

**Citizens Advisory Council (CAC)
Public Participation Committee Report
Recommendations for Making DEP's Advisory Committees More Effective**

The Citizens Advisory Council's Public Participation Committee developed this report which includes a series of recommendations for making the Department of Environmental Protection's (DEP) Advisory Committees more effective and recommendations for revising the agency's 1998 policy #012-1920-002: Advisory Committee Guidelines. The recommendations are based on a survey the Committee sent to the Chairs of 22 of DEP's Advisory Committees soliciting their suggestions on how to improve public participation in the agency's development of regulations, policies, procedures, standards, and technical guidance; a roundtable discussion on October 21, 2014, to which the Chairs of DEP's Advisory Committees and DEP staff serving as liaisons to Advisory Committees were invited; and the Committee's own review of the Advisory Committee Guidelines policy during an October 1, 2014, conference call.

Survey: On August 25, 2014, the CAC's Public Participation Committee submitted a survey to the chairs of 22 of DEP's advisory committees. The following questions were included in the survey:

1. How could DEP make better use of the expertise on your advisory committee?
2. Does your advisory committee receive feedback from DEP when it provides comments to the agency?
3. How well is your advisory committee being supported by DEP, including timely notice of meetings, distribution and posting of meeting handouts, reimbursement for expenses?
4. What comments do you or your advisory committee have on DEP's Advisory Committee Guidelines policy (1998)?
5. What does your advisory committee believe are its most significant accomplishments or where does your advisory committee believe it has made its most significant impact?

Survey Population: The CAC submitted surveys to the chairpersons of the following DEP advisory committees:

Agricultural Advisory Board	Air Quality Technical Advisory Committee
Certification Program Advisory Committee	Cleanup Standards Scientific Advisory Committee
Climate Change Advisory Committee	Environmental Justice Advisory Board
Laboratory Accreditation Advisory Committee	Low Level Waste Advisory Committee
Mine Families First Response and Communication Advisory Committee	Mining and Reclamation Advisory Board
Oil and Gas Technical Advisory Board	Radiation Protection Advisory Committee
Recycling Fund Advisory Committee	Sewage Advisory Committee
Small Business Compliance Advisory Committee	Small Water Systems for Technical Assistance Center
State Board for the Certification of Sewage Enforcement Officers	Solid Waste Advisory Committee
Storage Tank Advisory Committee	State Board for the Certification of Water and Wastewater System Operators
Water Resources Advisory Committee	Technical Advisory Committee on Diesel-Powered Equipment

Survey Responses: Of the 22 DEP advisory committee chairpersons surveyed, the CAC received responses from 18 advisory committees, resulting in an 82% survey response rate. The individual responses, organized in alphabetical order by advisory committee, are included in Appendix A.

Overall the responses to the questions about DEP's use of the Advisory Committees, feedback received from DEP when Committees did offer comments and the support received by the Committees was very positive.

The Committees felt they were being listened to by DEP, received feedback from the agency about their comments and thought they generally received meeting information and handouts and other support from DEP staff in a timely manner. Each of the Committees pointed out one or more significant accomplishments the Committees had working with the Department.

A number of Advisory Committee Chairs made recommendations for improvements, including: the Sewage Advisory Committee, the Environmental Justice Advisory Board, the Solid Waste Advisory Committee, Small Water System Technical Advisory Board, Oil and Gas Advisory Board and the Climate Change Advisory Committee. Among their recommendations were:

- Provide Advisory Committees with a clear expectation of their role and responsibilities and what they could expect to do and not do, as the Advisory Committee Guidelines require.
- Requested to be involved earlier in the process of developing regulations and policies, even if it is just concepts or background information on the issues the Department is trying to address.
- Make sure meeting information and materials were sent to Committee members and posted on the agency's website at least two weeks prior to a meeting as the Advisory Committee Guidelines policy requires.
- Provide consistent and more specific guidance on the Sunshine Act requirements for giving the public notice and an opportunity to participate in subcommittee, workgroup meetings and conference calls among Advisory Committee members.
- Include higher-level Department staff in Advisory Committee meetings so they can talk directly to decision-makers.

Review of Advisory Committee Guidelines: Members of the CAC's Public Participation Committee offered many of the same comments as DEP's Advisory Committee Chairs during our own discussion of the agency's 1998 Advisory Committee Guidelines in an October 1, 2014, conference call. Overall, the Committee felt the Guidelines were well thought out and have withstood the test of time.

Committee members also pointed out issues related to adequate Sunshine Act notices for subcommittee meetings, workgroup meetings and conference calls, clarifying the roles and responsibilities of each Advisory Committee, possibly annually, timely posting and delivery of meeting materials in accordance with the Advisory Committee Guidelines, standardizing the method of reporting comments from Advisory Committees to the Environmental Quality Board, making sure the Advisory Committee Guidelines apply to Regional Office Roundtables and having a standard policy for catering Advisory Committee lunches.

Committee members noted several instances where the Guidelines needed to be updated, for example: to include the most recent Management Directives, eliminating the reference to the Deputy Secretary for Federal-State Relations since that position no longer exists within the agency and including a public comment period at each Advisory Committee meeting in compliance with a more recent statute.

Roundtable Discussion: The October 21, 2014, roundtable discussion was attended by six DEP Advisory Committee Chairs, 7 DEP Advisory Committee liaison staff, seven members of the Citizens Advisory Council and staff and Hayley Book, Director of DEP's Office of Policy. Much of the discussion mirrored the results of the survey and further sharpened the Committee's understanding of the issues raised in the survey results, as well as highlighted and identified other issues. These issues included:

- DEP Advisory Committee Liaison staff should share best practices on Advisory Committee meeting management, consistent webpage content and layout, providing comments to DEP, and ensuring agency responses to committee comments. DEP liaison staff should be offered training in these best practices to avoid widely differing practices among the Committees.
- Advisory Committee members should be given more than two weeks to review regulatory and other proposals that come before them, especially when the proposals are lengthy and complex.
- A regular schedule should be established to review existing DEP regulations and policies for their effectiveness, cost of management and appropriateness given changes in technology as well as changes in state and federal requirements.
- Advisory Committees should be more involved up-front in developing regulatory and policy guidance and should do more strategic planning on what issues they will tackle in a collaborative effort with DEP staff. Meeting agendas, for example, should be developed with the active participation of Committee Chairs.
- Advisory Committees should be given a more appropriate level of support to match the assignments they are given by DEP or by statute.

