



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.

2023 Annual Report

Robert Barkanic
Chair

Ian Irvin
Executive Director

Council Overview

Since its inception in 1971¹, 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.²

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

¹ 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.

² 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 Representatives³. 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, Low-Level Waste Advisory Committee, Solid Waste Advisory Committee, Oil and Gas Technical Advisory Board, Environmental Hearing Board Rules Committee, and the Radiation Protection Advisory Committee.

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 and report to the entire Council on topics and issues brought before their respective Committee.

Each 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 citizens appointed to the Council by either the Governor, the Speaker of the House of Representatives of the General Assembly, or the President Pro Tempore of the Senate of the General Assembly. Each member brings a unique perspective and wealth of knowledge on environmental issues. Diversity of experience and thought allows for a comprehensive understanding and

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

analysis. 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 2023:

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. Dr. Bracey-Green resigned from the Council on October 23, 2023 becoming the Eastern Regional Director at the Pennsylvania Department of Agriculture.

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

William C. Fink, Bedford County

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

Reverend Mitchell Hescoc, York County

- Appointed by the Governor on July 9, 2020 with a term expiring on January 17, 2023. Over the summer of 2023, Rev. Hescoc resigned from the Council.

Duane E. Mowery, Cumberland County

- Reappointed by the President Pro Tempore of the Senate on February 4, 2019 with a term expiring 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 expiring 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.

Richard Negrin, DEP Secretary, ex-officio

Ramez Ziadeh, Acting Secretary, ex-officio

Jessica Shirley, Interim Acting DEP Secretary, ex-officio

By the end of 2023, there were five vacancies on the Council. Filling two of those vacancies in early 2024, C. Jason Foster and George Ambrose were appointment by the Speaker of the House to the Council with terms expiring on January 19, 2027. With the appointments of Mr. Foster and Mr. Ambrose, there are currently 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 between January and March of 2023. Maximillian Schultz served as Interim Executive Director between April and September of 2023. Ian Irvin was chosen as the new Executive Director of the Council and started in September of 2023.

Officers

Jerome Shabazz and Timothy Weston served as Chair and Vice Chair, respectively, from their election in a June 2022 meeting of the CAC.

During the July 2023 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

Active and Abandoned Mine Operations

Patrick Webb, the Acting Director of the Department's Bureau of Abandoned Mine Reclamation on the Infrastructure Investment and Jobs Act (IIJA) and the Abandoned Mine Land (AML) Fee Reauthorization, including a detailed timeline of events and upcoming IIJA projects. Further discussion was in regards to the percentage of total funds spend on AML sites, what the influx of funds has allowed the Department to do, the number of AML sites completed, the possibility of amending the IIJA grant, if AML money can be used for long-term funding of water quality treatment project, and discussion on the Glen Lyon mine fire and the Jeddo Tunnel in Luzerne County.

Deputy Secretary of the Office of Active and Abandoned Mine Operations (AAMO), John Stefanko, met with the Council and indicated his awareness of the Council's concerns with the upcoming Act 54 of 1994 Report. Mr. Stefanko noted that AAMO reported back to the Council on several occasions and that the sixth Act 54 Report is currently in progress. AAMO will take all previous comments into consideration and is working to incorporate those comments and find a solution. Discussion encompassed the nature of the sixth Act 54 Report and whether it resembles the preceding reports, the Council's displeasure with the reports generally, and the outdated Bituminous Underground Mine Information System, or BUMIS.

Carbon Capture

Kristin Carter, Assistant State Geologist with the Pennsylvania Geologic Survey presented on the then current state of Carbon Capture Utilization and Storage (CCUS) in Pennsylvania and how the technology will be vital to future energy transitions. Ms. Carter also discussed federal level activities related to CCUS, state level projects that the Pennsylvania Geologic Survey has undertaken, and how Pennsylvania can be best prepared to deploy and utilize this technology. Further discussion was around the water supplies needed, impacts to gas and oil wells and drinking water, how the Department's

program could assist, and whether the Department of Conservation and Natural Resources is considering hosting a sequestration project.

