



# Citizens Advisory Council

---

to the Department of Environmental Protection

P.O. Box 8459 • Rachel Carson State Office Building  
Harrisburg, PA 17105-8459 • 717-787-4527 • Fax 717-772-2291

Please Note: Our New Fax Number is 717-772-5748

March 30, 1999

Charles R. Marshall, Ph.D.  
Philip Services Corporation  
JACA Division  
550 Pinetown Road, Suite 166  
Fort Washington, PA 19034

Dear Dr. Marshall:

Attached are Council staff's comments addressing the issues and questions raised in the Task F section for the Department's 5 Year Air Quality Report. I hope that these comments will be helpful in revising this section to accurately reflect Council's unique role and responsibilities. Since these are only staff comments, I trust that Council's Air Committee will have the opportunity to review and comment on the next draft of the report.

Please contact me at 787-4527 if you have any questions.

Sincerely,

Susan M. Wilson  
Executive Director

Enclosure



## "Task F" in the Five Year Report

### ANSWERS/RESPONSES

#### 1. CAC Structure, responsibilities and strengths

##### A. Organization and Responsibilities

Since its creation in 1971, the Citizens Advisory Council has been actively involved in Commonwealth environmental issues. The Council is the only legislatively-mandated advisory committee charged with reviewing all environmental legislation, regulations and policies affecting the Department. To carry out this responsibility, Council is specifically granted access to all DEP records by law (Section 1922-A of Act 275 of 1970). In addition, the 1992 amendments to Pennsylvania's Air Pollution Control Act require DEP to consult with the Council in developing state implementation plans and regulations to implement the federal Clean Air Act. The Council reports its recommendations to the Governor, the General Assembly, DEP and the public.

The Council consists of 18 appointed citizen volunteers. Because the appointments originate from different authorities the Council's membership is geographically, politically and professionally diverse. The Governor, the Speaker of the House and the President Pro Tempore of the Senate appoints six members each, with no more than half from the same political party. Appointees are to be familiar with the work of DEP and willing to commit the time and energy required.

Five Council members are elected annually (Sections 471 and 1920-A of Act 275 of 1970) to serve as the only citizen representatives to the 20-member Environmental Quality Board, DEP's rulemaking body. In addition, 4 are elected (Section 18 of Act 181 of 1984) to serve on the Mining and Reclamation Advisory Board. The Council provides representation to the Low-Level Radioactive Waste Advisory Committee, the Solid Waste Advisory Committee, and the 21<sup>st</sup> Century Environment Commission. The Council also selects a member to the Environmental Hearing Board Rules Committee (Section 5 of Act 94 of 1988), and a representative to the Oil and Gas Technical Advisory Board. Council's appointment to the Oil and Gas Technical Advisory Board is a representative of the public interest chosen from a list of three names submitted to the Governor (Section 216 of Act 223 of 1984).

##### B. Strengths

- The Council is the only legislatively mandated advisory committee with an overall charge to review all environmental legislation, regulations and policies affecting the Department of Environmental Protection. Council's unique role and responsibility separates it from other advisory committees. The CAC was created to provide objective analyses of the Department's performance and environmental issues in general, and ensure greater citizen involvement in environmental decision-making.

Its overall responsibilities and diverse perspectives enhance Council's air policy role. Through the activities of Council's Air Committee and its participation on the EQB, Council is able to consider the policy implications of air regulatory packages and look beyond air-specific concerns to consider cross-media impacts.

- An advantage is that Council's extensive knowledge base and historical perspective enables us to provide analyses on regulations and policies dealing with all environmental issues. This

allows Council to provide consistent, unbiased reviews of Departmental programs and priorities.

- Participation on the EQB ensures us that we are involved in the development of air regulatory packages. Although the 1992 amendments of the APCA require DEP to consult with the CAC on all SIP-related matters, DEP does not consistently do so. Council's efforts to address this have met with limited success. The Air Quality Technical Advisory Committee, on the other hand, is involved in technical review of all air regulations, and the Council is a member of the AQTAC only by happenstance.
- The objective of Council's enabling legislation was to establish a non-partisan advisory body that would represent citizen viewpoints on environmental matters. Council also works with DEP to enhance public participation opportunities. For example, Secretary Seif requested Council to assess and help overhaul DEP's public participation processes. The result was Council's paper on public participation reform; the report highlighted the need to improve traditional communication efforts with the general public. This is, in part, why Council has worked with DEP on non-traditional outreach approaches and guidelines for advisory committees and regional roundtables.

