

Citizens Advisory Council

May 15<sup>th</sup>, 2012

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

Members in Attendance:

Cynthia Carrow	Janet Keim
Jim Clauser	Nancy Perkins
Gail Conner	Thaddeus Stevens
Terry Dayton	John Walliser
Walter Heine	Burt Waite

**Call Meeting to Order** - Chair John Walliser called the meeting to order at 10 am and noted that a quorum was present.

**Chair's Report** -The minutes of February, March and April were presented for approval. Burt Waite moved to approve, Thad Stevens seconded. All council members voted in favor. The February, March and April meeting minutes were approved.

The Report on the 2011 Regional Meeting and Field Trip was presented to the Council for approval. Thad Stevens motioned to approve, and Cynthia Carrow seconded. All council members voted in favor.

Executive Director Marge Hughes distributed a resolution commending Dave Strong for his years of service with Council. Thad Stevens motioned to approve the resolution and Walter Heine seconded it. All council members voted in favor.

**Public Comment** -Chair John Walliser noted that Council recently received a letter from John Dawes, Executive Director of the Foundation for Pennsylvania Watersheds, requesting CAC look into water quality issues in the Susquehanna River. As a result, Jeff Smith from the Pennsylvania Fish and Boat Commission (F&BC) was invited to present background information. Mr. Smith provided details on blotchy bass syndrome as well as the decline in the small mouth bass population. Council members raised questions regarding tissue sampling, parameters reviewed, the ramifications of placing the river on the 303d impaired waterways list, and similar actions in other states.

DEP Water Management staff clarified when a TMDL (Total Maximum Daily Load) can be assigned to a river and explained that TMDLs can only be done once the stressor is identified. Council members noted that TMDL may not be effective when there are multiple causes of impairment and a nontraditional approach may be needed. Deputy Secretary Kelly Heffner

reported that the Department is working with a variety of agencies. Mr. Smith offered to share F&BC's study design and offered that they are looking for data collection funding and expertise from various partners.

Following additional discussion, Council Chair, John Walliser tasked the CAC Water Committee with following this issue. Based on the meeting discussion, Council agreed that additional scientific investigative work is necessary to identify the cause of the water quality problems in the Susquehanna and offered support to the F&BC's effort to collect and analyze pertinent scientific data. Council also noted support for DEP's efforts and encouraged the Department to continue to share its expertise with the Fish and Boat Commission. Marge was directed to prepare a letter in support of additional studies.

Roberta Winters, Vice President for Issues and Action of the League of Women Voters of Pennsylvania, addressed the council in regards to the League's recommendation to enforce existing regulations, pause permitting of new long wall coal mining operations and reform Act 54. She distributed a copy of her remarks.

John Walliser opened the floor for any additional public comments, and there were none.

**Water/Wastewater Sustainable Infrastructure** - Burt Waite reminded Council of a bill discussed at April's CAC meeting that, among other requirements, would have required full-cost pricing, annual financial reports and asset management planning for water and waste water facilities. He noted an estimated \$36 billion gap between available funding and system needs.

There was considerable discussion on elements of the proposed bill, what actions CAC might take to support or revise various concepts, legislative timing for reintroduction, and next steps. Burt Waite proposed that he and Marge prepare draft position paper for Council to consider at a future meeting. John Walliser and Nancy Perkins suggested they may be able to identify students to assist in reviewing the PUC section of this bill.

**CAC Review of Act 54 Report** (Act 54 of 1994, *The Effects of Subsidence Resulting from Underground Bituminous Coal Mining on Surface Structures and Features and on Water Resources, 2003-2008*) - Susan Wilson distributed a draft discussion document to Council members prior to the meeting for their review. She was preparing a document that captures the Council's actions over much of the last 18 months including various discussions with DEP, several discussion panels as well as a regional meeting focused specifically on the effects of deep mining in southwestern Pennsylvania.

