

**MINUTES
CITIZENS ADVISORY COUNCIL MEETING
November 18, 2014**

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Cynthia Carrow, Allegheny County
Walter Heine, Cumberland County
David Hess, Dauphin County
Burt Waite, Crawford County
William Fink, Bedford County
Thaddeus Stevens, Tioga County
Joi Spraggins, Philadelphia County
Seth Mendelsohn, Dauphin County
John Walliser, Allegheny County
Donald Welsh, Chester County
R. Timothy Weston, Cumberland County

CITIZENS ADVISORY COUNCIL STAFF PRESENT:

Michele Tate, Executive Director

CALL TO ORDER:

In Chairman Terry Dayton absence, Vice-Chairman Bill Fink called the meeting to order at 10:00 a.m. in Room 105 of the Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA.

VICE –CHAIRMAN FINK’S REPORT TO COUNCIL:

Vice-Chairman Fink announced to Council that Speaker Sam Smith recently appointed Mark Caskey to serve on the CAC, effective October 31, 2014. He noted that Mr. Caskey is from Washington, PA, and is currently the President of Steel Nation, Inc., a company that designs and builds transmission, storage and compression facilities for the mid-stream and transmission operations of the oil and gas industry throughout the Marcellus, Utica and other American Shale gas plays. Vice-Chairman Fink noted that Mr. Caskey could not attend Council’s meeting today but noted Council’s eagerness in meeting and working with Mr. Caskey in the future.

Vice-Chairman Fink expressed Council’s appreciation of DEP Deputy Secretary for Water Management Kelly Heffner, who participated on a conference call with Council on November 7, 2014, to discuss with Council DEP’s comments on EPA’s Proposed Waters of the US Rulemaking. In its comments to EPA, DEP expressed significant concerns with the regulatory proposal, including that it creates more confusion than it clarifies and has the potential to delay permitting in Pennsylvania and undermine the state’s already strong 402 and 404 programs. Vice-Chairman Fink noted that the Council members who had participated on the conference call with Deputy Secretary Heffner agreed with DEP’s concerns on the federal proposal and believed it was important for the CAC to continue to monitor the development of the rulemaking and how it will impact Pennsylvania.

Vice-Chairman Fink updated Council on DEP’s development of a regulatory proposal to overcome current regulatory impediments that restrict the consideration of alternative technologies in the onlot sewage planning phase of development under the state’s Act 537 Sewage Planning Program. He noted that the proposal was presented to the Sewage Advisory Committee on November 5, 2014, where many committee members questioned the scope and necessity of the

various amendments DEP proposed. He noted that the Sewage Advisory Committee would be organizing a subcommittee that will be working with DEP to develop the draft regulatory proposal and that Michele Tate will be attending those meetings and will keep the CAC updated.

Vice-Chairman Fink noted to Council that the 2015 CAC meeting dates were provided to members. He noted that in January, Council would be meeting on Wednesday, January 21, 2015, and in May, would be meeting on Wednesday, May 20, 2015.

In concluding his remarks, Vice-Chairman Fink announced the departure of Janet Keim from Council, who was initially appointed to the CAC in 2006. Vice-Chairman Fink noted the CAC's appreciation of Janet's many years of service to Council.

PUBLIC COMMENT:

Celeen Miller, League of Women Voters of Pennsylvania: Celeen Miller provided comments on behalf of the League of Women Voters of Pennsylvania in which she applauded the work of the CAC in its recent report, which identified recommendations to improve the effectiveness and efficiency of DEP's advisory committees. She noted that the League of Women Voters of Pennsylvania hopes the best practices identified in the report are implemented by the agency's advisory committees to optimize the important role each committee plays in promoting good government. She also expressed the need for a better system of tracking waste impoundments or frack ponds associated with Marcellus Shale development in Pennsylvania in response to a recent report in the media about the lack of adequate, accessible data regarding the number, location, and nature of over 500 frack ponds from natural gas operations in the state. She urged Council to collectively and individually advocate for a better system of tracking waste impoundments in Pennsylvania.

