

**CLIMATE CHANGE ADVISORY COMMITTEE MEETING  
DRAFT MEETING MINUTES  
January 8, 2013  
10:00 a.m. – 3:00 p.m.  
Conference Room 105  
Rachel Carson State Office Building**

**MEMBERS/ALTERNATES PRESENT:**

Luke Brubaker, George Ellis, Mark Hammond, Robert Graff, Darren Gill, Steve Krug, J. Scott Roberts, Paul Roth, Christina Simeone, Representative Greg Vitali, Michael Winek

**PROXY VOTING:**

Paul Roth for Paul Opiyo and Michael Winek for Robert Bear

**MEMBERS/ALTERNATES ABSENT and WITHOUT PROXY:**

Laureen Boles and Edward Yankovich

**PA DEP AND COMMONWEALTH AGENCY STAFF PRESENT:**

Joe Sherrick (DEP), Dean Van Orden (DEP), Mark Brojakowski (DEP), Jessica Shirley (DEP), Patricia Allan (DEP), Bo Reiley (DEP), Sharon Trostle (DEP), Vince Brisini (DEP), Kathryn Tartaglia (PennDot)

**MEMBERS OF THE PUBLIC PRESENT:**

Sruthi Kekutura (Student intern), Ron Ramsey (The Nature Conservancy), Dean Ghoweri (House Environmental and Energy Resource Committee), Maureen Mulligan (Keystone Energy Efficiency Alliance [KEEA])

**WELCOME AND INTRODUCTIONS:**

The meeting was called to order at 10:07 by Ms. Simeone. Members and guests introduced themselves.

**FOLLOW-UP ITEMS FROM PREVIOUS MEETINGS:**

What constitutes a quorum – Mr. Van Orden reported that he had met with Mr. Bo Riley, DEP legal counsel, and after review of Act 70 of 2008 (Act), the decision by counsel is that a quorum is a simple majority of the seated/appointed committee members excluding the vacancies.

Minority Report – Act 70 of 2008 does not speak to any minority or majority reports; however, the department will include these in the action plan report if there is a difference of opinion with the action plan.

Attendance Issues – Ms. Simeone had previously called two chronically tardy members (Ms. Hetznecker and Mr. Yankovich) and has since followed this up with a letter to each. Ms. Simeone brought a copy of the letter to the meeting for any members interested in reading it. The phone calls and letters referenced the lengthy inactivity of both members and encouraged these members to take action by participating in meetings, designating an alternate to serve on their behalf or tendering their resignation should they not be able to continue participating. As a result of these actions Ms. Hetznecker did submit a letter of resignation effective January 4, 2013. No response has been received from Mr. Yankovich. The committee failed to reach a decision on any final recommendations regarding Mr. Yankovich. Mr. Ellis said he would personally reach out to Mr. Yankovich to encourage him to attend.

Introduction of a draft natural gas demand side management (DSM) work plan - Ms. Simeone prepared and distributed a draft work plan focused on the introduction of new legislation. The draft work plan was presented as a discussion item only and did not contain any quantified results for economics or emissions reductions. DEP agreed to review the contents and give it further consideration.

## **MINUTES OF PREVIOUS MEETING(S):**

### November 29, 2012, Minutes

A motion to table the minutes of the November 29, 2012, meeting pending requested amendments (see discussion points noted below) was made by Mr. Krug and seconded by Mr. Graff. The motion carried.

- Mr. Ellis stated that his comments relative to the DSM Natural Gas work plan were meant to communicate his interest in favoring a separate work plan on the topic that would not require a legislative approach.
- Mr. Graff clarified that on page 1 of the minutes from the September 27, 2012, meeting he did not abstain from voting.
- Mr. Hammond expressed his concern that the November 29, 2012, and prior meeting minutes do not accurately capture the details of the Waste-to-Energy work plan.
- Ms. Simeone commented that there should be reference in the minutes from November 29, 2012, regarding the discussion on a facilitator for the CCAC and generally commented that there were not sufficient details in the minutes. Given the level of specificity and number of comments being suggested, Mr. Sherrick offered that the committee provide the requested edits in writing by January 18, 2013.

