



# **Citizens Advisory Council**

to the Department of Environmental Protection  
of the Commonwealth of Pennsylvania

## **Pennsylvania Constitution Article I, Section 27**

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

# **2022 Annual Report**

Robert Barkanic  
Chair

Ian Irvin  
Executive Director

## Council Overview

Since its inception in 1971<sup>1</sup>, the Citizens Advisory Council (“Council” or “CAC”) has been actively involved in environmental issues affecting the Commonwealth of Pennsylvania. The Council was created to establish a non-partisan body to represent citizen viewpoints and provide objective analyses of the Department of Environmental Protection’s (“Department” or “DEP”) performance on environmental issues. With the passage of legislation, the Council was given four specific charges:

- I. The Citizens Advisory Council shall review all environmental laws of the Commonwealth and make appropriate suggestions for the revision, modification, and codification thereof;
- II. The Council shall consider, study, and review the work of the Department of Environmental Protection, and, for this purpose, the Council shall have access to all books, papers, documents, and records pertaining to or belonging to the Department; and
- III. The Council shall advise the Department upon request and shall make recommendations upon its initiative, for the improvement of the work of the Department.
- IV. The Council shall report annually to the Governor and to the General Assembly and may make such interim reports as are deemed advisable.

Because of this legislation, the Citizens Advisory Council is the only legislatively-mandated advisory committee with the comprehensive charge to review all environmental legislation, regulations, and policies affecting the Department of Environmental Protection.

Additionally, the 1992 amendments to Pennsylvania’s Air Pollution Control Act require DEP to consult with the Council in developing state implementation plans and regulations developed by the Department to implement the federal Clean Air Act. The Council also can “consider, study and review department policies and other activities related to the Clean Air Act...” and provide a summary of activities every five years for the Department’s evaluation of the effectiveness of its programs to the General Assembly.<sup>2</sup>

The Council is comprised of the Secretary of the Department of Environmental Protection (ex officio), six members appointed by the Governor, six members appointed by the President Pro Tempore of the Senate, and six members appointed by the

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<sup>1</sup> The Citizens Advisory Council is an independent advisory board of the Department of Environmental Protection housed within the DEP and charged with reviewing all environmental issues, legislation, regulations, policies, and programs pursuant to Sections 448(p) and 1922-A of the Administrative Code of 1929, as amended by Act No. 1970-275 and Act No. 2016-07, 71 P.S. §§158(p) and 510-22.

<sup>2</sup> Act of January 8, 1960, P.L. (1959) 2119, No. 787, as amended, known as The Air Pollution Control Act (35 P.S. § 4001, et seq.).

Speaker of the House of Representatives<sup>3</sup>. The term of office for each of the appointed members of the Council is three years, measured from the third Tuesday of January of the year of appointment, and may continue until a successor is appointed. All actions of the Council are by majority vote. According to the statute, the CAC shall meet quarterly; however, the Council tends to hold monthly meetings, except in August and December.

An important part of the Council's mission is to encourage public participation and engagement from citizens of the Commonwealth. The CAC seeks to represent all people of the Commonwealth and bring a collective view of the public interest in the environment through diverse personal experiences and perspectives. The ability of the public to provide input and participate in the development of environmental regulatory and policy initiatives is vital to the Council's ability to provide guidance and oversight to the Department.

The CAC members are integrated into the oversight structure of the Department because they are also elected to serve on various boards and advisory committees within the DEP. The CAC designates five of its members to serve on the Environmental Quality Board, four members to the Mining and Reclamation Advisory Board, as well as seats on the Aggregate Advisory Board, Air Quality Technical Advisory Board ("AQTAC"), Low-Level Waste Advisory Committee ("LLWAC"), Solid Waste Advisory Committee ("SWAC"), Oil and Gas Technical Advisory Board ("TAB"), Environmental Hearing Board Rules Committee ("EHB"), and the Radiation Protection Advisory Committee ("RPAC").