Members asked questions and offered comments on several issues including, historical site protection, disclosure statements, mineral legal rights and new developments in restoration technologies. CAC Chair, John Walliser gave Council members a deadline of the end of the week to submit comments to Sue. She will be preparing a letter to DEP and the General Assembly from Council that includes its suggestions and findings about Act 54.

## **Elections**

The Council held elections for CAC positions on the Environmental Quality Board (EQB) and Mineral Resources Advisory Board (MRAB), for terms of July 1<sup>st</sup>, 2012 to July 1<sup>st</sup>, 2013. For EQB, Burt Waite was added to the ballot as a nomination to be a full time member. Also on the ballot for full time members were: Cynthia Carrow, Gail Conner, Terry Dayton, Walter Heine, Richard Heine and Burt Waite. John Walliser and Pat Lupo were listed as alternates.

For MRAB, Terry Dayton was placed on the ballot.

Members cast written ballots and Chairman Walliser announced the results for EQB, elected members are Cynthia Carrow, Walter Heine, Gail Conner, Terry Dayton and Burt Waite. Terry Dayton was elected for MRAB.

**DEP Report** - Alisa Harris, Special Deputy Secretary for External Affairs, joined the meeting to present the Department's report to the Council. Ms. Harris reviewed key vacancies in the department including Regional Directors for both the Northcentral and Southcentral offices. She noted that these responsibilities were being handled by the respective region's Assistant Regional Director. She also announced that Southeast Regional Director Joe Feola was retiring in July and Cosmo Servidio will step into that position. Ms. Harris communicated that the department had also recently created two new Bureau Director positions in the Oil and Gas Program.

Ms. Harris confirmed to council that SEPs (supplemental environmental projects) were still being considered by the department. This program provides an opportunity for an operator or permittee who has a violation or penalty, to propose an environmental project within their community. It is the operator or permittee's responsibility to seek a SEP, not the department. She expected that by the end of the summer, the department would have a revised policy about SEPs.

She also discussed the development of a mine influenced water use policy related to hydraulic fracking. The department has done presentations and webinars on the subject. She expects the final policy to be posted in mid-June.

Council members inquired about the contracting of the next Act 54 five year report. Ms. Harris indicated that she anticipates a contract with the University of Pittsburgh would be finalized by the end of July and the contract period would extend to August 2014.

She announced that DEP will soon begin a set of webinars titled DEP@Home. This series will cover subjects that affect average citizens. The topics include Summer Advisories, Energy Efficiency Technologies and Resources, a 'How To' site on testing, disinfecting, maintaining private wells, and Radon Awareness.

**CAC 2011 Annual Report** - Susan Wilson reported that she expects the 2011 annual report to be ready for Council's review by the next meeting.

### **Committee Reports**

- **Water** – Thad Stevens presented the water report. He reported that the Committee met April 17<sup>th</sup> and heard a presentation on 2012 Draft Integrated Water Quality Monitoring and Assessment Report. The Committee decided that there was enough oversight and expertise already applied to its review and they had no comments.
- **Nominating** – Cynthia Carrow noted that the election for CAC officers will be held during the June meeting. So far the slate includes John Walliser nominated for Chair and Burt Waite nominated for Vice Chair. She asked any interested member to contact her
- **EQB Withdrawal Procedure Workgroup** – John Walliser reported that the committee has not yet met to develop a procedure to be used when the Department withdraws a regulation after it's been acted upon by EQB.

### **New or Unfinished Business**

The DEP Environmental Justice Advisory Board (EJAB) members would like to meet with CAC at some point for an informal introduction meeting. A possibility for a meeting date and location was suggested for the October 30 & 31 Brownfields Conference when both groups could meet before the actual conference begins.

Ms. Hughes hopes to have an update by the next meeting on the data integrity question for eFACTS that was raised by Mr. Michael Jacoby at the April CAC meeting. Other subjects Council would like to address in upcoming meetings include water well standards, results of Professor Ben Stout's long wall mining headwaters study, and designation of critical water standards.

### **Adjourn**

Nancy Perkins motioned to adjourn, and Cynthia Carrow seconded the motion. Meeting was adjourned at 1:05 p.m.