### December 14, 2012, Conference Call Meeting Minutes

A motion to table the minutes of the December 14, 2012, conference call meeting pending requested amendments (see discussion points noted below) was made by Mr. Krug and seconded by Mr. Hammond. The motion carried.

- Mr. Graff and Mr. Ellis suggested that the last paragraph of the minutes should be changed to so that it does not appear that committee members did not want to continue providing commentary at the risk of not being accepted by DEP. Rather, the change being sought would reflect that the committee did not want to proceed further until being addressed by a member of DEP's senior management on the role of the committee in coordination with the department.
- Mr. Hammond felt that the second sentence of the DSM Natural Gas work plan was more editorial and suggested some verbiage changes.
- Ms. Simeone suggested changes regarding a lack of implementation steps for DSM Water, Industrial Electricity and Natural Gas BMPs and the practicality of citing 2013 for possible emission reductions.

Mr. Hammond requested that minutes be identified as draft and final when sharing and posting to the website. Mr. Graff also suggested including the date when final approval of the minutes occurs.

Contrary to the agenda, the meeting minutes for the January 3 and January 4, 2013, conference calls had not yet been prepared in time for this meeting and therefore no action could be taken.

## **DISCUSSION ON CCAC ROLE AND DEP RESPONSIBILITIES:**

Deputy Secretary Brisini addressed the committee regarding the apparent process-related issues that arose during the December 14, 2012, conference call. Mr. Brisini read from Act 70 the role of the committee, which is to advise the department on aspects pertaining to implementation of the act. He further identified the various responsibilities assigned to the department via the act. Mr. Brisini informed the committee the work plan documents and the reports required via Act 70 are the Department's and that the committee's role regarding the work plans should be to "endorse or not endorse" them.

Ms. Simeone suggested that there was never a question of ownership of the action plan, that it was not made clear how the department may be addressing committee recommendations and that the process is substantially different than it was previously (2008 – 2009). Mr. Brisini identified that almost every recommendation to action plan components has been incorporated, but the committee should not necessarily expect that the department will agree with all decisions of the committee. Mr. Brisini added that the department is going to consider and the department will craft language based upon the input from the committee. Mr. Ellis sought clarification that DEP is reviewing comments by the committee at various levels, and Mr. Brisini assured him that is the case.

Regarding the development of the work plans, Mr. Hammond suggested that the process is different from the original action plan and that there is “a change in precedent and a change in how the committee worked.” Mr. Sherrick responded by clarifying that the process has not changed, though the potential outcomes may be different when and/or if the department and committee are not in agreement with proposed language or the inclusion of specific work plans. Mr. Brisini noted that the department will differentiate between what the committee endorses and what it does not endorse, so there shouldn’t be confusion as to the committee’s perspective regarding what the department reports. Mr. Sherrick added that during the December 14 conference call the department committed to capturing any difference of opinions between the committee and DEP by including such in the “Subcommittee Comments” section of the work plans for the sake of transparency.

Ms. Simeone commented that the process by which the committee provides comments is not outlined in its bylaws and suggested that the committee may wish to memorialize this by doing so. Ms. Simeone also questioned if website improvements will be made and questioned if the meetings were Sunshined. Ms. Shirley and Mr. Sherrick clarified that Sunshine notices are in the newspaper and different from *PA Bulletin* notices.

Mr. Winek requested confirmation of four opportunities for members to voice differences of opinion on the work plans, as follows: broadening the “Subcommittee Comments” section of work plans to also include committee comments; the roll call votes for the work plans will be included in the action plan; the opportunity for the committee to include a minority report; and, as part of a public comment period. Mr. Sherrick confirmed that all of these opportunities will be available.

#### **2013 CCAC MEETING DATES:**

Mr. Sherrick provided meeting dates for the CCAC’s consideration that take into consideration legislative session days and meet, as suggested, on Tuesdays at intervals of 6 weeks until early July, after which only one meeting is scheduled due to anticipated decrease in need for committee and department action. The meeting dates include February 19, May 21, July 2 and October 8, 2013. Ms. Simeone motioned to approve these meeting dates, Mr. Graff seconded that motion and motion was approved.

