB members prior to the next meeting.

**Interagency Engagement** - Additional discussion was held about EJAB's desire for a representative from the Department of Health to regularly attend and contribute to EJAB meetings. David Saunders from the Department of Health, who also leads the Pennsylvania Interagency Health Equity Team (PIHET) will attend EJAB meetings and take ideas back to the Department of Health.

**EJ and Act 2** - Recent EJAB meetings involved discussions around Pennsylvania's Act 2 brownfields projects and challenges with communication between municipalities and EJ areas within municipalities where an Act 2 remediation project of significance exists. In November 2018 regulatory counsel provided information on the parameters of the statute and work around notice issues for municipalities. In addition, EJAB member Eli Brill drafted proposal outlining concerns on this issue calling for additional outreach by the EJAB and OEJ in EJ Areas around proposed projects.

**JOHN WAFFENSCHMIDT:**

Members recognized the contributions and legacy of long-time EJAB member, John Waffenschmidt.

Additionally, Chairman Cutler announced that John Waffenschmidt will receive a posthumous lifetime service award as part of the Governor's Award for Environmental Excellence on April 16 in Harrisburg.

In remembrance of John, the EJAB members discussed the possibility of creating an annual symposium spotlighting environmental justice with keynote speakers, community leaders, and scientists to promote discussions and research around environmental justice and critical environmental issues to which John dedicated his life and career. OEJ will discuss the notion of the annual symposium with DEP and report on Department support of the symposium at the next EJAB Meeting.

**DEP UPDATE:**

**Staff Changes:** Abbey Cadden, Policy Specialist with DEP's Policy Office, announced significant recent staff changes at DEP.

**PFAS Action Team:** The Governor's PFAS Action Team will host a public meeting in the southeast region on April 15, 2019 from 6-9 pm in Abington, PA. Secretary McDonnell, DEP staff and other Action Team members will address: DEP's plans to set a Maximum Contaminant Level in drinking water, implementing a drinking water sampling plan, updating land recycling regulations, the purchasing of lab equipment, and training in sampling. The Department of Health will discuss the state toxicologist position, as well as their pilot blood sampling study.

**Executive Order:** On January 8 Governor Wolf signed an Executive Order establishing the first statewide goal to reduce carbon pollution in Pennsylvania. The Executive Order seeks to achieve a 26% reduction of net greenhouse gas emissions by 2025, with an 80% reduction by 2050. The Executive Order also established the GreenGov Council to implement sustainable practices in state government. The Council will work with all state agencies to reduce energy use and improve energy efficiency.

**TCI:** Regionally, transportation is the largest cause of greenhouse gas emissions, accounting for more than 42% of carbon pollution. Acknowledging this, the Transportation and Climate Initiative (TCI) was founded, made up of 12 northeast and mid-atlantic states, to improve transportation, develop the clean energy economy, and reduce carbon from transportation. In 2017 and 2018, TCI hosted six regional listening sessions regarding the challenges, needs, and

benefits of a low-carbon transportation solution in those states. Based on the feedback, the design will include a market-based policy to reduce carbon from transportation and underscore the economic, environmental, and public health benefits. The policy design process is expected to take at least one year, after which each state may decide whether to adopt and implement the policy.

**Chesapeake Bay Watershed Protection** – Pennsylvania’s Chesapeake Bay Watershed Implementation Plan (WIP 3) is entering its third phase. The WIP works with neighboring states to clean up Pennsylvania’s contributions to the Chesapeake Bay. The third phase has a 2025 nutrient reduction goal of 600,000 lbs. of nitrogen and phosphorus combined. It is anticipated that all 43 Bay watershed counties will have action plans in place by the end of 2020. Information about Phase 3 WIP can be found on the DEP website.

**Driving PA Forward** - The Driving PA Forward \$12 million rebate program opened in November and is now exhausted, but it will reopen in 2020. There is a \$6.4 million Class 8 Truck and Transit Bus Grant Program, with deadlines of May 10 and September 23. Round 1 applications that closed are currently being reviewed and scored for funding. There is \$3 million remaining for Level DC Fast Charging and Hydrogen Fueling Grant Program, as well as \$3 million for the Level 2 EV Charging Rebate Program. Both programs remain open.

#### **OFFICE OF ENVIRONMENTAL JUSTICE (OEJ) UPDATE:**

OEJ Director, Allison Acevedo, provided a list of OEJ program highlights since the November 2018 meeting.

**Workforce Development** – OEJ is moving forward with a workforce development initiative to support a pathway for people to enter drinking and wastewater operator careers. DEP is partnering with the Delaware County Community College and William Penn School District.

**Interagency Group** - Last month OEJ convened the first meeting of an interagency group: representatives from the Department of Health, Agriculture, PennDOT, and DCNR to discuss the current inclusion of EJ-related programs and policies within their work, increasing awareness of EJ principles, and considering how to formalize EJ processes within the Commonwealth. In the long-term, the interagency work group would like to think about developing a clear state framework for environmental justice beyond public participation.