Abby Smith, the President and CEO of TeamPA presented on carbon capture and hydrogen development in the areas of agriculture, manufacturing, and life sciences. Ms. Smith detailed the work that is being done, accomplishments to date, and participating industry leaders, organization, and stakeholders.

Scott Quillinan, Senior Director of Research at the University of Wyoming School of Energy Resources, discussed the regulatory framework and projects for carbon capture and sequestration in Wyoming, the risk and solutions related to loss of containment, induced seismicity, policy considerations, financials, and social license to operate. Further discussions were around career pathways for extractive industries, tax incentives for companies that sequester, regulatory framework and consensus, and the availability of regulatory resources in Wyoming.

Center of Environmental Excellence (COEE)

Saleem Chapman, the Executive Director of COEE, described the goal of COEE being putting ideas into practice, empower innovation and risk tasking, focus unwaveringly on mission-critical outcomes, and enable insight-driven learning. COEE offers delivery support, innovation incubation and acceleration, impact evaluation, and data analytics to optimize operations and accelerate results. Leveling up objectives and key results will be done on a quarterly basis. Further discussions revolved around who sets the metrics for success and ensures that the metrics are honest.

Climate Leadership

Dave Althoff, the Director of the Department's Energy Programs Office provided details on Pennsylvania's Climate Action Plan, including climate action for environmental justice communities, addressing inequities while advancing climate goals, engagement strategy, turning input into action, and formula / competitive grants and climate pollution reduction grants. Further discussion was about the various industrial groups that the Energy Programs Office has connected with and the need for partnerships with the Pennsylvania Chambers and others.

Cultural Competence

Anwar Curtis, Special Assistant to the Secretary, will be working with students engaged in the STEM fields of Science, Technology, Engineering, and Math. Additional discussions were around public outreach.

Larry Holley, of the Office of Waste, Air, Radiation & Remediation, presented on a five-member diversity, equity, and inclusion steering committee, which begun working on employee team building exercises. The committee will meet with the Secretary to talk about language access, grant equity, and environmental justice areas. Department Fact Sheets are now translated into Spanish, a food recovery infrastructure grant came about during the pandemic, and a survey was conducted to determine the challenges folks have in apply for grants and access to technology in the communities. Additional

discussions revolved around a Department program specifically geared toward food waste and simplifying the grant application process.

Electric Vehicles (EVs)

Jake Newton, the Executive Energy Project Coordinator at the Department of Conservation and Natural Resources, discussed their progress with EVs, with a focus on the use of EVs within DCNR as well as making it easier for the public to adopt EVs for personal use. DCNR is also integrating renewable energy into the infrastructure of state parks. Further discussion involved the Ryerson State Park solar project, EV challenges, and the limited use of federal funding.

Colton Brown, the Alternative Fuels Infrastructure Coordinator at the Pennsylvania Department of Transportation, introduced the Council to the National Electric Vehicle Infrastructure (NEVI) Program. The NEVI program was created to accelerate the transition from traditional combustion engine vehicles to EVs. The program is federal funded and has recently gained a lot of traction. Mr. Brown described how resources are being used, PennDOT's areas of focus and projected, near-future goals.

Geoff Bristow, Environmental Group Manager at the Energy Programs Office in the Department, discussed the grants and programs that the Department has rolled out over the past couple years and how those programs have been implemented. Specifics include an update on the PA Electric Vehicle Roadmap, EV Rebate, Driving PA Forward, and the Medium & Heavy-Duty Fleet Replacement Grant.

Further discussion revolved around car compatibility with EV charging stations, specifics on rollout and build-out of EV infrastructure, dissemination of information, and funding.

Environmental Justice

Andrea Fields, Environmental Community Relations Specialists, provided information on the vision of DEP's Environmental Justice Office and the training that is being provided by the Department to bring new team members up to speed. Further discussion centered around the role of the group in facilitating between affected communities and the Department, a project management eight-week training program that had been instituted, outreach to communities of impacts from facilities, and interagency strategies.