#### **PUBLIC COMMENT:**

Maureen Mulligan introduced herself as a representative of the Keystone Energy Efficiency Alliance, a trade association of energy efficiency and demand side management businesses. Maureen asked that the group take a look at the draft legislation that her organization is seeking to introduce relative to Act 129. Ms. Mulligan also requested that the committee consider a similar program for natural gas to prolong the resource and help Pennsylvania residents realize the long-term benefits of Marcellus Shale gas. Ms. Mulligan also stated that Pennsylvania lags behind our neighboring and other regional states on natural gas efficiency. Mr. Gill asked Ms. Simeone if her draft natural gas work plan represented a new work plan, and she confirmed it was but that her plan was purely for discussion purposes at the current time.

Mr. Graff asked what value(s) DEP is using relative to natural gas leakage. Ms. Simeone reiterated her ongoing request for a speaker or speakers to address this issue and that DEP had previously offered to facilitate some type of presentation.

Mr. Winek asked Ms. Mulligan if she knows if any natural gas distribution companies would support this draft legislation, to which she responded that Philadelphia Gas Company already has a good program in place that could serve as an example. She stated that in years past some NGDCs had approached the PUC with similar programs but which were not approved for a variety of reasons. She further stated that the Energy Association has been provided the details of this draft legislation and noted that some NGDCs had concerns with some aspects of the penalty structure but noted that her organization is very flexible and willing to discuss these matters. In summary, Ms. Mulligan stated that there is some interest among the NGDCs for consideration of this type of program.

Mr. Gill asked if DEP has the time to prepare the analysis of this work plan and Mr. Graff further noted that economics, including job development data and co-benefits should be included. Mr. Sherrick commented that the department is interested in reviewing the draft work plan to consider how it may differ than what is already available and suggested that there could be some opportunity to merge aspects of the existing and new documents, particularly since the DSM aspects have already been quantified and both plans seem to be referencing the same source. Ms. Simeone committed to sending DEP the electronic version of this draft work plan.

#### **WORK PLAN DISCUSSION & VOTING:**

Of the many work plans on the agenda for review during this meeting a total of 7 were discussed and/or acted upon. Mr. Sherrick presented and provided a summary of each of the agricultural work plans that had been discussed during the committee calls from the prior week. Mr. Brubaker helped to lead these discussions. The following work plans and discussions include:

**Management Intensive Grazing** – Mr. Brubaker offered comments on the financial and land use issues of this work plan and suggested that the goal not be doubled, as suggested in the plan, because of land ownership costs. He also stressed that emphasis should be placed on marginal lands so as not to divert prime acreage from cultivation. Mr. Brubaker suggested that this work plan would be marginally profitable, but Mr. Graff cited the reference in the work plan indicating that it does appear to be economic, at least in other states. It was then suggested that perhaps a sensitivity analysis be considered that would reflect on the varying costs of land across the Commonwealth because of extreme differences while noting that most of the productive farm land in Pennsylvania is proximate to areas of significant urban sprawl. Because this practice may already be widely supported and promoted by cooperative extension agents, there is probably little that can be gained. For this reason and due to the limited GHG reduction potential, this work plan is being considered by DEP for possible elimination. Mr. Winek commented that in 2009, all 21 members of the committee supported this work plan. Mr. Sherrick acknowledged the comment but noted that in 2009 there were no agricultural representatives on the committee to provide that perspective.

**No-Till and Organic Row Crop Farming** – Mr. Sherrick explained that these two practices had been combined into a single work plan with the thought that organic farming would embrace and expand beyond no-till farming practices to yield additional GHG reductions. Mr. Brubaker confirmed, however, that organic row cropping actually counters the soil carbon reductions offered by no-till because row cropping systems do break into the soil. Mr. Brubaker also confirmed that no-till farming is very popular in Pennsylvania while Organic row crop farming is market driven and remains popular only among small farm operations. The recommendation from the previous conference call that was repeated during this discussion and shared by DEP was that the organic row cropping aspects of this work plan be removed. The result will also improve the cost-effectiveness of the plan. Ms. Simeone also requested clarification on the implementation steps and what was analyzed in the economics.