#### C. Questions in Task F that are pertinent

- Council holds regional meetings in different parts of Pennsylvania each year to give area citizens an opportunity to speak about their environmental concerns. These meetings normally deal with a specific DEP region and include all counties in that region. Council has been conducting these type of meetings throughout much of its existence.
- Council generally supported the legislation amending the APCA, but identified four areas of concern with the proposal: the need for a better advisory group structure; funding; evaluation of costs and benefits; and consistency with federal requirements. In supporting the amendments to the APCA, Council called for a broad-based advisory committee to monitor the progress under these acts and advise the Department. Council stressed that it did not represent the interests affected nor have the necessary resources to serve in this capacity. However, Council accepted this role by amending its bylaws to incorporate the new responsibilities and forming a standing Air Committee.
- The Council by law (Section 448 of Act 275 of 1970) has the independence to hire its own staff. Current full-time staff consists of an Executive Director, an Environmental Program Analyst, and an Administrative Assistant.

## 2. Evaluation of Activities

### A. Our view of policy vs. technical (i.e. what our role is)

One of Council's primary objectives is to address the policy issues of all environmental legislation and regulations. This does not preclude Council from addressing technical issues, but the CAC focuses its attention on addressing the broader policy impacts such proposals may have. While Council's diverse membership may have the expertise to review technical issues, there are often issue-specific advisory committees established to address the technical merits of any proposal. For example, while DEP works closely with the AQTAC, the 1992 amendments to the APCA also require DEP to consult with Council in developing state implementation plans and regulations to

implement the federal Clean Air Act. DEP does not consistently do so. Regardless of how technical the plan or regulation may be, this information is important in enabling Council to effectively carry out its policy function.

#### B. Our view of where we've been effective - more than IG Report

Council's participation as an independent third party to review the allegations of the Inspector General Report was a significant role. However, this is not the only measure of Council's effectiveness in dealing with air quality matters. For example, through our participation on the EQB, involvement with other advisory committees, and oversight of the Department, Council has effectively addressed and reviewed important environmental issues facing Pennsylvania. We continue to monitor air quality matters through our Air Committee and the EQB. In addition to reviewing key legislative changes to the federal Clean Air Act and the Pennsylvania Air Pollution Control Act, Council has worked on and continues to follow various air issues including: Reasonably Available Control Technology for volatile organic compounds and nitrous oxides; new source review program; employer trip reduction compliance strategy; Title V permitting; small business program; inventories and ozone attainment strategies; Stage II requirements; low emission vehicle program; emission reduction credits; long range transport; and the inspection & maintenance program.

One of Council's most important roles has been to represent the citizen interest by ensuring adequate public participation and environmental education opportunities. For example, Council actively participated in the Clean Air Stakeholders Groups in both Philadelphia and Pittsburgh, and is represented on the Southcentral and Lehigh Valley Stakeholder Groups and the Susquehanna Valley Ozone Action Partnership. In order to educate others about EPA's proposed changes to the National Ambient Air Quality Standards (NAAQS) for ozone and particulate matter, Council held panel discussions to learn the positions of opposing interests such as the American Lung Association of Pennsylvania and the Pennsylvania Chamber of Business and Industry. Other forums for public education and outreach on air quality matters include the CAC *Advisory* and public testimony and panel discussions at Council's regional meetings. In fact, the *Advisory* has an "Air Quality" page dedicated to educating the public about air quality issues, activities and regulations.

#### C. Evaluation of DEP role in communicating with us

Council's effectiveness in meeting our mandate will continue to improve as communications between Council and DEP improve. Although the 1992 amendments of the APCA require DEP to consult with the CAC on all SIP-related matters, DEP does not consistently do so. Council has worked on this a number of times by meeting with DEP executive staff and Air Quality staff. While some progress has been made, we recognize that more opportunity for improvement exists. Council is a tremendous internal resource that DEP should utilize more frequently and earlier in the formative stages of policy and program development.

#### D. Task F questions on page 5

*What would DEP do for equivalent citizen input if CAC were not available?*

DEP probably would have to dedicate significant financial, time and staff resources for additional stakeholder groups to provide advice on particular issues. This would still not ensure DEP of adequate citizen input due to the significant differences between Council and stakeholder groups. Council has a comprehensive mandate to consider all environmental issues and impacts which is broader than the targeted nature of a stakeholder group or issue-specific advisory committee.

