

# Citizens Advisory Council

April 17<sup>th</sup>, 2012

Room 105, Rachel Carson State Office Building, Harrisburg, PA

## Members in Attendance:

Cynthia Carrow	Janet Keim
Eric Conrad	Thaddeus Stevens
Terry Dayton	John Walliser
Walter Heine	Burt Waite

**Call Meeting to Order** -Chair John Walliser called the meeting to order at 10:50 am. He noted the lack of a quorum and indicated that all action items will be held until the next meeting.

**Act 13 – Public Utilities Commission** -Pamela A. Witmer, Commissioner of the PA Public Utility Commission (PUC), spoke about the PUC’s responsibilities in implementing Act 13, specifically fee collection & distribution, as well as local ordinance review. She reported that all the counties that are eligible to receive a portion of the impact fee and have unconventional wells have adopted the required ordinance. The PUC will now move forward with certifying the price of natural gas used in the fee calculation.

She indicated that the PUC expects to receive payments in September for distribution in December. The resolution of the Commonwealth court injunction regarding local land use control will determine how the Commission will address these ordinances.

In response to questions from Council, she explained how the impact fee is calculated; that the PUC has put out a request for proposals (RFP) to hire a local land use control expert law firm and that they are in the process of hiring two additional attorneys to deal with Municipalities Planning Code issues.

She distributed a frequently asked question/answer sheet and encourage the public and Council to send further questions to PUC’s e-mail resource account at [ra-Act13@pa.gov](mailto:ra-Act13@pa.gov).

**Water / Wastewater Infrastructure** - Burt Waite discussed the Governor’s Sustainable Infrastructure Task Force Report *Creating a Sustainable Solution for Pennsylvania* that identified a shortfall in funding for water/wastewater infrastructures. The shortfall was estimated to be \$36.5 billion. In 2008, the CAC endorsed the findings of that study.

Eric Ross, the chair of the Task Force regulatory and legislative workgroup in the taskforce, spoke to the Council and provided additional context and history. He noted that legislation was

draft that addressed budgeting, asset management, technical assistance and promoted full cost user fees. Mr. Ross provided a summary of the bill and noted while it had been previously introduced, it was not acted upon during that session. It has not yet been reintroduced.

Mr. Ross responded to questions from Council regarding current infrastructure funding options and asked Council to champion this legislation. Janet Keim suggested that appropriate asset management should be a condition for receiving infrastructure grants. Burt Waite and Eric Conrad agreed to review the draft CAC plan of action developed previously by Jolene Chinchilli and return to Council for discussion on how to proceed.

### **New or Unfinished Business**

Janet Keim suggested Council press the Department to not approve 537 plans for hydrologically overloaded systems.

There was a request from Walter Heine to record the minutes in past tense for the entire document.

### **Public Comment**

Michael Jacoby spoke to the Council about site location inaccuracies in the EPA FSR locational information database that he believes can be traced back to DEP eFacts as the data source. He indicated that he has sent a letter to EPA, Secretary of DEP Michael Krancer, and Governor Tom Corbett with his concerns specifically related to emergency response use of this inaccurate locational data. He stated the records / reports he looked have only a 10% accuracy rate.

Steven Kunz asked if the Department had selected a contractor to begin work on the next Act 54 Five-Year Report. Dan Lapato indicated that he would find out who was selected.

**Draft CAC Southwest (October 2011) Regional Report** - Marge Hughes reminded Council that Sue Wilson had completed a draft of the Regional Report and asked if there were any comments. She asked Council to get back to Sue within two weeks so that it can be considered for action at the May meeting.

In addition to e-mailing out the draft report, Marge will also include an email exchange regarding a complaint filed with the Department that was mentioned at the regional meeting. It indicates the Department's investigation.

**Act 13 DEP Plan of Action-** Dan Lapato passed around a DEP Frequently Asked Questions (FAQ) sheet about Act 13. He described it as a working document posted on the DEP Act 13 website that is constantly updated to reflect questions as they are received.

He presented a PowerPoint on the various gas formations, such as Utica, and Marcellus shale and the well location and production. In response to Council questions, he explained how all municipalities in the state could potentially benefit from the impact fee revenues not just those localities with producing wells. Prior to his presentation, Dan emailed the draft spill policy and new bonding plan to Marjorie Hughes to e-mail to Council.

**Department Report** -Dan Lapato went over the April Department Report with the Council. Terry Dayton asked if there has been any word on the use of AMD in hydro fracking. Dan confirmed that the white paper is out and the Department is working with EPA to make sure the process is straight forward. Burt Waite brought up the success of the Act 13 WebEx presentations. Dan indicated that the Department reached over 2000 people with the Act 13 WebEx series. (The council joined the 4<sup>th</sup> Act 13 Webinar about after the April Council meeting.)

### **Committee Reports**

**Nominating Committee** – Cynthia Carrow encourages Council members who have nominations to come forward and let her know.

**EQB Withdrawal Procedure Workgroup** – The group is hoping to hear something by next meeting

**Public Participation & Outreach** – The Committee received Department of Education’s draft Environmental Literacy Plan for comment.

**Director’s Report** – Marge Hughes reported that Pat Lupo would like to announce the approval of the Great Lakes Wind Collaborative MOU signed by the heads of 10 federal agencies and the governors of Illinois, Michigan, Minnesota, New York and Pennsylvania for coordination of off shore wind development in the Great Lakes.

Marge Hughes attended the DCNR Advisory Council meeting in March. Joe Graci is the DCNR staff person who volunteered to be the one who assists their council. The DCNR Advisory Council would like to continue to work with DEP’s Citizens Advisory Council. DCNR has been working on Act 13 as a lease owner and a surface owner with the state parks. She was informed that 80% of the state forests oil and gas rights are held by the Commonwealth. In the state parks, 80% of the rights are held by private ownership.

Marge also attended AQTAC’s recent meeting. The Council is hoping to have a CAC member named to AQTAC soon.

**Adjourn** -Meeting was adjourned at 1 pm.