**Manure Digesters** – Mr. Sherrick commented that Pennsylvania has become a leader in the U.S. on the deployment of anaerobic digesters on farms but that many of these have benefitted from financing programs by DEP and other Commonwealth agencies and the USDA. Mr. Brubaker operates a dairy farm digester and offered several thoughts on cost and benefits. Mr. Brubaker noted that a typical digester would likely cost about \$1.2 million, consistent with assumptions in the work plan, and he further suggested that if grant funding was to be considered that a 50% cost-share for farmers seems fair. Mr. Brubaker commented that digesters provide several non-monetized benefits including odor reduction, pathogen destruction, improved use as a fertilizer due to the change in the organic state of nitrogen (better for the watershed), and a source of animal bedding. Mr. Graff noted that the document is lacking cost and cost-effectiveness data. Mr. Sherrick stated that the data has been calculated and is available, and he will amend the work plan accordingly.

**Foodshed Development Strategy** – Mr. Sherrick explained that this work plan embodied the concept of locally and regionally supported agriculture through community supported agriculture projects, farm stands and local farmer’s markets. This concept was widely supported by the committee in the previous action plan but there was an absence of good data and methodology to assess potential GHG impacts and associated costs. Mr. Graff offered to provide information on a similar study for southeast PA but which produced surprisingly different outcomes suggesting that importing produce from greater distances may actually provide more GHG reductions. There was general agreement that the concept of the work plan would and should be supported for various reasons but possibly not as a GHG reduction measure.

**Biofuel Development and In-State Production Incentive Act** – Mr. Sherrick explained that this is not truly a work plan, but the document was prepared to analyze the GHG reductions that may be associated with this state law in concert with the federal Renewable Fuels Standard (RFS) regulations. For the purposes of analysis, an assumption was made that the ethanol provisions from the state law will not be required due to a lack of in-state cellulosic ethanol production but that the RFS virtually guarantees that 10% of all gasoline sold in PA will contain ethanol, with the possibility of a very small percentage being cellulosic. Consistent with all work plan development, the analysis here does consider life-cycle GHG impacts, but it does not consider indirect life-cycle impacts as is done for low-carbon or clean vehicle fuels standards being considered by states within the region. A recommendation was made to split out possible reductions between mandated and non-mandated reductions. Mr. Krug suggested that the action plan report could benefit by adding a new section recognizing early and/or recent actions separate from those work plans that require new or additional action.

**Carbon Capture and Sequestration (CCS) in 2014** – Mr. Gill presented and led the discussion on this work plan and noted that this was one of a few work plans recommended by the subcommittee for elimination. Reasons for consideration of elimination include the many and significant hurdles and the high costs needed to establish a CCS network in PA that would prohibit deployment by 2020. The committee and DEP recognize the significance and potential that CCS has for a large coal state like PA, and reference to continued interest in this area will be made in the action plan report. Mr. Ellis agreed with this direction and offered a motion to accept this decision/direction. Mr. Graff seconded that motion, and the motion passed unanimously.

**Analysis to Evaluate Potential Impacts Associated with Joining Regional Greenhouse Gas Initiative (RGGI)** - Mr. Gill presented and led the discussion on this work plan and noted that this was also among the few work plans recommended by the subcommittee for elimination. Ms. Someone suggesting keeping this work plan, but Mr. Gill noted that this work plan is not an actionable item and clarified that this was not a recommendation to join RGGI but rather a recommendation in 2009 to analyze what would be required if PA were to join RGGI. Mr. Hammond recommended that committee members read the 2009 report regarding this work plan, noting that it was not actually considered a work plan but was prepared for informational purposes only.

**ADJOURNMENT:**

A motion to adjourn was made by Mr. Krug and second by Mr. Brubaker. The motion carried. The meeting was adjourned at 3:02 p.m.