Finally, the fact that Council is independently staffed reduces DEP's ability (perceived or otherwise) to influence the advice it receives from the Council.

Council was created to provide a citizen's perspective of the Department's performance and environmental issues in general, and ensure greater public involvement in government. The Department would be hard-pressed to garner adequate citizen input without Council's participation and involvement.

*Does the presence of CAC mean that DEP does not have to obtain other citizen input or perform less outreach?*

The presence of Council does not absolve the Department from any of its public participation and outreach responsibilities. While Council's diverse membership provides a good cross-representation of the public at-large, we cannot represent every point-of-view, interest or expertise on all issues. The CAC has high praise for the DEP website and supports its further expansion, but the website along with the weekly "Update" and periodic press releases is inadequate to consistently deliver a regular public "report card" on air quality programs. DEP should examine its entire communications program to identify additional methods of effectively delivering environmental information to the public.

It must be emphasized that outreach is different from actual participation. Email and Internet information is not a substitute for face-to-face interaction with the public, while stakeholder groups do not adequately represent every interested party. Having the Department understand this distinction has been an objective of the CAC. DEP has taken significant strides in improving their public participation as a result of Council's guidance and input to the Department, but we recognize that more needs to be done.

*How could CAC do a better job? What are limitations / barriers?*

- It has been suggested that Council conduct additional regional meetings to solicit more public input about environmental issues and the operation of the Department. While we think this is an important function, a limitation for Council is adequate resources; our primary objective is to review the work of the Department and promote public participation. Conducting regional meetings requires considerable staff time to set-up the meeting, solicit information and public testimony, and prepare the subsequent report highlighting citizen testimony.
- Council continues to address air quality matters through its standing Air Committee, but it could be more effective if DEP forwards issues to Council on a regular basis (as is required by the APCA). It appears that this has been more of an organizational barrier on DEP's part on how to involve Council in regulatory and policy discussions. There are two advantages for DEP including the CAC early in the process: Council can be an internal "sounding board" for policy or project ideas before they are made public, and Council can serve as a conduit for public outreach to disseminate information.
- Council can enhance its public outreach and environmental education efforts by: increasing distribution of the *CAC Advisory*; raising awareness about Council's website; working with more local organizations; adding more information to Council's website; sponsoring additional issue panel discussions and stakeholder meetings; and participating on more stakeholder groups, commissions or advisory panels. We are equally open to other suggested

improvements. However, pursuing these objectives must be balanced against our single most limiting factor — available staff time.

*How could the interaction with DEP be improved, if any?*

Although the APCA requires the Department to consult with the CAC on all SIP-related matters, this does not often occur. DEP needs to recognize Council as a partner in evaluating air quality issues and developing air policies and regulations. Council's staff is an "in-house" resource the Department could meet with on a regular basis, such as monthly staff meetings, to review and discuss upcoming issues, regulations and projects. The other advantage is that Council's diverse membership gives DEP a cross-section of interests to showcase potential ideas. In short, Council needs to be involved early-on in the development process to provide ideas rather than waiting to react to a proposal.

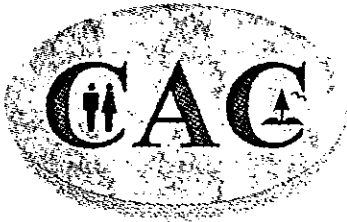
*What air activities is CAC following and active in?*

Council has been active and involved in issues related to the National Ambient Air Quality Standards dealing with ozone and particulate matter. For instance, Council is an active member of the Susquehanna Valley Ozone Action Partnership, and will be a stakeholder for the Lehigh Valley and Southcentral Pennsylvania Ozone Stakeholder groups. Council monitors issues related to particulate matter such as diesel emissions, open burning and their impacts to health; many of these concerns have been raised at our regional meetings. The Air Committee remains concerned about the links between environmental protection and the protection of human health.

Given the impact federal policy has on Pennsylvania's air quality program, we continue to track issues being addressed by EPA, such as: regional transport; new source review; pollutant trading; vehicle emissions; inspection and maintenance programs; and pollution prevention approaches. Council has an opportunity to review some of these issues in the form of air regulations before the Environmental Quality Board. An ongoing Council objective has been to get the Department to recognize and address the impact of cross media issues as well.