Public Participation Committee Recommendations: Overall the responses to the questions and the roundtable discussion about DEP's use of the Advisory Committees were very positive. The Committees felt they were being listened to by DEP, they received feedback from the agency about their comments and they thought they received meeting information and handouts and other support from DEP staff in a timely manner. Committees were generally proud of their accomplishments in working with DEP on important issues.

Based upon review of the agency's 1998 Advisory Committee Guidelines policy, responses from the survey of 22 DEP Advisory Committee Chairs, and the roundtable discussion with DEP Committee Chairs and DEP liaison staff, the CAC's Public Participation Committee recommends to Council that the Department take these steps to improve the use of advice recommended by Advisory Committees and revise the Advisory Committee Guidelines policy accordingly:

1. Review Advisory Committee Responsibilities: Council and DEP should conduct a review of Advisory Committees established to offer advice to the Department to determine if their assignments are overlapping, if there are gaps in the subjects they cover, if they are meeting their purpose or no longer needed, if they have a full complement of members and DEP staff support and if their focuses should be changed to make them more effective.

- For example, DEP has a number of Advisory Committees related to water resources that seem to have overlapping responsibilities or do not have their full complement of members or staff support (i.e. the Statewide Water Resources Advisory Committee). As another example, there is an Advisory Committee for small drinking water systems, but there is no committee for the Drinking Water Program generally.
- Other Committees have been set up temporarily or by DEP for specific tasks, like the Chesapeake Bay Management Team, but do not follow the Advisory Committee Guidelines policy in posting membership or how the membership was selected and other basic information on their responsibilities.
- There are also gaps in the way DEP uses Advisory Committees to comment on proposed Technical Guidance and program policies. For example, the recent proposed changes in the Oil and Gas Program Enforcement Policy was not shared with any Advisory Committee before it was published for public comment. DEP also does not uniformly have Advisory Committees review new or revised General Permits.

2. Periodic Review of Existing Regulations, Technical Guidance and Programs: DEP should establish, with the collaboration of Advisory Committees, a program to periodically review existing regulations, technical guidance and agency programs for their effectiveness and efficiency, how new technologies can be incorporated into their implementation and whether DEP has adequate resources to carry out its responsibilities and statutory mandates. A five year review cycle may be appropriate.

3. Establish and Share Best Practices: DEP and Advisory Committees should identify and share best practices between the Committees and DEP liaison staff to ensure compliance with the Advisory Committee Technical Guidance touching on these areas:

- Provide Advisory Committees with a clear expectation of their role and responsibilities and what they could expect to do and not do as the Advisory Committee Guidelines require on an annual basis.
- Involve Advisory Committees earlier in the process of developing regulations and policies, even if it is just concepts or background information on the issues the Department is trying to address.
- Developing agendas cooperatively with Advisory Committee Chairs and collaborate more on planning for what issues the Committees will consider.
- DEP should provide Advisory Committees with technical and other support appropriate to the assignments they are given by the Department or by statute.
- Make sure meeting information and materials are sent to Committee members and are posted on the agency's website at least two weeks prior to a meeting as the Advisory Committee Guidelines require. More time for Advisory Committee review should be given for long or complex proposals.
- Include higher-level Department staff in Advisory Committee meetings so they can talk directly to decision-makers.
- Establish clear methods Advisory Committees can use to provide advice to the Department, for example, by letter, including comments and questions in Committee minutes or by other means and clarify the form of the response DEP will make back to the Committee.
- Provide specific and consistent guidance to Advisory Committees on the Sunshine Act requirements for subcommittee, workgroup and conference calls meetings. Advisory Committees and DEP should provide as much notice as possible to give the public an opportunity to become involved in the Committee process if they choose.
- Standardize the information posted on each Advisory Committee webpage to include a current list of Advisory Committee members, their contact information and DEP staff liaison to each Committee along with their contact information and all handouts reviewed by the Committees.
- DEP liaison staff should be trained in these procedures.

4. Apply Advisory Committee Guidelines Policy to All Formally Established DEP Advisory Groups: The Advisory Committee Guidelines policy should be applied to all formally established DEP advisory groups, such as the Regional Office Roundtables and other groups created temporarily or semi-permanently by DEP to give it advice.

5. Establish a Technical Guidance Agenda: DEP should establish a Technical Guidance Agenda like the Regulatory Agenda it now has to publicly communicate the Technical Guidance, General Permits or other program policies it has under development or when they expect to be considered.

6. General Update To Advisory Committee Technical Guidance: The Advisory Committee Technical Guidance should be updated to keep it current with newer statutes and the Department's organizational

structure, for example: include a public comment period at each Advisory Committee meeting in compliance with a more recent statute; eliminate the reference to the Deputy Secretary for Federal-State Relations since that position no longer exists in the agency; and include the most recent Management Directives referenced in the Guidelines.

APPENDIX A

Agricultural Advisory Board

Jennifer Reed-Harry

1. How could DEP make better use of the expertise on your advisory committee?

The DEP AAB offer ample opportunity for stakeholder input – we have found it best to use smaller breakout workgroups to discuss and work on issues.

2. Does your advisory committee receive feedback from DEP when it provides comments to the agency?

yes

3. How well is your advisory committee being supported by DEP, including timely notice of meetings, distribution and posting of meeting handouts, reimbursement for expenses?

Overall, the DEP AAB works very well – we recently had a transition from Frank Schneider to Tom Juengst – Tom is working hard to get up to speed on the issues and the process the DEP AAB is accustomed to.

4. What comments do you or your advisory committee have on DEP’s Advisory Committee Guidelines policy (1998)?

Based on my review – the DEP AAB fully complies with the guidelines.

5. What does your advisory committee believe are its most significant accomplishments or where does your advisory committee believe it has made its most significant impact?

DEPAAB worked very hard to craft the Manure Management Manual – this included numerous meetings of many diverse stakeholders --

Air Quality Technical Advisory Committee

Patrick O’Neill, Esq.