Within the CAC, subcommittees focus on specific areas of interest. The Legislative Committee, Policy and Regulatory Oversight Committee, Strategic Issues Committee, Public Participation Committee, Advisory Board, and Executive Committee meet on an as-needed basis and report to the entire Council on topics and issues brought before their respective Committee.

At the end of the year, the CAC summarizes its activities and provides an Annual Report to the Governor, the General Assembly, the Department, and the public. This Annual Report highlights the activities of the Council and provides an opportunity for interested stakeholders to provide feedback on the work of the CAC and offer suggestions for improvement or future areas of focus for the Council.

### **Council Membership**

The CAC is comprised of a dedicated group of concerned citizens appointed to the Council by either the Governor, the Speaker of the House of the General Assembly, or the President Pro Tempore of the Senate of the General Assembly. Each member brings with him or her a unique perspective and wealth of knowledge on environmental issues. Diversity of experience and thought allows for a comprehensive understanding

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<sup>3</sup> No more than three members nominated by each of the respective authorities may be from the same political party.

and analysis of Department regulations and policy initiatives. The Council engages in thoughtful discussion before counseling the Department or alerting relevant decision-makers of necessary action to be taken.

Below is a list of CAC Members in 2022:

Robert Barkanic, Lehigh County

- Appointed by the Governor on July 9, 2020 with a term expiring on January 17, 2023.

Jacquelyn Bonomo, Luzerne County

- Appointed by Speaker of the House on April 19, 2021 with a term expiring on January 16, 2024.

Dr. Jamie Bracey-Green, Philadelphia County

- Appointed by Speaker of the House on April 19, 2021 with a term expiring on January 16, 2024.

Cynthia Carrow, Allegheny County

- Reappointed by the President Pro Tempore of the Senate on February 7, 2022 with a term expiring on January 21, 2025. Originally appointed on February 11, 1997

Lori Dayton, Greene County

- Appointed by the Speaker of the House on April 19, 2021 with a term expiring on January 16, 2024. Resigned from the Council on September 20, 2022.

William C. Fink, Bedford County

- Reappointed by the Speaker of the House on January 8, 2014 with a term that expired on January 21, 2017. Originally appointed on July 18, 2012.

Reverend Mitchell Hescox, York County

- Appointed by the Governor on July 9, 2020 with a term expiring on January 17, 2023.

Duane E. Mowery, Cumberland County

- Reappointed by the President Pro Tempore of the Senate on February 4, 2019 with a term expired on January 18, 2022. Originally appointed on October 3, 2017.

Trisha L.R. Salvia, Esquire, Cumberland County

- Appointed by Speaker of the House on April 19, 2021 with a term expiring on January 16, 2024.

James Schmid, Delaware County

- Reappointed by the Governor on July 9, 2020 with a term expiring on January 17, 2023. Originally appointed on August 29, 2017.

Jerome Shabazz (Chair), Philadelphia County

- Reappointed by the Governor on July 9, 2020 with a term expiring on January 17, 2023. Originally appointed on August 29, 2017.

John St. Clair, Indiana County

- Reappointed by the President Pro Tempore of the Senate on January 24, 2023 with a term expiring on January 20, 2026. Originally appointed on February 1, 2017.

Thaddeus Stevens, Tioga County

- Reappointed by the Speaker of the House on October 6, 2020 with a term that expired on January 17, 2023. Originally appointed on April 9, 1997.

John J. Walliser, Esquire, Allegheny County

- Reappointed by the Governor on July 9, 2020 with a term expiring on January 17, 2023. Originally appointed on October 6, 2008.

James Welty, Cumberland County

- Reappointed by the President Pro Tempore of the Senate on February 7, 2022 with a term expiring on January 21, 2025. Originally appointed on August 27, 2015.

Timothy Weston, Esquire, (Vice Chair) Cumberland County

- Reappointed by the Governor on July 9, 2020 with a term expiring on January 17, 2023. Originally appointed on May 30, 2013.