### 3. Conclusion

For nearly 30 years, Council has worked to provide objective analyses of the Department's activities and of environmental issues, and to keep the Department sensitive to citizen concerns. Council's strength stems from its professionally diverse membership, which includes representatives from academia, large and small businesses, local government, and conservation and citizen organizations. These citizen volunteers have provided a wide-range of knowledge, experience and perspectives from which to evaluate issues. Council's strength is also based on its historical record in dealing with difficult environmental issues, and on its independence from the Department. We look forward to continuing to do our part in continuing to improve air quality.



# Citizens Advisory Council

to the Department of Environmental Protection

P.O. Box 8459 • Rachel Carson State Office Building  
Harrisburg, PA 17105-8459 • 717-787-4527 • Fax 717-772-2291

Please Note: Our New Fax Number is 717-772-5748

March 30, 1999

Mr. James Salvaggio  
Director, Bureau of Air Quality  
Pennsylvania Department of Environmental Protection  
PO Box 2063  
Harrisburg, PA 17105

Dear Mr. Salvaggio:

The CAC's Air Committee has met several times with your staff and contractor regarding the Air Pollution Control Act's required 5-year evaluation of the air program. This study offers a unique opportunity for DEP to step back from day-to-day programmatic activities and invest in critically assessing the progress that has been made. It is also an opportunity to identify creative and aggressive solutions to confront ever-evolving air pollution challenges. The CAC is pleased to cooperate by sharing our thoughts and insights to help the DEP maximize the value of this most important study. The points identified below are expanded upon in the attached white paper.

### Air Quality Leadership

The air quality challenges of today are less visible but far more complex than in the past, and often stem from actions of individuals and from sources located far away. Tomorrow's solutions must be built upon foundations of public education and increased societal participation that equitably involve all contributors to the problem. CAC commends the current DEP air quality leadership for the innovative approaches the Department has championed in the last four years and for recognizing this fundamental shift in air quality management.

### State and Federal Partnership

Both the DEP and EPA are critical partners in protecting the health of Pennsylvanians and, while some degree of dynamic tension may be beneficial, we believe both agencies should continue to work towards cooperation and air quality progress. Council recommends that DEP continue to aggressively seek and accept delegation of all federal air regulatory programs. Council also recommends that EPA give greater attention to regional air quality matters to properly address regional transport issues that frustrate the abatement programs of downwind states.

### Air Quality Performance Measures

The current air quality monitoring network and reporting systems should be maintained, and better, more understandable measurements of air quality progress should be developed. This will require thoughtful consideration of the myriad possible measures. Once developed, these new air quality measures must be effectively communicated to the public. The CAC has high praise for DEP communications through its website and newsletter, but recommends that DEP identify additional methods of effectively delivering environmental information to the public.



### Public Participation

CAC has no doubt that DEP is sincerely interested in increasing public participation in air quality matters and commends the Bureau of Air Quality for meeting with the CAC Air Committee to discuss ways to reach that goal. All interested parties, however, recognize that more opportunity for improvement exists and that better public policy results when all parties are represented at the decision-making table and have sufficient understanding to effectively provide their perspectives. We again offer input on public participation success factors that need to be kept in the forefront:

- ◇ **Communicating**—Notification efforts should be required to effectively reach the public of concern and must be designed to attract attention.
- ◇ **Building understanding**—We cannot expect the general public to deal with the complexities of environmental decision making without a basic knowledge of the issues or specific actions and opportunities. Partnerships such as the Ozone Action Partnerships can accomplish much in terms of outreach, education and behavioral changes.
- ◇ **Balance and inclusivity**—Ideally, environmental solutions require participation by all sectors of society. Since not all can or will participate, striving for balance is critical to developing proposals that will receive support through implementation.
- ◇ **Early access to the decision-making process**—We need continued movement away from the “develop and defend” approach to decision-making.
- ◇ **Accountability mechanisms**—The general public still has few mechanisms to hold government officials (at all levels) and the regulated community accountable.
- ◇ **Building trust**—DEP must accept public involvement as integral to sound decision-making at all levels. It must then be the initiator in building credibility and public trust through openness, consistency and results.