1. How could DEP make better use of the expertise on your advisory committee?

I think they make fairly good use of the AQTAC. It might be helpful to bring proposed regulations to the Committee earlier in the drafting process.

2. Does your advisory committee receive feedback from DEP when it provides comments to the agency?

Our Committee does receive verbal feedback during our meetings, and we have seen early drafts of regulations amended so as to address concerns first raised by members of the Committee.

In the last year we also specifically began a process asking members to keep track of any special requests or feedback that they are expecting from DEP. At the end of each meeting we make a list of follow up items that DEP makes a note of. These items are listed in the minutes and DEP does a fairly good job of being ready with feedback or answers to these issues at the next meeting.

3. How well is your advisory committee being supported by DEP, including timely notice of meetings, distribution and posting of meeting handouts, reimbursement for expenses?

The DEP Air Program does a very good job of supporting our Committee. Meetings are schedule for the entire next year prior to the end of the current year. All handouts are posted on the AQTAC website and e-mailed to members in advance of a meeting, usually a week to 10 days in advance. Staff also keep

minutes of each meeting that are distributed in advance for review so that they can be approved at the beginning of the following meeting. Reimbursement is generally good taking an average of a month after invoices/bills are submitted. All our meetings are attended by several DEP technical staff members as well as legal counsel who provide information on matters before the Committee and answer questions as needed.

4. What comments do you or your advisory committee have on DEP's Advisory Committee Guidelines policy (1998)?

The basic document appears to remain sound. However, any policy or document that is more than 5 let alone 10 years old is worth reviewing. The only item that jumps out immediately is that it makes minimal mention of electronic forms of notice and posting of information.

5. What does your advisory committee believe are its most significant accomplishments or where does your advisory committee believe it has made its most significant impact?

AQTAC in working w/ the DEP Air Program has helped to provide a nearly constant flow of new and updated air regulations. It is only the occasional meeting that does not have at least one regulatory action item, and often 2 or 3 that need to be voted on for forwarding to the EQB or other further action. This includes the review, analysis and recommendations related to the so called Control Techniques Guidelines (CTGs) which are regulations required by EPA to help reduce VOCs from consumer and commercial products ranging for certain personal care products to commercial printing , motor vehicle and ship coatings.

One of our major contributions is the advisory role itself. The Committee consists of a fairly even mix of industry and environmental groups with a mix of technical and regulatory expertise. DEP can rely upon our group to give then a broad spectrum of opinions and points of view as proposed air regulations are evaluated.

Certification Program Advisory Committee

John Ackerman

1. How could DEP make better use of the expertise on your advisory committee?

Our committee is somewhat different from other DEP Advisory Committees in that we had a specific goal to attain in the development and finalization the regulations to be included in the Operator's Handbook. We spent a considerable amount of time during the ten years it took to develop the Handbook, generally a meeting every quarter and at some points even more often to go over the draft regulations and their components as developed by DEP staff.

Our meetings generally ran from five to six hours exclusive of a lunch break. Presentations were made by various DEP staff to the committee to provide an understanding of the regulations to be included in the various Handbook components. With the diverse nature of our committee makeup, representing all the stakeholder groups, our discussions included wildly divergent viewpoints and were quite in-depth normally requiring considerable additional staff input to refine the committee's understanding of the points before composing and voting on a final comment. We did allow minority comments to be presented along with the majority comments.

Now that the Handbook is complete, we have not had the need to meet as we have not had any questions submitted to the committee by the DEP. So we are essentially on a stand-by basis ready to act if required, but since our work has been completed the committee could be sunsetted.

2. Does your advisory committee receive feedback from DEP when it provides comments to the agency?

Our DEP liaison anticipated and ensured that the staff needed for feedback to the committee's questions were present at the meetings and for those questions that could not be answered immediately would send out a memo detailing the answer or would have the appropriate staffer available for the next meeting. She also responded in a timely manner in providing a letter with our comments for signature and submittal to the appropriate department or official.

3. How well is your advisory committee being supported by DEP, including timely notice of meetings, distribution and posting of meeting handouts, reimbursement for expenses?

We never had any problems with any support items associated with our advisory committee work right down to insuring that all the committee member appointments are up to date.

4. What comments do you or your advisory committee have on DEP's Advisory Committee Guidelines policy (1998)?

We were advised of the Guidelines and provided direction in how to abide by them by the Committee Liaison and Counsel, most especially during the initial formation period that included the development of the Committee By-Laws. It was advantageous to have a Committee Counsel present during that period.

One of the items that most of our committee members did not like was the prohibition of DEP staff from receiving the catered lunch with the Committee members. Our liaison would have to go get her lunch and then come back down to the meeting room. She partook in discussions among the committee members during the lunch period providing us insights in the regulation development process. We feel it is a small cost for the extra effort we received from our liaison and her staff to allow them to have lunch with us.

5. What does your advisory committee believe are its most significant accomplishments or where does your advisory committee believe it has made its most significant impact?

We believe that our greatest accomplishment was to address all the concerns of each stakeholder group with in-depth discussions and be able to provide input on a timely basis to the regulation development process that allowed it to keep moving forward at a reasonable pace until the regulations were completed and the Handbook was finally published.

Cleanup Standards Advisory Board

Ron Buchanan

1. How could DEP make better use of the expertise on your advisory committee?

I believe we have stretched the boundaries of developing cutting edge science in concert with DEP and believe that the Cleanup Standards Science Advisory Board, (CSSAB), a statutory committee under Act 2, individual expertise and the CSSAB as a whole, are well engaged in DEP's scientific, deliberative and rulemaking processes. Overall, I think PADEP listens to and clearly engages in technical dialogue with CSSAB. The agency certainly responds to the CSSAB's comments and develops regulatory packages with substantive input from the CSSAB.

2. Does your advisory committee receive feedback from DEP when it provides comments to the agency?

Clearly, PADEP engages the CSSAB, in technical and regulatory discussions, listens and responds to our comments, questions, concerns and routinely provides formal feedback to CSSAB either in real time or in writing depending upon the topic and level of detail involved.

