

MINUTES
CITIZENS ADVISORY COUNCIL MEETING
June 20, 2017

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Cynthia Carrow, Allegheny County
Terry Dayton, Greene County
William Fink, Bedford County
Walter Heine, Cumberland County
Jim Sandoe, Lancaster County
John St. Clair, Indiana County
Thaddeus Stevens, Tioga County
John Walliser, Allegheny County
Donald Welsh, Chester County
Jim Welty, Cumberland County
Tim Weston, Cumberland County

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT VIA WEBEX

Mark Caskey, Washington County

CITIZENS ADVISORY COUNCIL STAFF PRESENT:

Lee Ann Murray, Executive Director
Katherine Hetherington Cunfer, previous Acting Executive Director

CALL TO ORDER:

Chairman Fink called the meeting to order at 10:10 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.

APPROVAL OF APRIL 18, 2017 MEETING MINUTES:

Chairman Fink solicited additions or corrections to the April 18, 2017 Minutes. Hearing none, Chairman Fink asked for a motion to adopt the Minutes.

Tim Weston moved to approve the March 21, 2017 meeting Minutes.

Terry Dayton seconded the motion, which was unanimously approved.

DEP REPORT:

In Secretary McDonnell's absence, Dana Aunkst, Deputy Secretary for Water Programs, provided the following DEP updates:

Chesapeake Bay Watershed Implementation Plan Meeting

- On June 5th, the Secretaries of DEP, Agriculture, and DCNR led a public event at the Radisson Hotel in Camp Hill to facilitate public engagement in the Phase III WIP process.
- Participants represented local governments, conservation districts, the agriculture community, river basin commissions, watershed associations, conservancies, businesses, colleges, and many others.

- Attendees proposed topics for each of 12 discussion groups and led focused conversations for their topic. DEP staff collected notes from the group members for compilation after the meeting.
- DEP also opened a public comment period from June 3rd through July 7th.

Chesapeake Bay Executive Council Annual Meeting

- On June 8, the Chesapeake Bay Executive Council held its annual meeting at the Government House in Annapolis, Maryland. The Governors of Virginia and Maryland hosted the event.
- Chairmanship of the Council was transferred from the Governor of Virginia to the Governor of Maryland.
- The theme of the meeting was “The Power of the Chesapeake Bay Program Partnership – Past and Future,” and focused on the importance of continuing the federal and state collaboration.
- A resolution in support of the Chesapeake Bay Partnership was signed by all the Governors of the participating states and the chairman of the Chesapeake Bay Commission.

Environmental Justice Update

- The Office of Environmental Justice concluded nine listening sessions throughout Pennsylvania, which extended from April to May. This was part of the Office’s larger initiative to update its public participation policies.
- Citizens were encouraged to voice concerns specific to their own regions.
- The listening sessions were transcribed. The Office plans to use the transcripts as a basis for the second stage of the outreach initiative, which at this time is conceived as a set of roundtables.
- The Environmental Justice Advisory Board met on June 6. Topics included air quality monitoring, the Susquehanna Greenway Partnership, and a report from the Chesapeake Bay Program Diversity Workgroup.
- The Advisory Board is in the process of adding new members.

Fee Packages

- Environmental Laboratory Accreditation Fees: Final
Approved by IRRC on June 15, 2017 (unanimous)
- Radiation Protection Program Fees: Draft Final
Undergoing GPO/OGC review through May 31, 2017
Scheduled for EQB consideration on June 20, 2017
- Safe Drinking Water General Update and Fees: Proposed
Adopted by EQB on May 17, 2017; currently at OAG for review ending
June 23, 2017; tentatively planned for July publication
- Noncoal Mining Program Fees: Draft Proposed
Undergoing Policy review; tentatively planned for EQB consideration
in September or October
- Water Quality Management and NPDES Fee Amendments: Draft Proposed
Tentatively planned for EQB consideration on August 15, 2017
- Air Quality Program Fees: Request to Develop
Request to develop rulemaking approved May 9, 2016
Program developing regulatory amendments to share with advisory committee
- Oil and Gas Fees: Request to Develop

Request to develop rulemaking in progress

Required three-year fee report tentatively planned for EQB on August 15, 2017, which will inform and support the new fee proposal

Budgets, Federal and State

Secretary McDonnell sent a letter to Senators Casey and Barletta expressing concerns about undermining the safety of drinking water, the detection of radon, abandoning farmers, stifling job creation, and suppressing environmental justice. Concern was also expressed about the ability of DEP to provide grants as a necessary component of energy efficiency research, training of college students, and support for local governments.

