

**MINUTES
CITIZENS ADVISORY COUNCIL MEETING
January 21, 2014**

CITIZENS ADVISORY COUNCIL MEMBERS PRESENT:

Terry Dayton (Chairman), Greene County
Cynthia Carrow, Allegheny County
Walter Heine, Cumberland County
David Hess, Dauphin County
Burt Waite, Crawford County
William Fink, Bedford County
Thaddeus Stevens, Tioga County
Pat Lupo, Erie County

CITIZENS ADVISORY COUNCIL STAFF PRESENT:

Michele Tate, Executive Director

CALL TO ORDER:

Chairman Terry Dayton called the meeting to order at 11:05 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. Chairman Dayton asked all Council members to introduce themselves.

CHAIRMAN DAYTON'S REPORT TO COUNCIL:

Following the introductions of all Council members present, Chairman Dayton noted that a quorum for the meeting was not attained; therefore, Council could not take any official action on any subject matter at the meeting. He announced that reappointment letters were received for various Council members, including Dave Hess, William Fink and Thaddeus Stevens. He also announced that Nancy Perkins informed him that she will not be seeking reappointment to Council due to conflicting future professional commitments. Ms. Perkins will continue to serve on Council until April 2014.

APPROVAL OF NOVEMBER 19, 2013, MEETING MINUTES:

Chairman Dayton asked for any corrections or amendments to the draft minutes, as presented to Council. Dave Hess moved to adopt the November 19, 2013, meeting minutes, and Pat Lupo seconded the motion. Although the minutes were unanimously approved, Council's vote will need to be ratified at a future meeting attended by a quorum of Council members.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) REPORT TO COUNCIL:

E. Christopher Abruzzo, DEP Secretary, provided a report to Council in which he elaborated on several topics, including the recent release by the Governor's Budget Office of the 2012-2013 Report on State Performance. He noted that the report highlights goals and performance objectives of Commonwealth agencies, including accomplishments to meet performance measures. DEP's performance objectives include: reducing risks to communities posed by dams; improving environmental health and safety through permitting, inspections and enforcement; improving quality of life by protecting the health and safety of PA residents; increasing the development of and leveraging private investment for alternative energy sources in PA; reducing impacts of pollution to Pennsylvania land, air and water resources; and restoring Pennsylvania lands impacted by legacy environmental issues. In his remarks, Secretary Abruzzo

noted that DEP had reviewed 33,315 permits in 2012-2013 and that 80.03% of the facilities regulated by DEP were in full compliance with environmental requirements, which is an increase of 2.32% from the 2011-2012 evaluation period. He also noted that 95.8% of violations were resolved, compared to 92.10% in 2011-2012.

In other topics, Secretary Abruzzo noted that the Environmental Quality Board (Board) would be extending the public comment period on the proposed Chapter 78 regulations concerning Environmental Protection Performance Standards at Oil and Gas Well Sites and that the Board would also be holding two additional public hearings on the proposed rulemaking. Secretary Abruzzo also discussed the supplemental comment period that recently closed for the policy on Implementing the DEP Permit Review Process and Permit Decision Guarantee and informed Council on the status of the Auditor General's review of DEP's Oil and Gas Program. Concerning priorities for the coming year, he invited Council to submit suggestions to him on issues DEP should prioritize its focus in 2014. In his concluding remarks, he introduced Dennis Whitaker, DEP Chief Counsel, who provided information to Council on the Pennsylvania Supreme Court's recent decision, *Robinson Township, et al. v. Commonwealth*, which overturned key provisions of Act 13. Mr. Whitaker elaborated that DEP's first priority is reviewing the court's decision and analyzing the changes that may need to be made to the Chapter 78 proposed rulemaking and Oil and Gas Program procedures as a result of that decision. He stressed, however, that the Department has independent authority through several statutes to establish stream and other setback provisions associated with oil and gas well operations, which the Supreme Court struck down in Act 13. In addition, Mr. Whitaker noted that the Department is also more broadly reviewing all DEP programs to determine what, if any, impacts the Supreme Court's decision may have on regulations and permit actions. Mr. Whitaker also noted that the Corbett Administration has filed for reconsideration of the Supreme Court's ruling.

In response to Secretary Abruzzo and Mr. Whitaker's comments, Council engaged in discussions with the Department on areas for continued dialogue including future updates from DEP on the Department's analysis of the effect of the *Robinson Township, et al. v. Commonwealth* decision on all Department programs, the Commonwealth's FY 2014/2015 budget including DEP's anticipated budget for FY 2014/2015, the importance of the Commonwealth's strategies to address climate change and reduce greenhouse gas emissions, the need for additional initiatives to support alternative energy sources such as wind and solar, and continued initiatives to improve air quality in the Cumberland Valley region.

