

MINUTES
CITIZENS ADVISORY COUNCIL MEETING
January 17, 2017

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Terry Dayton, Greene County
William Fink, Bedford County
Walter Heine, Cumberland County
John Hines, Lebanon County
John Over, Fayette County
Jim Sandoe, Lancaster County
John Walliser, Allegheny County
Donald Welsh, Chester County
Jim Welty, Cumberland County
Timothy Weston, Cumberland County

CITIZENS ADVISORY COUNCIL STAFF PRESENT:

Katherine Hetherington Cunfer, Acting Executive Director

CALL TO ORDER:

Chairman 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, with a quorum. The meeting was also broadcast via WebEx for the public.

COMMENTS BY CHAIRMAN FINK

Chairman Fink announced that Burt Waite has resigned from the CAC. Burt did submit to the Senate the name of a possible replacement.

APPROVAL OF OCTOBER 18, 2016 MEETING MINUTES:

Tim Weston requested that the spelling of his last name be corrected. With that change, Chairman Fink asked for a motion to approve the October 18, 2016 Council meeting Minutes.

Tim Weston moved to approve the October 18, 2016 meeting Minutes. Terry Dayton seconded the motion, which was unanimously approved by Council.

APPROVAL OF DECEMBER 14, 2016 MEETING MINUTES:

Chairman Fink asked for a motion to approve the December 14, 2016 Council meeting Minutes.

Jim Sandoe moved to approve the December 14, 2016 meeting Minutes. Don Welsh seconded the motion, which was unanimously approved by Council.

DEP REPORT

Acting Secretary McDonnell provided the following departmental updates:

Radon Awareness Month

January is National Radon Action Month. DEP encourages Pennsylvanians to test their homes for radon. Radon is a known carcinogen and the second leading cause of lung cancer in the United States. Pennsylvania, because of its geologic makeup, is prone to high levels of radon and it has been detected in about 40% of homes. Simple radon tests are inexpensive and available at all hardware stores. More information can be found on DEP's Bureau of Radiation Protection website.

Environmental Education Director

Bert Myers will serve as DEP's Environmental Education Program Supervisor. Bert served as an environmental education specialist at the Pennsylvania Game Commission's Middle Creek Wildlife Management Area for 15 years. He graduated from the University of Pittsburgh with a degree in history and served in the United States Marine Corps before he began his career in environmental education at Colonel Denning State Park.

Chesapeake Bay Restoration Initiative

- **PSU Agriculture Survey Results**

The data was submitted to the EPA Chesapeake Bay Program Office for inclusion into the Chesapeake Bay Watershed Model for credit toward documenting reductions in nitrogen, phosphorous, and sediment.

- **Stormwater BMP Grants**

DEP recently announced a second round of grant funding to local government entities in the Chesapeake Bay watershed. Funding is targeted to those counties with the highest nutrient and sediment loading from urban areas in the Chesapeake Bay watershed, including Blair, Cumberland, Dauphin, Franklin, Lackawanna, Lancaster, Lebanon, Luzerne, Lycoming, and York Counties. Applicants can be eligible for grants up to \$200,000. The funding source for these grants is the US Environmental Protection Agency Chesapeake Bay Implementation Grant. Applications are due by March 3, 2017.

- **Chesapeake Bay Commission**

Representative Garth Everett was elected chairman of the Chesapeake Bay Commission at the Commission's January 2017 meeting. He highlighted that the goal of the Pennsylvania delegation is to get legislation passed in Pennsylvania to create a dedicated Water Fund to help with future funding of restoration efforts in the watershed.

Legislative Environmental Resources & Energy Committee

The House and Senate Environmental Resources Committee chairmen for the 2017-2018 legislative sessions are John Maher and Mike Carroll for the House and Gene Yaw and John Yudichak for the Senate. The House and Senate are recessed until January 23. Full committee assignments will be announced later this month.

PUBLIC COMMENT

Robert Ruth, Staff Attorney with the Clean Air Council, applauded the Department for its diligent efforts in drafting the methane general permits. The Council believes that the general permits represent a tremendous improvement over Exemption 38, which has allowed operators to submit compliance demonstrations six months after a facility is operating and polluting. This change has the potential to result in substantial emissions reductions and cost savings. Given the

magnitude of the problem, the Clean Air Council is encouraged to see DEP taking direct action by requiring 98% control of methane emissions.

Studies show emissions factors used by industry to self-report pollution levels may lead to gross underestimation of total emissions. Top down studies which measure the actual methane content in the air have continually found much more methane than PA's inventories would predict. Studies have shown that leaks occur randomly and are not well correlated to characteristics of well pads such as age, production type, or well count. These characteristics strongly point toward the need for frequent, if not continuous, inspections to identify and repair leaking components in equipment. The Clean Air Council is troubled by the stepdown provision included in these requirements. It believes this is bad policy that incentivizes operators to simply avoid finding leaks, thereby acting contrary to the public interest. Quarterly inspections of well sites are sensible and cost effective and there should be no escape from this standard.

The Clean Air Council expects to submit detailed, technical, written comments addressing this and other issues once the final version of the permits are published.