Emily Krafjack, Connection for Oil, Gas & Environment in the Northern Tier, Inc.: Emily Krafjack, President, Connections for Oil, Gas & Environment in the Northern Tier, Inc., submitted comments to Council prior to the November 18, 2014, meeting, which Michele Tate read and entered into Council's record. In her comments, which she prefaced as suggestions for Council's consideration as it begins discussions on recommendations to provide to Governor-Elect Wolf, she urged that the Environmental Quality Board's proposed Environmental Protection Performance Standards at Oil and Gas Well Sites rulemaking proceed without further delay. She suggested that the number of Oil and Gas Program staff be expanded, but cautioned that the incoming Administration exercise due diligence when contemplating any staffing changes in the program given its level of dedicated and hard-working employees from the executive level to field staff. In addition to expanding the number of Oil and Gas Program staff, she suggested that the Department place more emphasis on monitoring regional air quality; prioritize the completion of the Long Term Marcellus Air Monitoring Study in order that appropriate changes to permitting, monitoring and enforcement may occur, and form a stakeholder work group to identify gaps that remain in the Department's Oil and Gas Program and how those gaps should be addressed.

APPROVAL OF OCTOBER 21, 2014, MEETING MINUTES:

With no corrections or additions recommended by Council, Vice-Chairman Fink asked for a motion to approve the October 21, 2014, Council meeting minutes.

Tim Weston motioned to adopt the October 21, 2014, meeting minutes as presented to Council. Seth Mendelsohn seconded the motion, which was

unanimously adopted by Council.

AGGREGATE ADVISORY BOARD; APPOINTMENT OF CAC MEMBERS:

Vice-Chairman Fink announced to Council that the CAC has four seats on the newly created Aggregate Advisory Board, which was recently created through the passage of Act 137 of 2014. The Aggregate Advisory Board will be a 13-member board that will be organized to advise DEP on matters pertaining to surface mining in the Commonwealth. Vice-Chairman Fink noted that four Council members expressed interest in serving on the Board, including Terry Dayton, Walter Heine, Thad Stevens, and Burt Waite.

Tim Weston motioned to approve the appointments of Terry Dayton, Walter Heine, Thad Stevens, and Burt Waite to serve on the Aggregate Advisory Board. Joi Spraggins seconded the motion, which was unanimously adopted by Council.

DEP ENVIRONMENTAL EDUCATION GRANT PROGRAM:

Ann Devine, DEP Environmental Education Regional Program Coordinator, provided a presentation to Council on the Environmental Education Grants Program which was formally initiated in Pennsylvania in 1993 through the enactment of the Environmental Education Act. She explained that the program is funded through the allocation of five percent of all fines and penalties collected from the Clean Water Fund, the Clean Air Fund, the Solid Waste Abatement Fund, the Well Plugging Fund, and other funds. She noted that over the history of the program, over \$9 million has been awarded to over 1,600 projects. She also emphasized that the program is the significant source of environmental education funding in the Commonwealth.

Ms. Devine noted that applications for the current 2015 Environmental Education grant round are due by December 19, 2014, and award recipients will be announced around Earth Day 2015. Following Ms. Devine's presentation, Council discussed the challenges associated with a grant program that is not supported by a direct or dedicated line of revenue, how a matching requirement may increase program effectiveness and how EPA has a similar grant program at the federal level but how that funding is extremely competitive among grant applicants.

