

MINUTES
CITIZENS ADVISORY COUNCIL MEETING
February 21, 2017

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Cynthia Carrow, Allegheny County
Terry Dayton, Greene County
William Fink, Bedford County
Donald Welsh, Chester County

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS VIA WEBEX:

Mark Caskey, Washington County
John Over, Fayette County
Jim Sandoe, Lancaster County
John St. Clair, Indiana County
John Walliser, Allegheny County
Jim Welty, Cumberland County

CITIZENS ADVISORY COUNCIL STAFF PRESENT:

Katherine Hetherington Cunfer, Acting Executive Director

CALL TO ORDER:

Chairman Fink called the meeting to order at 10:02 a.m. in the Delaware Room 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.

Chairman Fink asked CAC's newest member appointed by the Senate, John St. Clair, to briefly introduce himself to the Council. Mr. St. Clair stated that he lives in Indiana County, Brush Valley Township, a small township right outside of the town of Indiana. He has lived there all his life. Mr. St. Clair started working on a dairy farm at the age of 12 and paid his way through college. His father worked in the steel mills, worked in a stone quarry, and was also a coal miner, all of which peaked Mr. St. Clair's interest in geology. He obtained a degree in environmental geoscience and upon graduation started working for environmental consultants. He eventually was hired by Rosebud Mining Company, one of the larger coal mining companies in western PA, for whom he has worked for the past 10 years. He is currently the manager of permitting for Rosebud. As an aside, Mr. St. Clair noted that Rosebud is currently undermining his house so he not only permits mining but is also impacted by mining and he sees both sides of the coin.

DEP REPORT

Acting Secretary McConnell provided the following updates:

Budget Preparations and Hearings

The Department's budget hearings will begin with the House of Representatives on Monday, February 27. The Senate budget hearing will be held on Thursday, March 9. Acting Secretary McDonnell described the budget as being relatively flat and believes that is as good as it gets this year with the number of fiscal challenges facing the state and the attempt that is being made to

rebalance. He believes DEP is relatively well positioned in terms of the IT investment the Department has been making and the ongoing investment in training. There is an additional \$15 million per year for three years for the Chesapeake Bay efforts. The Department will receive a little over \$8 million of those funds in order to do additional work in ag, as well as additional work on stormwater with MS4s.

DEP Retirement Statistics

The details are still being worked out for an early-out provision for employees as part of the budget.

An analysis of the Department's staffing complement shows that:

- 319 employees currently have 30+ years of service, which is more than 10% of the workforce
- 51 staff with 35-40 years
- 4 staff with 40+ years
- 213 staff will have 30-35 years as of June 30, 2017

DEP will continue to review the operations of programs as retirements or resignations occur and will look at gaining efficiencies through consolidation of programs and streamlining and restructuring areas. Some of these vacancies will need to be refilled to ensure proper execution of the programs, but the final number of replacements will not be known until the universe of staff that accept the proposal is understood.

Safe Drinking Water Program Update

With regard to the Pittsburgh Water and Sewer Authority, DEP continues to track PWSA's progress in complying with DEP's Order regarding the unauthorized change in corrosion control treatment chemicals and the lead action level exceedances. PWSA must continue to comply with the Order and the LCR requirements by conducting the following actions:

- Issue public education materials as needed
- Conduct six-month compliance monitoring
- Collect samples at consumer's homes upon request
- Assess optimized corrosion control treatment
- Identify and replace 7% of lead service lines per year

Recently, Summit Township School, which operates its own system, had a lead exceedance issue. The school was made aware of what they had to do, but it was not reported out. That has gained some interest among parents since they found out after the fact, which has led to some changes within the school district.

Safe Drinking Water Fees and Staffing Levels

The Department received a letter from the EPA noting deficiencies within the Drinking Water Program, which has a lot to do with staffing. There are currently 54 sanitarians. Pennsylvania is ranked fourth in the nation in terms of the number of public water systems (PWS). DEP is responsible for regulating all PWSs and ensuring that safe and potable drinking water is continuously supplied to the 10.7 million customers served. Pennsylvania has a number of facilities per inspector average that is double the national average.

DEP has been working on a proposed rulemaking to increase permit fees and establish new annual fees to address the \$7.5 million funding gap and improve program performance. The proposed fees will account for nearly 50% of the program's state funding and will augment funds currently coming from the General Fund. The fees would provide revenue for the approximately 33 new positions to improve program performance, ensure primacy obligations are met, and protect public health. The majority of these positions will be new sanitarians and funding to cover other costs that can no longer be covered under existing General Fund allocations, including lab costs, supplies, etc. The tentative schedule is to present the rulemaking to the EQB in May 2017 for approval to move forward.

Additionally, Acting Secretary McDonnell recognized the fantastic job Katherine Hetherington Cunfer has done filling in as Acting Executive Director of the CAC. He expressed his excitement about the CAC choosing its new Executive Director.

APPROVAL OF JANUARY 17, 2017 MEETING MINUTES:

Cynthia Carrow requested a correction on Page 5, under the Executive Director position, second paragraph, third line, where it states: "There is a salary ban." Cynthia suggested that the language should be: "There is also an established salary range."

Don Welsh moved to approve the January 17, 2017 meeting Minutes. Terry Dayton seconded the motion, which was unanimously approved by Council.

EQB VACANCY

With the resignation of Burt Waite, Chairman Bill Fink solicited a replacement on the EQB. The two current alternates are Jim Sandoe and Jim Welty. Chairman Fink asked if either, or anyone else on the Council, would be interested in serving on the EQB. Jim Sandoe and Jim Welty both expressed interest. Chairman Bill Fink tabled the vote until March when the Council will all be physically present.

LEGISLATIVE COMMITTEE

Cynthia Carrow stated that recent discussions have been about the draft budget letter to the legislature.

BUDGET LETTER

Katherine Hetherington Cunfer expressed that the Department is again facing the issue where it is going to be level funded, which does not account for increases in pension and benefits (somewhere in the range of 8-10% per year depending upon the contract and the complement).

The Department is under complement control. Vacancies currently on the books have been frozen. Those positions are fillable, but staff must either leave or retire for the Department to be able to look to backfill the position that was vacated. It should be one-for-one, especially within special funds and the government general operation funds.

There is also the planned retirement proposal. The thought process is that it would be a “30 and out” and it would be a one-time deal. The retirement proposal could have a huge effect on DEP, especially in the mining program. About 30% of the folks that fit in the category of “30 and out” are in mining.

The Department has had several notices from the EPA that it is not going to meet the federal requirements for program management; most recently the letter from John Capacasa in the State Drinking Water Program where the Department is not going to have enough people to do the inspections. The reality of economic development is that the Department needs people to review permit applications. If the requirement is that permits are guaranteed within a specific time, the Department has to have the requisite number of staff to be able to review those permits. The options on the table are an increase to General Fund dollars, especially in environmental protection operations and environmental program management, or the different programs can continue on the path where fees are increased and annual inspection fees or other fees are added to try to account for the loss in General Fund appropriation.

Chairman Fink solicited comments, questions, or modifications to the draft budget letter.

Hearing none, Chairman Bill Fink requested a motion to send the letter to the legislature from the council. Cynthia Carrow moved to send the letter, which was seconded by Terry Dayton and all were in favor.

NEXT MEETING

The next meeting will be March 21.

ADJOURNMENT:

With no further business, Chairman Bill Fink requested a motion for adjournment. Don Welsh moved to adjourn the meeting, which was seconded by Terry Dayton and all were in favor. The February 21, 2017 meeting of the CAC was adjourned at 10:40 AM.