3. How well is your advisory committee being supported by DEP, including timely notice of meetings, distribution and posting of meeting handouts, reimbursement for expenses?

DEP provides technical staff to support the CSSAB, the Board's technical and regulatory reviews, and provides conference rooms and luncheon meals ... all in all, a good level of support.

4. What comments do you or your advisory committee have on DEP's Advisory Committee Guidelines policy (1998)?

It would be useful for CAC and DEP to re-review the 1998 Guidelines and determine whether and to what extent any revisions or upgrades are in order, given the age of this material.

5. What does your advisory committee believe are its most significant accomplishments or where does your advisory committee believe it has made its most significant impact?

The current, most significant accomplishments revolve around revamping the DEP Technical Guidelines. Act 2 regulations and DEP's Technical Guidance Manual (TGM). The most recent example is the cutting edge, comprehensive assessment of and upgrades to, the evaluation of the potential vapor intrusion from the subsurface, including developing screening values, modeling approaches, and guidance. This is a crucial technical development that will impact all environmental remediation projects associated with volatile organic compounds within the Commonwealth. This was the result of excellent cooperation with staff and management of DEP and the concerted efforts of the dedicated scientists and engineers of the CSSAB.

Climate Change Advisory Committee

Christina Simeone

Thank you for the opportunity to provide input on Pennsylvania Department of Environmental Protection's (DEP) advisory committee process. I have been a member of the Climate Change Advisory Committee (CCAC) since April 2012 (serving as an alternate prior) and as Chair of the CCAC since September 2012. During this time, I have experienced a wide range of challenges in performing the advisory committee member duties identified in the Pennsylvania Climate Change Act of 2008. I hope the responses below provide insight into these challenges and inform the work of the Citizens Advisory Council (CAC). I did not endeavor to solicit feedback from other CCAC members, therefore, these responses are limited to my own experiences.

1. How could DEP make better use of the expertise on your advisory committee?

PA DEP could better use CCAC member expertise by devoting adequate resources to development of deliverables under the PA Climate Change Act of 2008 (Act). During the development of the 2013 Climate Change Action Plan, PA DEP devoted one full time equivalent to supporting the plan's development. The 2009 action plan had between 2- 5 FTE devoted to the effort, as well as a team of 10-15 external consultants. As a result of resource limits, the CCAC was consistently told that technical analysis, substantive research and administrative or organizational activities could not be performed. This negatively impacted committee member ability to provide recommendations to DEP, as required by the Act. Specifically:

- **Technical Resources** – During the development of the 2013 Climate Change Action Plan, PA DEP did not devote the technical resources or expertise required to perform the detailed analysis required by the Act. As a result, the review process of technical work plans suffered time consuming delays as technical errors, outdated data sets, incomplete information, inaccurate analysis, and other substantive problems were identified by the committee. Correction of these issues was problematic, as DEP could not make revisions in a timely manner, or lacked the expertise to inform solutions. DEP increased its reliance on CCAC members to perform original

or modified technical analysis, creating a separate host of issues. NOTE: DEP did retain external consultants to perform the macroeconomic analysis and scientific climate impacts study that are required by the Act.

- **Administrative Resources** – CCAC’s work leading to the release of the 2013 Climate Action Plan was inefficient and unnecessarily time consuming due to lack of administrative support. Recommendations, identification of technical issues and suggested edits by the CCAC were not consistently tracked by DEP, leading to redundant review of materials and associated delays. CCAC experienced distracting controversies associated with DEP’s “editorializing” of meeting minutes, though this issue improved significantly toward the end of the process.
- **Greater Transparency on Timeline and Tasks** – During the 2013 Climate Action Plan process, DEP did not develop clear internal (i.e. DEP process) or external (i.e. CCAC) timelines for the development of work products or decision making deadlines. As a result, and due to resource limitations, statutory deadlines for issuance of both the climate impacts assessment and action plan were exceeded. CCAC repeatedly requested input from DEP on procedural next steps and timelines, but did not get clear answers from DEP. In December 2013, without advanced notice, DEP informed the committee that the action plan was to be finalized and submitted to the General Assembly by the end of the month. This essentially gave the CCAC two weeks to review hundreds of pages of information and technical analysis, did not provide the CCAC with an opportunity to review the macro economic analysis with the consultant, reduced the opportunity to develop a minority report, etc. In essence, DEP’s actions served to marginalize the role of the CCAC at the most important junction of the plan’s development. This inhibited the ability of the CCAC members to perform their duties as identified in the Act.

2. Does your advisory committee receive feedback from DEP when it provides comments to the agency?

In general, DEP does provide feedback to the CCAC input. However, the feedback can range from substantive action (e.g. making changes or revisions) to passive action (e.g. acknowledgement of feedback, without follow through). This range of action is appropriate, given the advisory nature of the CCAC. However, in some instances, DEP informed the committee that they would not accept recommendations from the CCAC and even took actions to prevent the CCAC from making recommendations. For example, the PA DEP told the CCAC they would not consider any recommendation from the committee that involved increasing the state’s renewable energy requirement in the Action Plan. I believe this type of action from DEP is inappropriate and prevents the CCAC from fulfilling the duties of the Act.

3. How well is your advisory committee being supported by DEP, including timely notice of meetings, distribution and posting of meeting handouts, reimbursement for expenses?

As mentioned in response #1, DEP did not provide adequate administrative resources to the CCAC. CCAC members consistently requested that website materials be updated, meeting materials be provided promptly, outdated documents be revised, etc. These problems persisted, but incrementally improved towards the end of the 2013 process.