Patrick McDonnell, DEP Secretary, ex-officio

Ramez Ziadeh, Acting DEP Secretary, ex-officio

By the end of 2022, there were three vacancies on the Council.

The Department of Environmental Protection provides an Executive Director to serve as a liaison between the Council and the Department. The Executive Director also assists the Council with its administrative functions. The Council has the statutory authority to hire experts, stenographers, and assistants as may be deemed necessary to carry out its work. Keith Salador served as Executive Director in 2022.

### **Officers**

Jerome Shabazz and Timothy Weston served as Chair and Vice Chair, respectively, from their election in a June 2021 meeting of the CAC.

During the June 2022 meeting of the CAC, Jerome Shabazz and Timothy Weston were re-elected Chair and Vice Chair, respectively.

## **Committees and Advisory Boards**

As members of the Council, each person is asked to serve on various committees and advisory boards to help direct activities of the CAC and provide leadership and expertise to the Department on important issues. To date, the list of potential committee and advisory board assignments are as follows: Legislative; Policy and Regulatory Oversight; Public Participation; Executive; Strategic Issues; Environmental Quality Board; Mining and Reclamation Advisory Board; Aggregate Advisory Board; Air Quality Technical Advisory Board; Low-Level Waste Advisory Board; Solid Waste Advisory Committee; Oil and Gas Technical Advisory Board; Environmental Hearing Board Rules Committee; and the Radiation Protection Advisory Committee.

## **Highlights of Council Activities**

### **Air Items**

#### *Reasonably Available Control Technology (RACT) III*

Mark Hammond, the Director of the Department's Bureau of Air Quality, presented on the draft final form RACT III rulemaking. This presentation provided the reason for the rulemaking, entities subject to the rulemaking and outcomes, presumptive and case-by-case requirements, select comments, and revisions that have been made to the draft final form rulemaking and the schedule for promulgation.

### **Environmental Education Items**

Burt Myers, of the Department's Environmental Education Program, presented on the work of the Environmental Education and Information Center, the Environmental Education Grants Program priorities and eligible applicants, and examples of projects funded by the Environmental Education Grants Program.

### **Environmental Justice**

#### *Environmental Justice Policy*

Justin Dula, the Department's Director of the Office of Environmental Justice, presented on the historical legacy of Environmental Justice (EJ) and its roots in Pennsylvania; a timeline of the federal and state governmental response beginning in the 1960s; the EJ Public Participation Policy; the purpose, components, and timeline for the EJ Policy update; and the period for public comment.

### **Oil and Gas Items**

#### *Orphaned and Abandoned Well Program*

Kurt Klapkowski, the Acting Deputy Secretary for the Department's Office of Oil and Gas Management, presented on the legacy of abandoned and orphaned wells; the implementation of the Infrastructure Investment and Jobs Act, which has opened up access to funding and opportunities to reduce environmental, public safety, and financial liabilities associated with abandoned and orphaned wells; and the development of solutions, current action items, and key contracting elements. The Department and the Council engaged in a discussion on the hiring of additional staff, bidding, the structure of contracts, and simplification of permitting.

### *Update from the Oil and Gas Technical Advisory Board*

Jeff Walentosky, a professional geologist, President of Moody and Associates, Inc., and a member of the Department's Oil and Gas Technical Advisory Board (TAB), presented on TAB's discussions over the 2021 and, up until that point, 2022 calendar years. Further discussions followed regarding Penn State's research on roadway brine solutions, the possibility of a public hearing, and TAB's approach to identifying and addressing legacy well issues with the Infrastructure Investment and Jobs Act funds.