DEP REPORT TO COUNCIL:

Acting Secretary Dana Aunkst provided a report to Council in which he elaborated on the activities the agency will be undertaking during the transition to the Wolf Administration. He noted that the agency is developing a transition report for the incoming administration and will be submitting the report to Governor Corbett's Office for review. He noted that a number of high priority projects of the agency would be completed by the end of the Corbett Administration, including the TENORM Study, the Long-Term Marcellus Shale Air Quality Study, policies to implement Act 162 relating to stream buffers in High Quality and Exceptional Value Streams, changes to General Permit 5 (GP-5) concerning natural gas compression and/or processing facilities necessitated by a recent U.S. Supreme Court decision, the submission of comments to the U.S. EPA on its proposed Clean Power Rule, and the Department's analysis on the effect the PA Supreme Court's Robinson Township/Act 13 decision may have on DEP's permits, including guidance for the various DEP programs to implement.

CAC COMMITTEE REPORTS

Public Participation Committee: Dave Hess presented for Council's consideration and action

the CAC's Public Participation Committee Report on Recommendations for Making DEP's Advisory Committees More Effective. The report includes a number of recommendations for improving the effectiveness of agency advisory committees and was based upon the significant input the CAC received from the survey of 22 of DEP's advisory committee chairpersons, a roundtable discussion held by Council on October 21, 2014, with DEP advisory committee chairpersons and liaisons, and Council's review of DEP's current Advisory Committee Guidelines policy (#012-1920-002).

Upon review of the recommendations included in the report, Tim Weston suggested that Council provide further specificity to one of the recommendations. In lieu of suggesting that the advisory committee guidelines be applicable to all advisory committees, Mr. Weston suggested that Council recommend to the Department that it apply its advisory committee guidelines to all those advisory committees that are *formally established* by the Department.

Tim Weston moved that Council approve the Public Participation Committee's Report entitled "Recommendations for Making DEP's Advisory Committees More Effective", with his suggested change that the Department's advisory committee guidelines be applied only to those advisory committees formally established by DEP. Burt Waite seconded the motion, which was unanimously adopted by Council.

Legislative Committee: Cynthia Carrow provided Council with an update on plans the Legislative Committee is developing in order to better coordinate and communicate more effectively with the General Assembly. This will include a series of meetings with House and Senate Leadership to discuss important CAC priorities, as well as an introduction of Council, its mission, membership, and mandate to the new members of the General Assembly. Ms. Carrow noted that a conference call of the Legislative Committee would be scheduled prior to the January 21, 2015, Council meeting so that the committee can further discuss details including a timeline for its anticipated activities.

Policy and Regulatory Oversight Committee: Tim Weston presented for Council's concurrence and approval Part One of an expected two-part Transition Report that the CAC will submit to the incoming Wolf Administration. Part One of the report highlights critical Departmental issues for immediate consideration by Governor-Elect Wolf and his management team, including DEP leadership, public credibility and trust, budgetary resources, public involvement and participation, and employee recruitment and workforce training. Upon review of Part One of the report, Council did not pose any suggestions or edits.

Tim Weston moved for Council's adoption of Part One of the Transition Report for submission to the incoming Wolf Administration. John Walliser seconded the motion, which was unanimously approved by Council.

Mr. Weston explained that Part Two of the Transition Report will identify long-term issues impacting DEP that Council believes the Wolf Administration should focus on over the next four years. Among those issues identified were: allocation of a proposed natural gas severance tax to environmental programs, climate change, water and wastewater infrastructure, on-lot sewage systems program management improvements, implementation of the Chesapeake Bay TMDL commitments, water resources management, statewide water well standards legislation, the state's abandoned mine lands, and overall federal and state relations between DEP and the EPA. Mr.

Weston noted that the Committee would be working on issue papers covering these topic areas over the next several weeks and plans to have a draft of the Part Two report completed for Council's consideration at the January 21, 2015, meeting.

NEW/UNFINISHED BUSINESS:

Vice-Chairman Fink as well as Council noted that they did not have any new or unfinished business to discuss.

ADJOURN:

With no further business, Vice-Chairman Fink requested a motion to adjourn. Burt Waite made a motion to adjourn the meeting, which was seconded by Thad Stevens and adopted unanimously by Council. The November 18, 2014, meeting of the CAC was adjourned at 1:12 p.m.