4. What comments do you or your advisory committee have on DEP’s Advisory Committee Guidelines policy (1998)?

As mentioned, I did not endeavor to solicit input from other CCAC members. I believe the guidelines document provides a valuable framework for both advisory committee members and the department. However, there are opportunities to strengthen the document:

- Provide more detail about department and advisory committee roles and responsibilities, including technical and administrative resources, and transparency on timelines and tasks (i.e. required time frame for advisory committee input on specific tasks, where practicable).
- Regarding committee membership, the CCAC's work has been impacted by failure to secure legislative appointments/reappointments. I believe DEP has made good faith efforts to prompt action by appointing authorities, but there is only so much influence the department can yield. The guidelines do not speak to this issue and it is unclear if they should or should not.
- Roberts Rules of Order seems to be a particularly, perhaps overly, formal way to conduct committee businesses. In the CCAC, we developed a "light" version of RRoO. I would be interested to understand if this could be a useful tool for other committees.
- Perhaps greater clarity on Sunshine Act requirements for sub-committee meetings. For example, CCAC subcommittees are delegated the authority to research/review/revise climate action work plans and provide voting recommendations to the broader CCAC. However, actual approval of work plans happens through full CCAC vote. In this case, has decision-making authority been delegated to the committee? From my perspective, in this example, most of the substantive work happens in the subcommittees, which would benefit from public disclosure and comment.

5. What does your advisory committee believe are its most significant accomplishments or where does your advisory committee believe it has made its most significant impact?

This is unclear. Serving on the CCAC has been quite frustrating. We have been able to develop and finalize two climate action plans and impacts reports. However, little to no action has been taken as a result of report/plan recommendations.

Environmental Justice Advisory Board

Arthur Frank

1. How could DEP make better use of the expertise on your advisory committee?

They could come to us with questions, especially in areas where they have no staff i.e. Medicine, toxicology and others. We advise but often feel that what we have to say goes no further than being heard, with no action thereafter.

2. Does your advisory committee receive feedback from DEP when it provides comments to the agency?

We meet with the Secretary sometimes and he remembers prior discussions, but (see comment above) little by way of action is undertaken given our input. On general issues where we meet with senior staff we get little feedback.

3. How well is your advisory committee being supported by DEP, including timely notice of meetings, distribution and posting of meeting handouts, reimbursement for expenses?

This aspect seems to go ok. There has been considerable turnover in both leadership and in support staff but generally things work ok.

4. What comments do you or your advisory committee have on DEP's Advisory Committee Guidelines policy (1998)?

Policy guidelines seem appropriate and are followed.

5. What does your advisory committee believe are its most significant accomplishments or where does your advisory committee believe it has made its most significant impact?

Some time back we had a statewide educational conference that we organized in the area of Environmental Justice. We had a good listening session in Chester and have another scheduled for Pittsburg next year. That said, little significant change from our committee's advice.

Environmental Laboratory Accreditation Committee

Steve Morse

1. How could DEP make better use of the expertise on your advisory committee?

Committee is primarily used for development of regulations and evaluation of fees. Can't think of other issues where the expertise could be utilized for laboratory accreditation.

2. Does your advisory committee receive feedback from DEP when it provides comments to the agency?

Yes, we have received feedback on all of the comments and recommendations to date.

3. How well is your advisory committee being supported by DEP, including timely notice of meetings, distribution and posting of meeting handouts, reimbursement for expenses?

DEP has provided sufficient time for meeting scheduling and has provided copies of drafts, minutes and other documents well before the meetings. I am local and have no reimbursements, so cannot comment on those issues.

4. What comments do you or your advisory committee have on DEP's Advisory Committee Guidelines policy (1998)?

I have no comments on the guidelines. I believe a copy was provided and I skimmed it quite a while ago. Had no issues at that time.

5. What does your advisory committee believes are its most significant accomplishments or where does your advisory committee believe it has made its most significant impact?

Assistance in the development of the initial regulations for the accreditation program was the most significant contribution of this committee in my opinion.

Mine Families First Response and Communication Advisory Committee

Judith Shabbick

1. How could DEP make better use of the expertise on your advisory committee?

DEP has used the expertise of committee members very well, including utilizing the expertise of mental health professionals on the committee to influence committee meeting agenda items, including discussions on mental health issues in a mine disaster. The true test will be how DEP utilizes the professional expertise on the committee during an actual mine emergency.

2. Does your advisory committee receive feedback from DEP when it provides comments to the agency?

Yes the Department provides feedback when the committee provides comments to the agency. There is good representation of Department staff at the committee meetings and the Department always adheres to an "open door policy" in working with the committee and its individual members. Joe Scaffoni is particularly helpful and very accessible to the committee.

3. How well is your advisory committee being supported by DEP, including timely notice of meetings, distribution and posting of meeting handouts, reimbursement for expenses?

DEP staff support of the committee is excellent.

4. What comments do you or your advisory committee have on DEP's Advisory Committee Guidelines policy (1998)?

I do not have any specific comments to share on the policy. I believe the committee adheres to the policy and has met its objectives.

5. What does your advisory committee believe are its most significant accomplishments or where does your advisory committee believe it has made its most significant impact?

The committee's most significant accomplishment to date is identifying and establishing measures to address the mental health needs of coal miners and their families during and as a result of a mining emergency. I believe the committee has done an exceptional job in identifying the resources available to assist coal mine operators during emergency situations and has worked collaboratively with the Department to identify areas of need, including training for DEP staff.

Mining and Reclamation Advisory Board

David Osikowicz

1. How could DEP make better use of the expertise on your advisory committee?

By continued attendance at the higher level (by) DEP personnel!

2. Does your advisory committee receive feedback from DEP when it provides comments to the agency?

Most of the time.

3. How well is your advisory committee being supported by DEP, including timely notice of meetings, distribution and posting of meeting handouts, reimbursement for expenses?

Excellent Support!

4. What comments do you or your advisory committee have on DEP's Advisory Committee Guidelines policy (1998)?

5. What does your advisory committee believe are its most significant accomplishments or where does your advisory committee believe it has made its most significant impact?

As a liaison between DEP, industry and the environmental community.

Oil and Gas Technical Advisory Board

Burt Waite on behalf of the Board

1. How could DEP make better use of the expertise on your advisory committee?

Rather than wait for regularly scheduled meetings, the Department could and should send out specific and discrete items or issues to the Board so that they can solicit input on specialized issues from constituents prior to addressing in a formal meeting setting.

2. Does your advisory committee receive feedback from DEP when it provides comments to the agency?

Yes, the Department is pretty good about responding to comments and recommendation offered by TAB.

3. How well is your advisory committee being supported by DEP, including timely notice of meetings, distribution and posting of meeting handouts, reimbursement for expenses?