Federal Budget (Executive proposal)

- EPA cut by 31.4%; DOE cut by 21.4%; Interior cut by 10.9%; Agriculture cut by 26.7%; Transportation cut by 17.2%
- EPA cuts would include the elimination of the Chesapeake Bay Program, Great Lakes Restoration Initiative, Clean Power Plan implementation, and Endocrine Disruptor Screening; funding maintained for lead water infrastructure replacement and the Clean Water and Drinking Water Revolving Funds

State Budget (HB 218, currently in Senate Appropriations)

- General Fund: All of DEP proposed to be cut by \$9.0 million from the prior fiscal year, which is \$10.3 million lower than the Governor's budget proposal (an increase of \$1.3 million from the prior year)
- Largest proposed cuts from the prior fiscal year are to Environmental Protection Operations (-\$4.1 million), Environmental Program Management (-\$1.9 million), and General Government Operations (-\$1.3 million)
- The only line item proposed to be increased is Black Fly Control, with a small bump of \$100K
- All commissions would be cut in half: SRBC, DRBC, Chesapeake Bay, Interstate Mining, Ohio River, and the Potomac
- Funds other than the General Fund were not analyzed at this time

Paris Climate Agreement: Pennsylvania's Position

- Governor Wolf released a public statement on June 1, 2017 calling for President Trump to remain in the Paris Agreement on Climate Change
- Noted that Pennsylvania is an energy leader, but "cannot ignore the scientific evidence and economic significance of climate change and put our economy and population at risk"
- Pointed to Penn State professor Dr. James Shortle's report on the consequences of climate change for Pennsylvania residents, which include factors specific to our region such as the West Nile virus, Lyme disease, asthma, and flood risks
- This followed a prior letter on May 3, which was signed by Governor Wolf and eleven other state governors urging President Trump to stay in the Paris Agreement

PUBLIC COMMENT:

Rachel Gleason, Executive Director of the PA Coal Alliance, provided background information on Senate Bill 624 sponsored by Senator Scarnati which proposes amendments to the Bituminous Mine Subsidence and Land Conservation Act.

LEGISLATIVE REPORT:

Legislative Director Sarah Clark provided the following update:

Senate Bill 561 would amend the Regulatory Review Act to provide that all economically significant regulations (those costing more than \$1 million) would require approval from the General Assembly and the Governor within 30 days or be deemed not approved. DEP opposes the legislation because the Bill could put DEP's primacy/delegation authority at risk.

Senate Bill 624 is opposed by DEP because the matter is in litigation. The Department believes the process should play out before being addressed in legislation and, secondly, there are concerns that it would have impacts on DEP's delegation authority from the Office of Surface Mining.

Senate Bill 144 would amend the Sewage Facilities Act to allow an applicant to submit and require DEP to approve any alternate system for planning purposes. This Bill is opposed by DEP because it believes that alternate systems need to be evaluated on a case-by-case basis.

Senate Bill 497 would amend the Solid Waste Management Act to remove the waste designation from glass, furnace, iron, and steel slag which was produced after January 1, 2007. DEP is neutral because nothing changes except the process. The standards which must be met in order to get the exemption from waste are the same as in the current permitting process.

Both Environmental Committees recently met. House Bill 1333 would amend the Surface Mining Conservation and Reclamation Act to provide for temporary cessation of mining activities for greater than 30 days. DEP is neutral on the Bill because the same standards must be met.

House Bill 1431 would amend the Bituminous Coal Mine Safety Act to authorize the use of emergency medical responders at mine sites to allow for more emergency personnel underground.