### Voluntary Initiatives - Making a Difference

The Ozone Action Partnerships initiated by DEP are a tremendous success story. While not a substitute for sound regulation and even-handed enforcement, these partnerships represent an effective way of helping to address future air quality improvement. The current partnerships are getting tremendous results for a limited investment by the DEP, and may represent the most cost effective pollution prevention being achieved in the Commonwealth. DEP should commit to increased, permanent funding of these most effective clean air activities. Consideration should be given to including funding provisions for such outreach and education when the Clean Air Act and the Air Pollution Control Act are reauthorized.

### Benefits of a Strong Air Quality Program

Council is concerned that the survey questions for the five-year study overly emphasize compliance costs and will not bring forth an accurate picture of the benefits of the air quality program. Quantification of the benefits is difficult but it is essential that it be done as part of this study.

### Future Challenges

The study represents a unique opportunity to determine where today's DEP programs, priorities and structure should be altered to address future air quality planning challenges. Some future air quality challenges that will demand attention are:

- ◇ **Long Range Transport** - A cooperative approach to long range transport must be developed among the individual states.



- ◇ **Performance Measures** - Current measures do not directly translate to public and environmental health indicators, and are too technical to build public understanding.
- ◇ **Permanent Funding for Voluntary Partnerships** - DEP should establish permanent funding for ozone action partnerships and other voluntary initiatives which build understanding, increase citizen involvement and cost-effectively improve air quality.
- ◇ **Synergistic Effects** - Investments are needed to expand the understanding of possible synergistic impacts between individual pollutants, and the potential for cumulative impacts.
- ◇ **Incorporate Pollution Prevention** - Pollution prevention should be a high priority and core responsibility for each DEP inspector and engineer.
- ◇ **Cross Media Air Impacts** - There is growing evidence that air emissions can adversely affect water bodies, historical sites and land resources. DEP should carefully determine legislative and/or regulatory actions needed to protect critical natural resources from this threat.
- ◇ **Expand Public Education** - Individuals create pollution and they play an important role in future abatement strategies. The time has come for Pennsylvania to accelerate public education and commit the funding needed to address this critical priority.
- ◇ **Link Transportation and Environmental Policy** - Transportation related emissions will continue to be a significant aspect of air quality problems. Pennsylvania should link the transportation and air quality planning processes and financially support, or provide incentives for, mass transit or other solutions which provide environmental and transportation benefits. DEP should also pursue partnerships with local, state and federal transportation agencies to assess cumulative, direct and indirect environmental impacts of transportation investments.
- ◇ **Linking to Public Health** - It will be increasingly important for DEP to relate regional air quality with local health concerns and the incidence of disease.
- ◇ **Expansion of Toxic Air Quality Monitoring** - DEP should expand statewide air quality monitoring for air toxics.
- ◇ **Gasoline Content** - DEP should evaluate the impact of sulfur in gasoline and its relationship to catalytic converter performance, and the environmental and human health impact of gasoline fuel additives and questions surrounding their migration into and persistence in ground water.

Thank you for the opportunity to share our views on the progress made in air quality and on the challenges that remain. The Citizens Advisory Council will continue its work to expand and improve public participation in DEP decision making and stands ready to cooperate fully to promote continued air quality improvements.

Sincerely,



Jolene E. Chinchilli  
Chairperson

cc: J. Seif                      T. Black  
D. Hess                      C. Marshall  
AQTAC

Enclosure

# *Citizens Advisory Council*

## *Assessment of Clean Air Progress & Future Needs*

### Introduction

The Citizens Advisory Council (CAC) is a legislatively created advisory committee charged with reviewing all environmental issues, legislation, regulations, policies and programs relating to Pennsylvania. In addition, the 1992 amendments to Pennsylvania's Air Pollution Control Act (APCA) require DEP to consult with the Council in developing state implementation plans and regulations to implement the federal Clean Air Act. APCA also directs DEP to conduct an evaluation of the air quality program every 5 years. Council submitted its 5-year report in July 1997 and has been working with DEP's contractor on the Department's five-year evaluation since June 1998.

### Recognizing the progress made

Passage of the Clean Air Act of 1970 ushered in sweeping changes and much progress toward cleaner, healthier air for Pennsylvanians to breathe. Major investments have been made across the Commonwealth to abate unhealthy air pollution. Sulfur dioxide and total particulate matter have been brought into compliance. Exceedences of the current ozone ambient air quality standard have steadily declined since the late 1970s.