**Public Meeting** - Merrion Oil & Gas held a public meeting in western Pennsylvania regarding a proposed unconventional well on U.S. Steel property. The OEJ received significant contact from the public regarding the project. The community was very vocal and passionate regarding the proposed activity. Overall, the meeting while contentious at times, provided the community with critical information about the proposed project. Moving forward, OEJ plans to consider various formats for engaging people in EJ Areas about projects and permits.

#### **INTERAGENCY REPORT:**

David Saunders, Director of the Office of Health Equity at the Department of Health provided an update on the Pennsylvania Interagency Health Equity Team (PIHET), which he leads. OEJ has been a PIHET member since the formation. The group meets monthly, largely to bring agencies

together to reduce health disparities and increase health equity. PIHET recently celebrated its two-year anniversary and is currently focusing on reducing youth obesity.

### **LEGISLATIVE AND BUDGET UPDATE:**

Greg Kauffman is the Acting Director of DEP's Legislative Office, having taken the position after the recent departure of former Director Sarah Clark.

**Budget** - The Governor's budget proposal preserves the gains that were made last year with the 35 mission-critical positions, most of which went to the Safe Drinking Water as the EPA had expressed some concerns about DEP's ability to carry out the mission. Greg's office is gearing up for budget season even though budget negotiations will not really begin in earnest until June.

**Legislature** Following the 2018 elections, there have been some changes in the make-up of the House and Senate. The Republican caucus no longer has a veto proof majority of the Senate, but Republicans still control both the House and the Senate. A proposed bill by Rep. Zimmerman, H.B. 414, has EJ implications. The bill proposes stringent timelines on Chapter 102 erosion and sediment control permits. As proposed in the legislation, a 45-day review, or even a 20-day review if submitted by a licensed professional engineer, would significantly undercut the public participation process, which the Administration opposes.

**CDRA** - The Department is working on a fix for the Covered Device Recycling Act (CDRA), which would help with electronics recycling. In many areas, electronics cannot be taken to landfills and many counties do not have collection events throughout the year.

**HSCA** - Another legislative initiative is the Hazardous Sites Cleanup Act (HSCA) fund, which used to be funded primarily from the capital stock and franchise tax. With the elimination of that tax, replacement funding must be found for the pre-guaranteed \$30 million per year. Some of the money will come from Act 13 and smaller sources.

**Extraction Tax** - The current environment may be one of the best that has existed to get an extraction tax passed, which is one of the top priorities for the Administration. Public opinion is firmly behind the concept of using an extraction tax for the Restore PA initiative.

### **ACT 2 AND ENGAGEMENT WITH MUNICIPALITIES:**

Bobby Schena from the Bureau of Regulatory Counsel and Lee McDonnell with the Cleanup Standards Division provided a brief update on how municipalities are engaged around the Act 2 process, how municipalities engage constituents on the process, and what public participation looks like through Act 2. Ambiguity exists under the current regulations. Proposed language has not yet been finalized, but the goal is to clarify precisely when the municipality is notified, at what point the remediator and the municipality should communicate and how to work with municipalities to do a better job of reaching out to environmental justice communities when it is appropriate.

### **2019 ROUNDTABLES AND SUMMIT:**

OEJ is planning and conducting EJ Roundtables which provide a forum to gain input and engage communities about environmental justice issues. EJ Roundtables will be held in all the regions over the next year and the DEP Secretary and regional staff also attend.

The group discussed the possibility of holding a state-wide EJ Summit in 2020. The Summit should be action-oriented, focused and meaningful for those participating. EJAB members recognize that funding and the operational scope may have challenges but supported the idea of holding a summit.

### **EJAB VACANCIES AND MEMBERSHIP:**

Chairman Cutler indicated that geographic breakdown of the EJAB is tilted to large population centers and vacancies to be filled should focus on less represented regions. The members agreed that priority should be given to geographic diversity, keeping in mind the younger generation, racial diversity, the oil and gas industry, and mining, as well as the expertise a person would bring to the table. Allison Acevedo asked that names of possible candidates and their background information should be submitted to her within the next two weeks, which will then be provided to the Secretary.

### **STRATEGY AND PLANNING:**

**Training** - Allison Acevedo stated that the EPA is offering training on April 16 identifying vulnerable communities generally. She asked the members to think about specific areas around environmental justice where the EJAB might want training and professional development. Potential topics included an orientation for new members, the rulemaking process (policy versus regulation), whether data exists and how to find it, and refresher for long-time members on the differences between jurisdictions (local, state, and federal government).

**Transportation and Climate Initiative (TCI)** – OEJ participates in the TCI Investment and Equity committee, which focuses on establishing low carbon options or strategies that can be created to reduce greenhouse gases in the transportation sector, but with equity considerations. The committee, which includes representatives from all TCI states want to share information with stakeholders about a cap and invest system and deliver an initial workshop on the TCI initiative and the development of policy.