Senate Bill 334 would amend Act 58 of 1949 to authorize municipalities or municipal authorities to use public funds for improvement, extension, repair, rehabilitation of private lateral sewer lines. DEP supports the Bill because of the necessity to address the aging wastewater infrastructure.

DEP likewise supports Senate Bill 639 which would amend the Pennsylvania Infrastructure Investment Authority Act to provide for the use of PennVest funds for private sewer lateral and surface line repair.

Senate Bill 692 would amend Act 537 to increase the cap from \$25 to \$100 on the inspection fee which is charged by municipalities for inspection of a site for a proposed permit-exempt septic system in order to more fully pay for the actual cost of the inspection. DEP is neutral on that Bill because it is a local government issue.

The Appropriations Bill, House Bill 218, would include a 6.5% cut across the board in general appropriations to all agencies and a 50% cut to interstate Boards and Commissions.

Jessica Shirley, Policy Director for DEP, provided an update on President Trump's proposed federal budget cuts and what those cuts would mean for the EPA and DEP.

VW BENEFICIARY MITIGATION PLAN:

Samantha Harmon, Air Quality Program Specialist with DEP's Bureau of Air Quality, provided an update on VW's Beneficiary Mitigation Plan related to unlawful emissions from its 2.0-liter and 3.0-liter diesel vehicles in model years 2009-2016. The Plan calls for DEP to receive proposals for projects and to rate the projects on established and publicized criteria, such as cost effectiveness, emission reductions, and air quality where the project is located. DEP will grade the project applications to determine the best eligible projects, then apply to the Trustee for approval to fund those projects.

SMALL BUSINESS OMBUDSMAN:

Ed Boito introduced himself as DEP's new Small Business Ombudsman.

CAC COMMITTEE REPORTS:

LEGISLATIVE:

Senate Bill 624 proposes to restrict Clean Streams Law protections by allowing exemptions for mining-induced impacts to surface waters from existing protection requirements. After review and discussion, the Legislative Committee determined that Council would draft a letter with the intent to raise concerns over the possibility of unintended consequences from the language, including potentially weakening protections of surface waters by removing all presumptive liability. The members also thought it would be beneficial to point out previous Act 54 comments that had been made by the Council regarding water quality and mining. The draft letter was presented to the full Council.

Chairman Fink solicited a motion to either send or not send the letter.

Tim Weston moved that the letter not be sent. Jim Sandoe seconded the motion, which was unanimously approved.

PROPOSED RADIOLOGICAL HEALTH RULEMAKING:

Dave Allard, Bureau Director for the Bureau of Radiation Protection, and Joe Melnic, Division Chief for Radiation Control, provided an update on the radiological health amendments which would ensure that only trained professionals operate radiation sources, would add clarity for the regulated community, and would ensure the safety of the public and workers from the harmful effects of radiation.

Bob Lewis, Radon Division Chief, discussed proposed changes to the radon certification exemptions and the codification of current radon testing protocols.

NOMINATING COMMITTEE:

Terry Dayton stated that the Nominating Committee wishes to nominate Don Welsh as Chair of the Citizens Advisory Council and Jim Sandoe as Vice Chair. Thad Stevens moved to close the nominations. John Walliser seconded the motion, which was unanimously approved.

NEW BUSINESS:

Lee Ann Murray provided an update on her work as Executive Director since coming on board in May.

She solicited comments on the proposed CAC July field trip to DeHart Dam, Capital Region Wastewater Treatment Plant, and a drinking water facility. After hearing feedback from Council members, the field trip was canceled for this year.

Lee Ann will find a date for a strategic planning meeting in the near future.

NEXT MEETING:

The next meeting of the Citizens Advisory Council will be September 19, 2017. Karst geology, relating to sinkholes in Pennsylvania, will be the focus.

ADJOURNMENT:

With no further business, Chairman Fink requested a motion for adjournment. John Walliser moved to adjourn the meeting, which was seconded by Terry Dayton and all were in favor. The June 20, 2017 meeting of the CAC was adjourned at 12:55 PM.