The meetings are scheduled well in advance and are known to the members in plenty of time to adjust schedules. The meeting materials are either distributed very close to the meeting date or simply posted on the web page without communication with Board members (not good!). Reimbursement is spotty and incumbent on the members to initiate action to submit travel expenses. Hotel vouchers are never offered up front.

4. What comments do you or your advisory committee have on DEP's Advisory Committee Guidelines policy (1998)?

The Board at times would like to discuss issues by phone or meetings prior to airing an issue in the formal setting of a meeting at the DEP office. Guidelines on how Board members can meet to discuss issues prior to formal meeting without violating sunshine laws would be helpful.

5. What does your advisory committee believe are its most significant accomplishments or where does your advisory committee believe it has made its most significant impact?

As the name implies the Boards most consistent and positive contributions are on the issues that are the most technical and specific to oil and gas procedures.

Recycling Fund Advisory Committee / Solid Waste Advisory Committee

Michele Nestor

1. How could DEP make better use of the expertise on your advisory committee?

My fellow committee members should be considered the eyes and ears of what is happening throughout the regions. They are the "boots on the ground" with hands on experience to how well policies and programs can be/are actually implemented. Tapping into this expertise to offer proactive changes and improvements should be a priority. (see answer to #5 below) Without sufficient upfront information on the need/reasons for, it is difficult for the committee to comment or understand the topics on which they may be voting. This goes both ways. Landfill folks may not understand the basis for municipal /county programs and statutory constraints. Likewise, the local government folks may not readily know the details of leachate collection and treatment. We could do a better job of sharing some of that knowledge beforehand.

The committee members often comment that being proactive on topics and following national trends and policy making in other states is important for them to make informed decisions. They also have an interest in learning more about what other committees are doing that may be related in some aspect, even remotely, to solid waste issues. Many of our members work in multi- disciplines and see more readily the correlation/conflicts between regs./policies on air, waste, water, etc. and oil & gas, landfill management, beneficial use, etc. The more aware the committee is of the big picture, the better they become in identifying and resolving associated solid waste issues.

2. Does your advisory committee receive feedback from DEP when it provides comments to the agency?

Generally speaking, when pending policies are presented, responses to specific comments do occur.

3. How well is your advisory committee being supported by DEP, including timely notice of meetings, distribution and posting of meeting handouts, reimbursement for expenses?

I think that the notification of the meetings is timely and coordinated professionally.

4. What comments do you or your advisory committee have on DEP's Advisory Committee Guidelines policy (1998)?

It seems straightforward and basic.

5. What does your advisory committee believe are its most significant accomplishments or where does your advisory committee believe it has made its most significant impact?

The committee put forth a tremendous amount of effort during the attempt to consolidate and revise the municipal and residual waste regulations. This included a review of potential disposal bans and enhancements and changes to Act 101. Serious generative discussions about changes needed in designs and management techniques were brought to the table. Practical methods for the expansion of municipal waste and recycling programs, which encouraged private investment to ensure financial sustainability, were offered. Stakeholders ownership and responsibility for the regulations prevailed.

The committee lost momentum and has shown signs of disinterest and defeat since those discussions were stopped. This was particularly true when a series of meetings were continually cancelled and rescheduled due to a sudden lack of content.

Those events created a situation where reforms and changes are no longer initiated through the advisory committee. It appears that the industry has learned to circumvent the committee process and those discussions are now held with a more narrowly focused group of individuals. That is not necessarily a bad thing as technical expertise is essential in resolving many of these issues. However, it seems that a more appropriate and transparent method might be to introduce the need for these changes to the SWAC, formally assign the discussions to an ad hoc committee, and then have their recommendations come back to the SWAC.

That small step would bring renewed interest back to the group and offer greater value to the time they give voluntarily. We're back on track to hold the required number of meetings per year. There needs to be a sense of purpose to justify participation.

Sewage Advisory Committee

Duane Mowery

1. How could DEP make better use of the expertise on your advisory committee?

In short, actually use it! The experience represented on the committee, particularly with regard to the onlot program, is extensive. Unfortunately, we seldom have peer to peer discussions regarding issues facing the committee or the Department. Issues that are raised by the DEP are typically fully vetted within the Department before they are brought to the SAC and therefore the premise of any action has been solidified and is often so vigorously defended that the appearance of resistance to outside input is projected. Issues raised by the committee are frequently not discussed in detail by Department staff presumably because of the concern for the approval by superiors before positions can be taken.

On a somewhat different note, it is common for SAC meetings to be cancelled by DEP due to lack of agenda items. While I applaud the recognition that some members drive long distances to attend the meetings and we don't want to waste their time, is there really nothing to discuss or is there an underlying issue preventing candid discussions with the committee?

As a curious observation and one that may seem petty but anecdotal is that DEP hasn't provided a lunch for the SAC in some years. I understand that fiscal constraints and budgetary concerns demand frugality but if someone is willing to drive over 3 hours to attend a meeting ostensibly for the purpose of assisting the Department, wouldn't you think that a lunch from time to time would be considerate?

2. Does your advisory committee receive feedback from DEP when it provides comments to the agency?

From my perspective, feedback is highly sanitized and lengthy periods of time pass before we get it. “Back in the day” (late 1990’s, early 2000’s) the SAC liaison could actively participate in and represent most positions of the Department during the meeting. For a variety of reasons, including that discussed above, this doesn’t seem to be the case at the present time.

3. How well is your advisory committee being supported by DEP, including timely notice of meetings, distribution and posting of meeting handouts, reimbursement for expenses?

Administratively, we are treated well.

4. What comments do you or your advisory committee have on DEP’s Advisory Committee Guidelines policy (1998)?

The policy appears to provide adequate guidance for the administrative oversight of advisory committees. It would be nearly impossible to capture the intangible necessities of having a truly functional and mutually beneficial DEP/Advisory Committee relationship in a policy.

5. What does your advisory committee believe are its most significant accomplishments or where does your advisory committee believe it has made its most significant impact?

In the past, it has been to participate in the development of regulatory and guidance language borne of Act 537 to benefit the regulated community.