### *Carbon Capture Sequestration and Storage*

Deputy Secretary Kurt Klapkowski presented on the structure of the Carbon Capture Sequestration and Storage Program and the significant funding available through the Infrastructure Investment and Jobs Act. Mr. Klapkowski underscored that Governor Wolfe's Administration recognizes the threats posed by climate change and emphasized how critical it is to develop clean energy resources. Mr. Klapkowski also discussed the details of regulations for Class 6 wells proposed to be developed nationally and in Pennsylvania. There were further discussions on the Department's authority to obtain resources to maintain the Carbon Capture Sequestration and Storage Program, core ownership issues, and the permitting process.

## **Radiation Protection Items**

### *National Radon Action Month (January)*

Bob Lewis, of the Department's Bureau of Radiation Protection, discussed current public service announcement venues, targeted communities, townships and counties in the current campaign, a re-entrainment study, and radon program activities, including proposed legislation related to testing and mitigation in schools, radon testing during real estate transactions, and radon-resistant new construction.

## **Renewable Energy Items**

### *Food Waste to Renewable Energy Assessment*

David Althoff and Robert Young, both of the Department's Energy Programs Office, and Larry Holley, of the Department's Bureau of Waste Management, provided an overview of the Food Waste to Renewable Energy Assessment. This overview of the Assessment included how it was related to the Climate Action Plan, the goals of the Assessment; food waste management pathways; agricultural, industrial, commercial, and institutional food waste generation in PA; organics processors within the state; GHG emissions reductions and energy generation through the processing of food waste; and recommendations and next steps.

## **Waste Items**

### *Waste Management Program Overview*

Ali Tarquino Morris, the Director of the Bureau of Waste Management, provided an update on the four divisions within the Waste Management Program: Municipal and Residual Waste, Hazardous Waste, Waste Minimization and Planning, and Reporting and Fee Collection. Her update also included two offshoot groups of the Director's office: Program Development and Support and Fiscal and Administrative Support.

There were further discussions about the Department's ongoing determination on conventional oil and gas wastewater used on roads, critical issues related to contaminants going forward, the increase in waste generation, U.S. Environmental Protection Agency authorization for corrective action related to the Resources Conservation and Recovery Act, and the burden of electronic recycling.

#### *Recycling Program Overview*

Larry Holley, Program Manager in the Department's Bureau of Waste Management, presented on Act 101 of 1988. This presentation included background, successes, and new challenges from recycling contamination; the economic impacts and environmental benefits of recycling; details of recycling in PA, including municipal recycling programs, recyclable materials, organics management, household hazardous waste, recycling education, and used oil recycling; municipal waste management planning generation and disposal; program funding; emerging issues and technologies; recommendations; and looking to the future. Discussion between Mr. Holley and the Council included the challenges of plastic and glass, handling of exported waste, potential bans on material and enforcement, drop-off sites and initiatives, and challenges around waste reduction.

#### *Electronic Waste*

Larry Holley also presented on electronic waste, providing a background on the global problem of waste electronics, possible health impacts of waste electronics, and effects on residents and local government; statutory requirements and implementation; management by manufacturers, management by state and local government, funding mechanism, removal of the landfill ban, retrievable cells, and enforcement authority; and a recommendation of amendments to the Covered Device Recycling Act. Further discussions revolved around the mechanics of allocating costs among industries, the need for modernization of Act 101 of 1988 to make sure that all Pennsylvanians have access to free, convenient electronic waste recycling, and the disposal of solar panels.

### **Water Items**

#### *Chesapeake Bay*

Jill Whitcomb, the Director of the Chesapeake Bay Program Office, provided an update on Pennsylvania's Phase 3 Watershed Implementation Plan: Partners, Projects, and Progress. This update included successes, how partners are working together, milestones, where the implementation plan stands currently, and what to expect in the future.

#### *State Water Plan*

R. Timothy Weston, Chairperson of the Statewide Water Resources Committee, and James Horton, Environmental Group Manager with the Department's Water Programs Planning and Conservation, briefed the Council on the several years of work to prepare the 2022 update and the recommendations reflected in the draft State Water Plan. There was further discussion on data collection and sharing among agencies, affordability in the Public Utility Commission rate-setting structure, and the prioritization of access to safe water.