PA CLIMATE ACTION PLAN UPDATE:

Vince Brisini, Deputy Secretary for Waste, Air, Radiation and Remediation, provided Council with an overview of the Department's Climate Action Plan Update, which was submitted to Governor Corbett on December 31, 2013. The update fulfilled the Department's requirement, as provided in the Pennsylvania Climate Change Act (Act 70 of 2008), to submit to the Governor updates to the original action plan every three years. The initial Climate Change Action Plan was issued by DEP in December 2009. Following Mr. Brisini's remarks, Mark Brojakowski, DEP Bureau of Air Quality, provided a presentation on the process utilized by the Department's Climate Change Advisory Committee to advise DEP on the appropriate updates to the plan.

Following the Department's presentation, Council noted the significant reductions in reducing greenhouse gas emissions in Pennsylvania appear to be attributable to the conversion from coal to natural gas as a fuel for base load or near base load electric power plants. While some recognized the benefits of alternative energy sources, it was noted that these sources, including wind and solar,

are not replacements for base load power plants and cannot contribute toward the significant reductions that are being realized by electric power plants that are converting to natural gas. Other Council members expressed concern that the update does not include a specific greenhouse gas reduction goal and does not focus sufficiently on the role the expanded use of alternative energy sources can play in reducing greenhouse gases.

PROPOSED REISSUANCE OF GENERAL PERMIT BWEW-GP-8; TEMPORARY ROAD CROSSINGS AND ASSOCIATED 401 WATER QUALITY CERTIFICATION:

Ken Murin, with DEP's Wetlands, Encroachment and Training Division, gave a presentation to Council on proposed changes to the reissuance of GP-8, which allows the construction, operation, maintenance and removal of temporary crossings across regulated waters of this Commonwealth, including wetlands, where no practicable alternatives exist. After Mr. Murin's presentation, Council members did not pose any questions.

PUBLIC COMMENTS:

Roberta Winters, PA League of Women Voters: Roberta Winters, representing the PA League of Women Voters, expressed appreciation to DEP for its outreach on the proposed changes to the Chapter 78 oil and gas regulations, including DEP's launch of the on-line public comment tool to increase ease and efficiency of citizen input. Ms. Winters also expressed appreciation over the availability of the Climate Change Action Plan, but noted that the League believes more emphasis should be placed in the plan on energy conservation and the development of renewable, sustainable resources. In her concluding remarks, she recommended that Council prioritize the review of Act 54, the Bituminous Mine Subsidence and Land Conservation Act, and noted the importance of being proactive, in lieu of passing on the costs of clean up and remediation to Pennsylvania taxpayers.

Matt Walker, Clean Air Council: In comments submitted to Council, Matt Walker, on behalf of the Clean Air Council, expressed concerns that the PA Climate Change Action Plan lacked an emissions reduction goal and a realistic path to reduce greenhouse gas emissions in Pennsylvania. He noted the plan included energy policy recommendations that are ineffective because they do not account for the growing emissions of natural gas development operations, which are a more potent greenhouse gas than carbon dioxide. He emphasized the need to reduce greenhouse gas through energy efficiency measures and recommended that Pennsylvania's plan prioritize renewable energy sources that do not emit carbon dioxide during energy generation. In his concluding remarks, he noted that DEP should recommend expanding the Alternative Energy Portfolio Standards (AEPS) in Pennsylvania to at least 20% by 2022.

CAC EXECUTIVE DIRECTOR'S REPORT: Michele Tate noted to Council upcoming legislative hearings that are scheduled on January 28, 2014, by the Senate Banking and Insurance Committee and Senate Environmental Resources and Energy Committee to discuss flood insurance, and on January 29, 2014, by the House Environmental Resources and Energy Committee to receive testimony on H.B. 1565 pertaining to riparian buffers. Ms. Tate also noted to Council the recent launch of a website by the Pennsylvania House Appropriations Committee that provides an electronic form for the public to submit questions or issues for the committee to consider during budget hearings. The website to access the form is www.pabudget.com/participation.aspx.

NEW/UNFINISHED BUSINESS: Chairman Dayton noted his recommendation to Council that future meetings convene at 10:00 a.m.

ADJOURN: At the call of Chairman Dayton, the meeting was adjourned at 2:00 p.m.