Small Business Compliance Advisory Committee

Susan Foster on behalf of five committee members

1. How could DEP make better use of the expertise on your advisory committee?

Nancy Crickman- The more advance notice we have of upcoming agenda items and their relevance to small businesses, the better prepared we can be to gather information and perhaps even talk to additional experts in advance of discussing a particular topic or issue. It would be great to have a short written advance briefing when we are discussing a new regulation which includes: 1.) Who will be impacted by the proposed regulations – in particular which small business sectors and how many 2.) Whether there has been any outreach done already (such as discussions with trade associations or currently regulated facilities and 3.) what the expected burden will be to small businesses – will there be a cost involved, additional monitoring, new equipment, etc.

Suzanne Collins Stoltenberg – We could try to get advice from a specific small business owner on the effect of a proposal on his/her business and be able to ask them questions. They could be part of the public comment rule.

Michael Leib – The committee is comprised of individuals with varied backgrounds and expertise. Our opinions and comments are considered and discussed thoroughly.

Paul Burroughs – I agree with Nancy Crickman’s comment here and would add the briefing might be provided by the staff person who will provide a presentation at the relevant meeting.

Small Business Ombudsman’s Office – Consider having committee members attend other committee meetings to see how they operate and share best practices amongst all of the committees.

2. Does your advisory committee receive feedback from DEP when it provides comments to the agency?

Nancy Crickman - Our committee provides comments on proposed regulations that impact small businesses – both informally during meetings where rule writers are actually present and also in formal comment letters. We often hear at future meetings how our comments were considered as we review new iterations of the regulations. My impression is that our comments are taken very seriously and when possible, suggestions we make on behalf of small businesses are incorporated.

Suzanne Collins Stoltenberg – In my one year and a half on the committee I have not heard any feedback at our quarterly meetings.

Michael Leib – Always. If it does not occur within the actual meeting, the follow-ups have been prompt and thorough – typically within a week.

Paul Burroughs – We get feedback (and explanation) at the Committee meetings and at times from the Department at subsequent meeting.

Small Business Ombudsman’s Office – yes.

3. How well is your advisory committee being supported by DEP, including timely notice of meetings, distribution and posting of meeting handouts, reimbursement for expenses?

Nancy Crickman – The support for our committee is excellent. Susan Foster is organized, efficient and extremely knowledgeable about the committee bylaws, logistics and also the technical subject matter. She often interprets highly technical information into layman’s terms and the relevance to small business so the committee is better able to provide feedback. The minutes are very detailed and distributed in a timely manner and all of the materials are posted on DEP’s website.

Suzanne Collins Stoltenberg – Susan Foster does a superb job!

Michael Leib – I have served on various boards through my professional career, and I can honestly state, without exaggeration, that the preparation, presentation, organization and efficiency of the DEP staff is “top notch”. Susan Foster deserves special recognition.

Paul Burroughs – My experience is the staff that are significantly involved in Committee meetings (preparation and participation at meetings). Staff is always well prepared, informative and patient. Susan Foster is extremely helpful before, during and in between meetings. Staff and the chair are succinct and stick to the agenda so the meetings are precisely the length anticipated.

Small Business Ombudsman’s Office – Very well, no issues or problems.

4. What comments do you or your advisory committee have on DEP’s Advisory Committee Guidelines policy (1998)?

Nancy Crickman – Given the range of issues and discussion topics, the committee functions best with a full complement of members present. If it is not already covered in the guidelines (I may have missed it) perhaps there could be some sort of expectation on meeting attendance or even a virtual attendance alternative if needed, to encourage greater participation at meetings.

Suzanne Collins Stoltenberg – I only suggest a rethinking of the appointees paragraph because we go for long periods with open seats. Also I find it troubling that there is just one small business owner required, even though we have a few. (Susan Foster comment: there is only one for the Governor’s

appointment, but all four legislative appointments must be small business owners or small business owner representatives).

Michael Leib – None.

Paul Burroughs – The Guidelines identify the timing of distribution to the Committee of draft regulations and I am not certain whether the Committee is involved at the earliest stages suggested by the policy (and would stand corrected if not accurate). My other comment is the reimbursement of actual expenses is different than the current Commonwealth policy. I understand it but it is not actual costs. I recognize the choice I made but still provide the comment.

Small Business Ombudsman's Office - No comments.

5. What does your advisory committee believe are its most significant accomplishments or where does your advisory committee believe it has made its most significant impact?

Nancy Crickman – Under the excellent leadership of our chair, Dale Kaplan, our committee has provided comments on proposed regulations, stayed current with upcoming policies and regulatory initiatives that may impact small businesses, coordinated outreach strategies for education on new regulations and funding opportunities (including the Small Business Advantage Grant) and provided a platform for the coordination of DEP's small business program including the ombudsman's office and the PA SBDC's Environmental Management Assistance Program (EMAP) which provides no-cost technical assistance to small businesses. This coordination has helped us to streamline our collective resources to best educate and assist small businesses statewide.

Thank you for the opportunity to comment. It is a pleasure to be a member of DEP's Small Business Compliance Advisory Committee.

Suzanne Collins Stoltenberg – I believe there has been a good effort to reach out to small businesses and alert them to proposals and comment periods. I believe there is a freedom for open thought on the committee and yet a civility to discuss issues that may be controversial.

Michael Leib – Mitigating the negative impact of the ever growing burden of regulations on small businesses and helping businesses on how to comply through professional groups or associations. Promoting the Small Business Advantage Grant.

Paul Burroughs - Interfacing the committee and the varying interests of the regulator, the regulated and other stakeholders has been very helpful to me in understanding the Department's reasoning behind (usually) regulations but I also note that oftentimes the staff, very professional and informed, are enlightened by Committee feedback. As well the other interests, such as EMAP are represented at the table and are heard. The committee function permits the interfacing of persons rather than just comments submitted to proposed regulations.

Small Business Ombudsman's Office – With over 900,000 small businesses in Pennsylvania, the Small Business Compliance Advisory Committee most significant impact is reviewing proposed and existing regulations and programs and how they affect small businesses, to assure such regulations are written in understandable, clear layman's terms, and to advise the Department of the small business perspective on air quality issues.