## **Joint Meeting with DEP's Environmental Justice Advisory Board**

### *EJ View and EJ Mapping*

Justin Dula, Director of the Office of Environmental Justice, provided a detailed update on the EJ Policy, EJ Viewer, and EJ mapping, all tools DEP uses to implement environmental justice policies. Further discussion centered on housing the data in the Commonwealth's IT department, criteria for choosing sources, possible contacting of Temple University interns who initially performed the work, the availability of methodology documents to the public, and the timeframe for filling the Western Regional Coordinator.

### *Brownfields Program and Funding Update*

Mike Maddagin, Land Recycling Program Manager, provided an update on the Brownfields Program and Funding. The Brownfields Program published a Chapter 250 rulemaking in November 2021, updated its Technical Guidance Manual, and was simultaneously working on an additional Chapter 250 rulemaking to address vanadium soil and an entire Chapter 250 rulemaking with the guidance of the Cleanup Standards Scientific Advisory Board. The program also sought to fill vacancies and hold Act 2 of 1995 training for new staff.

John Gross, Land Recycling Group Manager, provided information on available funding from federal and state monies and grant funding. Discussion around this subject focused on the processes around technical assistance and sites of possible concern.

## **Actions Taken**

Throughout the year, the Council undertakes several actions, including the review of regulations brought forward by DEP. Below is a list of specific actions taken by the CAC in 2022:

- Supported a proposed final rulemaking regarding controlling Volatile Organic Compounds from oil and natural gas sources. After reviewing the comments on the proposed rule, the Department's responses to the comments, and the changes made to the rulemaking, the Council sent a letter to the Environmental Quality Board supporting the proposed final rulemaking.
- Advised the Environmental Quality Board of the Council's support of a draft final rulemaking for controlling volatile organic compound emissions from large petroleum dry cleaners, shipbuilding and repair coating operations, synthetic organic chemical manufacturing industry reactors, distillation, and air oxidation processes.
- Reviewed three-year regulatory fee and program cost analyses by the Oil and Gas and Radiation Protection Program. The Council recommended that the Radiational Protection Program fee updates move forward.
- The Council recommended that a draft rulemaking on non-healing art radiological devices move forward.
- Revisited the need to develop strategies to improve public participation post-Covid-19 Pandemic. The Executive Director contacted the Department's Communications

and Policy Office to determine DEP's focus and where CAC might fill in gaps or amplify current initiatives.

- Published the 2020 Annual Report.
- Began development a transition report for the incoming administration.
- Reviewed and approved a draft Air Activities Report from July 2012 to June 2017.
- Published "Report on Legacy Environmental Issues in Pennsylvania" in June 2022, which provides an overview of historical activities that continue to impact public health and welfare and the environment.

### **Public Participation**

As part of its mission, the Council seeks to represent all people of the Commonwealth and bring a collective view of the public interest in environmental protection and natural resources through diverse personal experiences and perspectives. A regular part of the Council meetings is the public comment period, which allows residents of the Commonwealth to provide written or oral testimony to the Council on various concerns involving the Commonwealth's environmental resources. Minutes of the CAC meetings list anyone who offers public comments for the Council and a summary of their concerns. Comments from concerned citizens help to inform the Council members on issues and allow the Council to follow up with the Department if necessary.

During the Council's meeting in 2022, public comments were received from:

- [Ankit Jain](#), an Associate Attorney with the Sierra Club;
- [Tim Fitchett](#), a Staff Attorney with Fair Shakes Legal Services;
- [Rile Ross](#), from the Board of Directors of the Chester Water Authority, and
- [Claudia DePalma](#), a Staff Attorney at the Public Interest Law Center.

For more information, please go

to: <http://www.dep.pa.gov/PublicParticipation/CitizensAdvisoryCouncil/Pages/default.aspx>

or contact Ian Irvin, Executive Director, at [iirvin@pa.gov](mailto:iirvin@pa.gov).