Justin Dula, Director of the Office of Environmental Justice, provided details on the Environmental Justice (EJ) Interim Final Policy, which was adopted on September 16, 2023. The Interim Final Policy includes clearer and more robust definitions, describes where the policy applies, introduces the PennEnviroScreen, seeks proactive community engagement, and enhances public participation process. Further discussion involved the Interim Final Policy's underlying data, Council community engagement, and concerns about burdening the regulated community.

Hydrogen Hub Development

Joanne Kilgour, Executive Director of the Ohio River Valley Institute provided information on hydrogen hubs in the region and across the United States, the timeline

for the Department of Energy decisions on hydrogen hubs, and the legal and regulatory landscape. Ms. Kilgour also highlighted some of the concerns with the technology, including economic challenges, insufficient demand, extremely high costs, and significant environmental justice objections. Further discussions encompassed the status of hydrogen pipelines, how hydrogen would impact current infrastructure, and the possible need for additional assistance from taxpayers.

Tom Murphy, of TeamPA, presented on the ability of hydrogen hubs bringing diverse supply chains together, connecting with stakeholders to define and execute strategies for community engagement, workforce and economic development, and program monitoring. Further discussions involved environmental impacts and regulations needed for the deployment and utilization of hydrogen hubs and CCUS.

Infrastructure Investment and Jobs Act (IIJA) & Inflation Reduction Act (IRA)

Louie Krak, Infrastructure Implementation Coordinator, presented on the IIJA funding for various Department programs, including Mining, Oil and Gas, Energy, Environmental Justice, Water, Waste and Brownfields, National Dam Safety Program, and Coastal Zone Management. She also presented on IRA and details of home electrification rebates, greenhouse gases, and clean energy tax credits. There was subsequent discussion on various topics, including initial grand a formula grant funding for plugging wells, the release of funds or rescission processes, environmental justice pollution prevention dollars, and prioritization of spending.

Oil and Gas Items

Kurt Klapkowski, the Acting Deputy Secretary of the Department's Office of Oil and Gas Management updated the Council on oil and gas well plugging, where the Commonwealth is on terms of federal legislation, and the solutions being worked on as Pennsylvania moves through the grants program that the federal government has made available as part of the IIJA. Further discussion focused on guidance on formula grants, federally-mandated need for wells to be monitored until plugging, and the resources going into compliance and enforcement to stop abandonment issues.

Secretary's Remarks

Secretary Richard Negrin met with the Council, shared his broad vision for the agency, and provided details of the four pillars of that vision: Operational Excellence, Climate Leadership, Cultural Competence, and Environmental Justice. Discussion encompassed the need for customer service and bipartisan support of low income and regulated communities, the need for environmental justice communities to gather cumulative impact data in order to provide accurate information about what is happening, and tensions between federal and state environmental justice policies. Secretary Negrin also mentioned that perhaps as much as 75% of Pennsylvania would, in his opinion, qualify for environmental justice reclassification.

Water Items

Josh Lookenbill, a program manager with the Bureau of Clean Water, provided an overview of DEP's stream re-designation process and timeline, including protected water uses and qualifications for high quality and exceptional value waters. He also provided the latest information about the Dunbar Stream Re-designation final form rulemaking. After the presentation, there was discussion on the difference in land use with movement from one designation to another, whether landowners within a watershed were notified of a change in designation, whether studies for re-designation were conducted in any geographical sequence by the Bureau of Water Quality, and the timeframe for regional reassessments.

Andy Klinger, with the Bureau of Waterways Engineering and Wetlands, outlined changes made to the technical guidance for Chapter 105 applications. This technical guidance was created in response to public comments received by the Bureau. The initiative began with a stakeholder workgroup that included representatives from environmental groups, industry, DEP, the Pennsylvania Fish and Boat Commission, Department of Conservation and Natural Resources, and the U.S. Army Corps of Engineers. Further discussion focused on the changes from the draft versions to the final version. The Bureau will provide updates on this technical guidance going forward.