Despite the significant progress made, the CAC acknowledges that the battle for clean air is unfinished. The Commonwealth now faces tough, new air quality challenges. Today's air pollution is often less visible but, in some ways, equally significant from a human health and environmental impact perspective. Large portions of the Commonwealth are or verge on non-attainment status for the recently adopted health-based ozone ambient air quality standard. Despite numerous pollution prevention activities, over 41 million pounds of toxic air emissions were emitted in Pennsylvania in 1996. Scientists and regulators now recognize that fine particulates pose the greatest danger to human health after years of focus on reducing total particulates. Since air pollution defies geographic and political borders, pollution generated in upwind states adversely affects the health and welfare of Pennsylvanians. Clearly, today's air quality challenges, and those we may identify in the future, call for innovative approaches that involve all sectors of society and for aggressive action to protect Pennsylvania citizens and our cherished, rich environment.

The five-year study mandated by the General Assembly offers a unique opportunity for DEP to step back from the day-to-day grind of short-term deadlines and invest in critically assessing the progress that has been made. DEP should identify creative and aggressive solutions to confront the ever-evolving new air pollution challenges. The CAC is pleased to cooperate by sharing our thoughts and insights to help the DEP maximize the value of this most important study.

### Department of Environmental Protection Air Quality Leadership

The air quality challenges of today are far more complex than earlier problems that entailed identification of major pollution sources and adoption of regulations mandating installation of appropriate pollution control equipment. In many cases today, air quality problems are less visible but increasingly complex and stem from actions of individuals and from sources located far away. Tomorrow's solutions must recognize this fundamental and vexing shift and be built upon foundations of public education and increased societal participation that equitably involve all contributors to the problem. CAC commends the Bureau of Air Quality for recognizing this fundamental shift in air quality management.

We also commend the current DEP air quality leadership, under Secretary Jim Seif, Deputy Secretaries Dave Hess and Denise Chamberlain, and Bureau of Air Quality Director Jim Salvaggio, for the innovative approaches the Bureau has championed in the last four years, including:

- ◇ Successfully utilizing the stakeholder process to develop potential strategies for the Philadelphia and Pittsburgh non-attainment areas and for initiating similar groups in the Lehigh Valley and Southcentral Pennsylvania.
- ◇ Championing the formation of ozone action partnerships in key non-attainment areas and for providing technical and intellectual support to those partnerships.
- ◇ Working positively with the CAC Air Committee to expand public participation in air quality matters.

#### State and Federal Partnership

The public squabble over air enforcement that occurred in 1997 between DEP and EPA Region III over release of an IG report critical of DEP's air enforcement activities was unfortunate, but after resolution and clarification led to an improved relationship. The CAC was pleased to have the opportunity to intervene and develop recommendations that have been effectively embraced by both agencies.

Both the DEP and EPA are critical partners in protecting the health of Pennsylvanians and, while some degree of dynamic tension may be beneficial, we believe both agency's shoulders should be kept to the wheel of continuing cooperation and air quality progress. To go forward, the CAC recommends:

- ◇ The DEP should continue to aggressively seek and accept delegation of all federal air regulatory programs. To the extent possible, the DEP should assume authority for permit decisions now being made by EPA Region III since DEP is closer to the factories and the public and is often better positioned to make these types of decisions.
- ◇ EPA should give greater attention to regional air quality matters to properly address the marauding air masses traveling from state to state and frustrating the air pollution abatement programs of downwind states. The CAC believes that EPA is the only logical planning agency to address regional transport of air pollution and its time could be best spent on this critical priority.

#### Air Quality Performance Measures

The current air quality monitoring network and reporting systems should, of course, be maintained. The CAC joins others, such as the Governor's 21<sup>st</sup> Century Environment Commission, who support development of better and more understandable measurements of air quality progress. We recognize that this will not be an easy task and that thoughtful consideration of the myriad possible measures should be undertaken. Some specific indicators of air quality suggested by CAC members include: hospital admissions data including number and types of medical treatment; increased health care costs; notices of violation issued; percentage of state attaining each standard; and adverse impacts to agriculture and forestry. Clearly, there are many others that warrant consideration.

Once developed, these new air quality measures must be effectively communicated to the public. The CAC has high praise for the DEP website and supports its further expansion, but the website along with the weekly "Update" and periodic press releases are inadequate to consistently deliver a

regular public "report card" on air quality programs. DEP should examine its entire communications program to identify additional methods of effectively delivering environmental information to the public.