Small Water Systems for Technical Assistance Center

Serena DiMagno

1. How could DEP make better use of the expertise on your advisory committee?

By providing TAC meeting materials well in advance of the meeting. When Board members receive the meeting materials only two weeks before the meeting, it does not allow sufficient time for the members to consult with their respective constituents regarding technical issues pertaining to regulatory or policy changes.

The other consideration is that DEP has been using the TAC Board as the Water Industry advisory board; however, the TAC Board represents only a segment of the water industry focused on small water systems. DEP should consider that the entire water industry needs to be heard when new regulations or new policies are being developed. It would be even more advantageous to DEP if the water industry expertise was brought into the development process when new regulations or policies are being written.

2. Does your advisory committee receive feedback from DEP when it provides comments to the agency?

Yes, DEP does provide feedback regarding the TAC Board comments.

3. How well is your advisory committee being supported by DEP, including timely notice of meetings, distribution and posting of meeting handouts, reimbursement for expenses?

The TAC Board is supported by DEP, the only issue is the timeliness of the delivery of the meeting materials, particularly when complex and lengthy regulations are being presented for consideration by the TAC. More than two weeks are needed to review these materials. TAC Board understands that many times this is due to the time that the Policy office takes to approve the materials for distribution to the TAC Board. Hopefully, the timeliness can be improved for future meetings.

4. What comments do you or your advisory committee have on DEP's Advisory Committee Guidelines policy (1998)?

No comments regarding the Advisory Committee Guidelines.

5. What does your advisory committee believe are its most significant accomplishments or where does your advisory committee believe it has made its most significant impact?

The TAC Board has provided comments on significant regulatory and policy packages impacting the water industry: including Public Notification, The Water and Wastewater Fee Package, Operator Certification, etc. The TAC Board believes the comments provided in the development of these regulatory and policy packages resulted in constructive changes that improved the overall implementation of the packages.

State Board for the Certification of Water and Wastewater System Operators

Joseph Swanderski

1. How could DEP make better use of the expertise on your advisory committee?

DEP frequently taps the technical and managerial expertise on the State Board for Certification of Water and Wastewater Systems Operators. We consistently receive requests for input and feedback on program regulations, policies and guidance documents. We have ample opportunities to see how the Operator Certification Program is progressing through routine updates from the DEP staff.

2. Does your advisory committee receive feedback from DEP when it provides comments to the agency?

DEP's Board Secretary and the DEP Secretary's representative on the Board always provide follow-up information when requested by the Board as well as frequent updates on the progress of the Certification Program.

3. How well is your advisory committee being supported by DEP, including timely notice of meetings, distribution and posting of meeting handouts, reimbursement for expenses?

DEP provides excellent support to the Board. The Board's meeting notices are always timely, and the Board Secretary emails all meeting materials to the Board members well in advance. Additionally, the materials are posted on DEP's website in a timely manner.

4. What comments do you or your advisory committee have on DEP's Advisory Committee Guidelines policy (1998)?

None

5. What does your advisory committee believe are its most significant accomplishments or where does your advisory committee believe it has made its most significant impact?

Working with DEP on developing the Chapter 302 regulations, influencing the statewide process for offering operator certification exams, rebuilding the Operator Certification Program after the 2009 state employee furloughs, modernizing the program to include online certification exams, providing feedback to DEP on the best approach to satisfying the statewide demand for certification exams and providing expert advice on complex situations.

Storage Tank Advisory Committee

John Arnold

1. How could DEP make better use of the expertise on your advisory committee?

I am actually not sure that they could. Charlie Swokel and the committee has really used the expertise very well. Not sure what else could be done honestly. Besides the committee meetings themselves, when issues arise, there have been many times that a special committee has been formed to weigh in on and advise on the matter at hand. Charlie and the committee are constantly looking to add new committee members that can improve the quality of the resources at hand. The advisory committees are a great idea and personally I feel that the time that I and we have spent on the Storage tank Advisory Committee has been very valuable.

2. Does your advisory committee receive feedback from DEP when it provides comments to the agency?

Always.

3. How well is your advisory committee being supported by DEP, including timely notice of meetings, distribution and posting of meeting handouts, reimbursement for expenses?

The Storage tank Advisory Committee is very well run. Frequent communication. While not wasting our time either, they make sure to meet and address the issues at hand. Communication and support from the Storage Tank Section has been excellent.

4. What comments do you or your advisory committee have on DEP's Advisory Committee Guidelines policy (1998)?

Laying our actual meetings against these guidelines, I see us as in compliance with them. And is probably why our committee works so well. I think the guidelines policy makes real sense and if the

desire is to have a fully functioning and worthwhile advisory committee that following the guidelines is truly necessary. They are a good road map to effectiveness.

5. What does your advisory committee believe are its most significant accomplishments or where does your advisory committee believe it has made its most significant impact?

The review and advising on proposed regulations and reopening and tweaking (for the better) existing legislation. It is hard for me to point to one significant accomplishment. I have been on the committee for quite some time. From underground storage tank regulations (huge effort), to the tank installer certification program, to revised and improved cleanup standards, to overseeing various programs to clean up unfunded environmental contamination, etc., there have been and continue to be, very major accomplishments. All of which have relied and leaned heavily upon the advisory committee process and is why they have worked so well in the real world.

Water Resources Advisory Committee

Robert Traver

1. How could DEP make better use of the expertise on your advisory committee?

The primary use recently is to comment on policy or decisions proposed by the Dept. We could be used earlier in the process in setting directions, or developing options. This would be an effective use of the committee.

2. Does your advisory committee receive feedback from DEP when it provides comments to the agency?

Generally I believe the committee feels this could be improved, though I do see evidence of our comments in the product stream. We advisory, not regulatory so we aren't required a response document. An update on past meeting influences would help.

3. How well is your advisory committee being supported by DEP, including timely notice of meetings, distribution and posting of meeting handouts, reimbursement for expenses?

Excellent

4. What comments do you or your advisory committee have on DEP's Advisory Committee Guidelines policy (1998)?

I will bring this up to my next meeting on 26 Sept. I would like to see us take more advantage of the internet age.

5. What does your advisory committee believe are its most significant accomplishments or where does your advisory committee believe it has made its most significant impact?

In commenting on issues going to the EQB would be my answer.