Joint Meeting with DEP's Environmental Justice Advisory Board

Pennsylvania Department of Health

Dr. Sharon Watkins, the Director of the Bureau of Epidemiology and the State Epidemiologist, discussed the recent released results of the University of Pittsburgh studies, which looked at health outcomes related to the unconventional oil and gas industry. In 2019, Governor Wolf set aside about \$3 million for multiple studies, and the Department of Health worked with the University of Pittsburgh to conduct those studies in southwestern Pennsylvania. One study was related to pediatric cancer, and the other two studies were related to short to medium-term outcomes related to asthma and pre-term birth and weight. More detailed reports can be found on the Department of Health website. Further discussion revolved around whether environmental stressors were looked at as part of the cumulative impact and whether the measure of the health conditions from 2010 to 2019 was compared to other Pennsylvania residents.

Environmental Justice Advisory Board Comments

Adam Cutler, chair of the Environmental Justice Advisory Board, discussed how the new EJ policy has been the focus, including its rollout and public comments. Chair Cutler talked about the involvement of EJAB with DEP on RGGI and how the Commonwealth Court decision will impact handling of Greenhouse Gases and carbon emissions, especially as it related to overburdened communities in the Commonwealth.

Chair Cutler talked about areas where the Council and EJAB may collaborate, including public outreach strategies and synthesizing information in a way that benefits Pennsylvanians. Developing multi-sector advisory boards, which includes

medical/healthcare, legal, and non-governmental and community-based organizations would be beneficial.

Discussion amongst members of the CAC and members of EJAB include the need to engage public commenters, returning to informative field trips, focusing on hydrogen hubs and carbon capture and sequestration, capturing data, taking advantage of tools that are available for gathering and storing information, and the need for representatives from diverse communities on water and wastewater issues.

Actions Taken

Throughout the year, the Council undertook several actions. Below is a list of specific actions taken by the CAC in 2023:

- Legislative Committee is exploring the impacts and potential resolutions regarding electronic waste. The Council passed a resolution that requested that the Department develop or provide Facts Sheets on both municipal and electronic waste and that it will send a letter to the General Assembly emphasizing the great need for legislative action to address the issue. The Legislative Committee also began reviewing House Bill 1607 and Senate Bill 734, both entitled “The Electronic Waste Recycling Modernization Act,” and contacting stakeholders about the issue.
- Creation of a Transition Paper for the incoming Shapiro Administration and General Assembly
- Sent three nominees to the Governor’s Office for the Oil and Gas Technical Advisory Board.
- Interviewed and selected a new Executive Director for the Council.
- The Council sent its comments on the fifth Act 54 Report (Report) to the Department, the General Assembly, and the Governor. The Council’s overarching findings include:
 - o The Report documents significant ongoing subsidence damage to the natural and built environment from longwall mining. This finding is consistent with previous Act 54 Reports, and, despite these findings, impact prediction and avoidance in permitting applications and revisions seldom occur.
 - o Most subsidence damage to structures, water supplies, and environmental resources cannot be documented as having been fully repaired. Additionally, when repairs are made, the process is often slow, and the long-term success of those repairs is unknown.
 - o Although minor improvements have been made in the Department’s recordkeeping, significant gaps still surround data recording and communication regarding mine subsidence impacts.
 - o The Department can better protect resources from subsidence damage through the complete and consistent application of existing statutes, regulations, and technical guidance.
 - o The Department’s current plan is to forego preparation of future 5-year reports and periodically publish information on the DEP website, which will

- likely provide less useful information about subsidence impacts to coalfield residents, policymakers, and others.
- Questions from CAC and members of the public on previous Act 54 Reports remain unanswered by the Department, including being unanswered in the Fifth Act 54 Report.
- Made appointments to the Department's Mining and Reclamation Advisory Board.

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 2023, public comments were received from:

- [John Lake](#), a former employee of the Pennsylvania Department of Agriculture;
- [Robert Schott](#), a former aquatic biologist at the Department;
- [Aimee Erickson](#), the Executive Director of the Citizens Coal Council;
- [Lisa Johnson](#), an attorney with the firm Lisa Johnson & Associates;
- Tom Pike of Protect PT (Penn-Tafford), at the [July](#) and [September](#) meetings; and
- [Craig Stevens](#) of Dimock, PA, Dr. Barbara Brandom of Physicians for Social Responsibility.

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.