### Public Participation

CAC has no doubt that DEP is sincerely interested in increasing public participation in air quality matters and commends the Bureau of Air Quality for meeting with the CAC Air Committee to discuss ways to reach that goal. All interested parties, however, recognize that more opportunity for improvement exists and that better public policy results when all parties, including the Department, the regulated community and the public, are represented at the decision-making table and have sufficient understanding to effectively provide their perspectives.

The CAC and others have historically promoted active citizen involvement, both formally and informally, and have identified several success factors underlying effective public participation, which include the following:

- ◇ **Communicating** - The general public is not tuned into the legal notice sections of the newspaper nor are they necessarily regular users of the DEP website or the *Pennsylvania Bulletin*. In some cases, members of the public may not own a computer or may not have the knowledge to decipher a legal notice. These traditional public notices employed by the Department have not been adequate. Notification efforts should be required to effectively reach the public of concern. Public notices must be designed to attract attention and displayed in the most commonly read sections of widely read publications. Examples of non-traditional outreach should be considered when appropriate, e.g. more direct outreach and display ads.
- ◇ **Building understanding**—We cannot expect the general public to deal with the complexities of environmental decision making without a basic knowledge of the issues or without information on specific actions and opportunities. Partnerships such as those represented by the Ozone Action Partnerships can accomplish much in terms of outreach, education and behavioral changes.
- ◇ **Balance and inclusivity**—Ideally, environmental solutions require participation by all sectors of society. Since not all can or will participate, striving for balance among participants is critical to developing proposals that will receive support through implementation.
- ◇ **Early access to the decision-making process**—We need continued movement away from the "develop and defend" approach to decision-making. For the most part, internal decisions still become "public" only after substantially complete, requiring extensive effort to defend the product.
- ◇ **Accountability mechanisms**—The general public still has few mechanisms to hold government officials (at all levels) and the regulated community accountable and require them to consider comments received.
- ◇ **Building trust**—As the decision-maker, DEP must accept public involvement as integral to sound decision-making at all levels, not as just another legally required hoop to jump through. It must then be the initiator in building credibility and public trust through openness, consistency and results. A major step towards building trust will be the full implementation of the Department's EPICS system, which we recommend occur as soon as possible. This system should include performance

measures and criteria capable of measuring the effectiveness of compliance assistance vs. enforcement. Although environmental indicators are one possibility, the criteria must be sensitive enough to quickly identify adverse changes.

The most effective public participation and education campaign must start and end with local grassroots involvement. For example, the Department's growing efforts to work with local partners such as stakeholder and watershed groups and the Environmental Alliance for Senior Involvement will serve to disseminate information, engender individual responsibility, build understanding and achieve early "buy-in" by entire communities. The air program's use of stakeholder groups and ozone action partnerships are excellent starts. Greater emphasis must, however, go to public outreach to convey how individual activities contribute to and affect Pennsylvania's air quality.

#### Voluntary Initiatives - Making a Difference

The Ozone Action Partnerships initiated by DEP are a tremendous success story and the Bureau of Air Quality deserves a sincere handshake for spawning them. The Susquehanna Valley Ozone Action Partnership, the newest partnership, achieved a 60 percent citizen awareness level in its first year of existence and its surveys indicate that nearly 40 percent of area residents, after hearing the Partnership's message, took personal action to improve air quality on ozone action days.

While not a substitute for sound regulation and even-handed enforcement, these partnerships represent an effective way of helping to address future air quality improvement. The current partnerships are getting tremendous results for a limited investment by the DEP. In fact, they may represent the most cost effective pollution prevention being achieved in the Commonwealth. The benefits of the Partnerships go even further than the reduction of health related pollutants. They are becoming a critical public education link and they also connect with companies, organizations and individuals, on a non-adversarial basis, to motivate them to take action to improve their environment. The partnerships are clearly "win-win" investments for all of Pennsylvania, and the DEP should commit to increased, permanent funding of these most effective clean air activities. For future funding of these and other such partnerships, we also recommend consideration be given to including funding provisions for outreach and education when the Clean Air Act and the Air Pollution Control Act are reauthorized.