**EJ Policy Comment Response Document** - In the next several weeks, the OEJ will focus on finalizing the EJ Policy, which will be reviewed internally. It is anticipated that the revisions will be ready for distribution to the EJAB at the next meeting.

**EJ Trigger Permits** - Discussion continued around infrastructure on the permit process. EJAB members expressed interest in talking about the process and learning more about how OEJ gets information on EJ trigger permits.

**Merrion Oil & Gas** – The discussed the Merrion Oil & Gas public meeting in Braddock, PA in greater detail. Driving the heavy attendance was the unique situation that the proposal was on U.S. Steel property, on a fairly contaminated industrial site, which was the reason for an application for individual erosion and sedimentation control permit, which triggered a 30-day

public comment period. A public meeting was scheduled by OEJ to discuss all aspects of the project.

**Potential EJAB Areas of Engagement** - Several areas were discussed for EJAB involvement moving forward including community engagement, infrastructure, internal training and planning, developing new member orientation, expansive public policy beyond public participation, Act 2 engagement with municipalities, supporting the Roundtables, and involvement in the EJ Summit planning. Additional boards and commissions within DEP support community engagement and infrastructure, many of which are lack diversity from a number of different standpoints. The EJAB members expressed interest in assisting with recommendation of candidates. The OEJ will circulate openings on various boards and commissions to EJAB members.

**Website** - DEP's website has certain parameters that must be met and there is not much room for creative license. Certain changes the EJAB previously discussed were not able to be incorporated into the website. Content can be changed but the format cannot.

#### **COMMITTEE UPDATES:**

Allison Robinson reported that the Communications Subcommittee is working on several projects. Carol Parenzan will work on community resources, continuing with resources shared by John Waffenschmidt. Allison drafted a business engagement resource for EJ communities and solicited feedback from the members. The draft will be shared with the OEJ, who will then share it with the internal EJ workgroup to see how best to use it and possibly have feedback by the July EJAB meeting.

Another project is assessing how the Parliamentarian would receive communications from the community. The charge is trying to find no cost platforms that exist that could be established for folks who want to reach the EJAB. Five possible public platforms were found. Next steps are needed.

#### **MEMBER UPDATES:**

**Governor's Award for Environmental Excellence** - The EJAB members recognized Carol Parenzan's receipt of the Governor's Award for Environmental Excellence related to education and volunteerism around the Loyalsock Creek presented by the Middle Susquehanna Riverkeeper Association. Carol stated that the Loyalsock Creek, running through Sullivan and Lycoming Counties, has received distinction as the International River of the Year. Carol was also named Woman of the Susquehanna.

**Opioid Use and EJ Areas** - Carol Parenzan and John Brakeall have been working with Bloomsburg University students, who conducted GIS maps of the entire state, to create a layer of environmental justice communities. Data will be gathered on the county level about opioid use, diagnoses, neonatal issues, emergency room issues associated with opioid overdoses and then overlaid with EJ communities to see what intersection may exist between environmental justice and the opioid issue. Carol suggested that perhaps the Bloomsburg students would be willing to give a presentation at the next EJAB meeting in May to discuss the findings.

**Talcum Power Research** - Arthur Frank recently published an international paper on the harms of asbestos-contaminated talc. Talcum powders in India, used by hundreds of millions of people on an ongoing basis, were tested. Of 13 samplings, eight were heavily contaminated with asbestos, which finding has implications for South Asia.

**Northwest EJ Update** - Gary Horton has sensed an increase in activism and interest in environmental justice in northwest Pennsylvania, Erie in particular, surrounding the Erie Coke plant. The Group Against Smog & Pollution (GASP) and Hold Erie Coke Accountable (HECA) will hold a town hall meeting on April 16 at 6:30 at the middle school to discuss recent violations by Erie Coke, community issues, and science education. An additional area of citizen concern is the Accuride emissions violations, whose operating permit is under review for renewal. GE and BASF are in the immediate vicinity as well. Gary Horton and Nora Alwine have been discussing possible interface with the DEP Secretary sometime in June around the issues in Erie and training citizens to voice their concerns to the proper authorities. Gannon University is celebrating Earth Day in Erie on April 27. DEP representation will be at that event. Gary will be traveling to China with the Mayor of Erie who is considering developing eight opportunity zones in Erie marketed for potential Chinese investment. The opportunity zone that Gary is affiliated with is a former superfund site and is unique situated around Erie's new American and minority communities. Erie is still interested in an opportunity to do a brownfield redevelopment project with DEP in the area.

**TRAVELING MEETING IN 2019:**

The EJAB members were asked to think about the logistics possibly holding the August meeting in Erie and will discuss August meeting location at the May EJAB meeting.

**ADJOURNMENT:**

Chairman Cutler requested a motion to adjourn the meeting. Allison Robinson made a motion that the meeting be adjourned, which was seconded by Arthur Frank. The meeting adjourned at 2:10 P.M.