INFORMATION TECHNOLOGY MODERNIZATION

Sean Crager, Chief Information Officer of DEP's Bureau of Information Technology, discussed BIT's goals, objectives, and initiatives, including:

- Implementing services transformation, enhancing security services, and increasing disaster recovery capabilities;
- Strengthening strategic planning and governance, collaborating with other entities, and communicating strategies across DEP;
- Fostering and empowering a mobile workforce, increasing mobile technology capabilities, and implementing mobile applications;
- Redesign of DEP's internal and external website, increasing data transparency to the public, and creating an open data portal; and
- Implementing a digital government strategy, modernizing technologies and applications, and modernizing the way DEP develops applications.

BIT currently has 46 active projects.

METHANE REDUCTION STRATEGIES FOR NATURAL GAS OPERATIONS

Krishan Ramamurthy, Acting Director Bureau of Air Quality and Charles Bortiz, Air Quality Engineering Specialist gave a presentation on the methane reduction strategies being suggested for natural gas operations including draft ideas related to new general permits. The same presentation was given at the Air Quality Technical Advisory Board meeting. The permits include an update to GP-5 and converting the existing Exemption 38 for natural gas well pads and remote pigging stations to GP-5A going forward. New and existing facilities will have to comply with the updated Best Available Technology upon construction or an upgrade.

The controls being sought in GP-5 and GP-5A will require efficiency of 98% or greater reduction of methane and VOC emissions. Fugitive emissions will be monitored monthly by well site crew and quarterly by leak detection and repair (LDAR) program inspections or other approved methods. The GPs establish timeframes for repairs of a detected leak.

Due to EPA's recently published Control Techniques Guidelines to address volatile organic chemicals from existing sources, DEP must create a State Implementation Plan for regulations to address emissions from existing sources within the next two years as well.

BYLAWS

A draft of the revised Bylaws was distributed several months ago by Tim Weston. Various members of the CAC provided comments, and all of the comments were incorporated into the document. The Bylaws Committee has unanimously proposed that the Bylaws be presented to the Council for consideration.

Tim Weston moved to adopt the Bylaws as written. The motion was seconded by John Walliser and unanimously approved by Council.

SOLID WASTE AUTHORITY ADVISORY BOARD

Katie Hetherington Cunfer stated that the Solid Waste Authority Advisory Board is in need of a new member as a replacement for John Over. John has been unable to attend most meetings because of schedule conflicts with Solid Waste Authority meeting dates. The Solid Waste Authority Advisory Board will meet four times per year, with the member being required to attend half of those meetings. Jim Sandoe volunteered to be the replacement for John Over.

Chairman Fink indicated that the CAC currently has four open vacancies. In addition, the terms of multiple members are expiring or have expired. Katie Hetherington Cunfer has sent out letters to the various appointing agencies regarding those reappointments and also requesting that the vacancies be filled.

LEGISLATIVE

Cynthia Carrow is the Chair of the Legislative Committee. Cynthia has indicated to Katherine Hetherington Cunfer that she does want to re-up that committee and have regular conference calls on current happenings and get briefings on the bills that will be coming forward.

A key item will be fixing the Recycling Act, Act 101.

The original sponsor of the Covered Device Recycling Act, Chris Ross, is no longer a member of the legislature, so a new champion must be found. There have been discussions about ways to improve the legislation so devices will actually be recycled and not limited to a weight standard.

A heavy budget topic will be hazardous sites cleanup. That fund was previously funded by the stock and franchise tax, which has been phased out. Some of the impact fee goes into the hazardous sites cleanup program, but it is much, much less than the stock and franchise tax. Some of the impact fee money that was supposed to go to HSCA was put into the General Fund. Additionally, funds were removed from the recycling program and the Alternative Fuel Incentive Grants program to try to help out the General Fund.

The Alternative Sewage System bill is expected to return. There have been internal discussions about ensuring that the sewage regulations and Act 537 updates get worked through. Currently, there is a lack of staff in that program.

There was a recent proposal that all fines and penalties from the Oil & Gas Program go into the General Fund.

EXECUTIVE DIRECTOR POSITION

Bill Fink stated that the Executive Director posting closes on January 20. That position is currently open and is posted on the DEP website. DEP/DCNR will review the applications submitted, filter out the candidates who do not meet the qualifications, and then will provide a list of the qualified applicants to CAC's executive committee. The executive committee will schedule interviews with those individuals in the next month or so, select a candidate from the group, and then advise DEP's Acting Secretary of our chosen candidate and work through the hiring process.

Katherine Hetherington Cunfer indicated that there has been considerable interest in the position. It is a statutorily-required position, but, because of the complement cap, there will need to be discussions with the Budget Office about filling the position. There is also a salary ban. The salary will be commensurate with the posting and whether or not the selected candidate is a Commonwealth employee.

NEW BUSINESS

Chairman Fink mentioned the possibility of a field trip to Brunner Island this summer.

Tim Weston mentioned the York Haven power plant, which is Pennsylvania's oldest hydroelectric facility.

Katherine Hetherington Cunfer suggested visiting crude oil facilities in Warren County or possibly drinking water facilities to see how they are responding to recent changes in regulations.

NEXT MEETING

The next meeting will be February 21.

ADJOURNMENT:

With no further business, Chairman Bill Fink requested a motion for adjournment. Terry Dayton moved to adjourn the meeting, which was seconded by Tim Weston and all were in favor. The January 17, 2017 meeting of the CAC was adjourned at 12:00 PM.