#### Benefits of a Strong Air Quality Program

The CAC is concerned that the survey questions for the five-year study overly emphasize compliance costs and will not bring forth an accurate picture of the benefits of the air quality program. Quantification of the benefits is difficult but it is essential that it be done as part of this study. The study must quantify and articulate the many health, lifestyle and environmental benefits of air quality improvements. Reflecting the ideas of the 21<sup>st</sup> Century Environment Commission, we underscore that a dynamic economy, healthy citizenry and better environment are directly linked to one another. We must strive to balance these three interdependent components if Pennsylvania is to remain prosperous in the next century; one part of the triad cannot be diminished or sacrificed without impacting the other two. Explaining the importance of good air quality has been difficult for federal, state and local organizations for years. Thus it is critical that this study cite these benefits to support our air quality efforts and serve as measures of progress.

#### Future Challenges

The CAC encourages the DEP to utilize this five-year study to identify the air quality challenges that loom on the horizon and continue to prepare for the future. The study represents a unique

opportunity to determine where today's DEP programs, priorities and structure should be altered to address future air quality planning challenges.

Some future air quality challenges that will demand attention are:

- ◇ **Long Range Transport** - A cooperative approach to long range transport must be developed among the individual states. The inefficiency, and costs, of today's cascading legal challenges are a poor substitute for fair, timely abatement action.
- ◇ **Performance Measures** - DEP should invest in developing better measures of the "state of air quality" across the Commonwealth. Current measures are too technical for the public, do not directly translate to public and environmental health indicators, and do not allow the DEP to build public understanding.
- ◇ **Permanent Funding for Voluntary Partnerships** - DEP should establish permanent funding for ozone action partnerships and other voluntary initiatives which build understanding, increase citizen involvement and cost-effectively contribute to air quality improvement.
- ◇ **Synergistic Effects** - Investments are needed to expand the understanding of possible synergistic impacts between individual pollutants, and the potential for cumulative impacts.
- ◇ **Incorporate Pollution Prevention in Engineering Toolbox** - DEP should further enhance the pollution prevention skills of its inspectors and engineers who interact daily with business. Pollution prevention is not a "boutique specialty" for isolated experts but should be a high priority and core responsibility for each DEP inspector and engineer. Perhaps DEP could pioneer an incentive system to motivate its inspectors and engineers to work cooperatively with sources to implement pollution prevention.
- ◇ **Cross Media Air Impacts** - There is growing evidence that air emissions can adversely affect water bodies (e.g., Chesapeake Bay), historical sites and land resources (e.g., forests and farms). DEP should carefully determine the legislative and/or regulatory actions needed to protect critical waterbodies and other resources from this threat.
- ◇ **Expand Public Education** - Individuals create pollution and they play an important role in future abatement strategies. The time has come for Pennsylvania to accelerate public education and commit the funding needed to address this critical priority.
- ◇ **Link Transportation and Environmental Policy** - Transportation related emissions are, and will continue to be, a significant aspect of air quality problems. The Commonwealth should link the transportation and air quality planning processes and financially support, or provide incentives for, mass transit or other solutions which provide environmental and transportation benefits.

Council hears complaints about higher levels of government implementing transportation plans and projects that override local input and planning efforts. Such actions work to divide communities, and place undue burdens on local governments to manage the impacts of these projects. DEP should pursue active partnerships with local, state and federal transportation agencies to assess cumulative, direct and indirect environmental impacts of transportation investments, and give consideration to

increases in vehicle miles traveled and "induced travel" (i.e. how much a project will increase vehicle travel and resulting air pollution).

- ◇ **Linking to Public Health** - It will be increasingly important for DEP to relate regional air quality with local health concerns and the incidence of disease. The CAC stresses the urgent need to get out of today's "numbers game" and develop a way to relate air quality to health in a meaningful way.
- ◇ **Expansion of Toxic Air Quality Monitoring** - The CAC recommends that the DEP expand statewide air quality monitoring for air toxics.
- ◇ **Gasoline Content** - DEP should evaluate the impact of sulfur in gasoline and its relationship to catalytic converter performance. Another concern is the environmental and human health impact of gasoline fuel additives, such as MTBE and MMT, and questions surrounding MTBE's migration into and persistence in ground water.

#### Conclusion

Pennsylvanians, from the individual citizen to communities, organizations and businesses, should partner to preserve and enhance our precious environment. The Citizens Advisory Council will continue its work to expand and improve public participation in DEP decision making and stands ready to cooperate fully to promote continued air quality improvements.