

MINUTES
CITIZENS ADVISORY COUNCIL MEETING
November 14, 2017

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Cynthia Carrow, Allegheny County
John Hines, Lebanon County
Duane Mowery, Cumberland County
Jim Sandoe, Lancaster County
James Schmid, Delaware County
Jerome Shabazz, Philadelphia County
John St. Clair, Indiana County
Thaddeus Stevens, Tioga County
Don Welsh, Chester County
Tim Weston, Cumberland County

CITIZENS ADVISORY COUNCIL STAFF PRESENT:

Lee Ann Murray, Executive Director

CALL TO ORDER:

Chairman Don Welsh 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.

APPROVAL OF OCTOBER 17, 2017 MEETING MINUTES:

Chairman Welsh solicited additions or corrections to the October 17, 2017 Minutes. Hearing none, Chairman Welsh requested a motion to adopt the Minutes.

**Tim Weston moved to approve the October 17, 2017 meeting Minutes.
James Schmid seconded the motion, which was unanimously approved.**

DEP REPORT:

The Secretary provided a brief update on the following:

Budget/Fiscal Code

A state budget was enacted over the summer and the Tax Code was amended to bring in more revenues to balance it. The enacted budget left DEP largely unaffected.

The Administrative Code bill signed by the Governor includes:

- The recycling fee is now indefinitely extended. There is no longer a sunset date. DEP is now able to offer the grants that had been suspended. The General Assembly is also discussing substantive revisions to the recycling statute, as well as the Covered Device Recycling Act.
- The Alternative Energy Portfolio Standards now require photovoltaic credits to be generated within the Commonwealth to qualify.
- The Environmental Quality Board is directed to promulgate regulations that would utilize the federal discharge limits on manganese within 5 miles or less of a known potable water supply.

The Fiscal Code bill signed by the Governor includes:

- \$5 million increased to \$15 million annually to the Marcellus Legacy Fund for distribution to the Hazardous Sites Cleanup Fund
- \$30 million from the Volkswagen settlement received during 2017-2018 will be deposited into the General Fund and used in accordance with the Environmental Rights Amendment
- Provides for distribution of funds appropriated for support of the SRBC and DRBC
- \$300 million transferred from special funds to the General Fund, as determined by the Office of the Budget

Legislative proposals that did not get passed include:

- Third-party permit review
- Air quality committee with veto power over methane-related permits
- Severance tax on natural gas

Power Business Intelligence Dashboard

The Department has begun to use a product called Power Business Intelligence, a dashboarding tool, which establishes standard dashboards available to Department managers to get a better handle on the variety of data within the Department and better manage it. The hope is it will provide better information not just to Department staff but also better transparency.

PAG-02

The current PAG-02, the general permit for stormwater discharges from earthmoving activities, expires on December 7, 2017. On November 4, the Department published in the *Pennsylvania Bulletin* its intent to reissue the current PAG-02 for a five-year term, which began a 30-day public comment period. The Department will work with interested commentators and the EPA to minimize any gap between the PAG-02 permits. The Department has requested expedited consideration by the EPA to reissue the current permit.

Great Lakes Water Quality Assessment

The Department is partnering with the U.S. and Canadian governments to actively manage phosphorus inputs to Lake Erie. Although Pennsylvania's responsibility for pollution in the Great Lakes is minimal, it is a partner nonetheless.

Regional Roundtable Revival

The Department is reviving regional roundtables. The new program will be implemented consistently across all DEP regions in early 2018, but will allow for flexibility so each region can customize its own outreach program. Each region will host a variety of event formats, including open houses, project site tours, panel discussions, DEP staff presentations, guest presentations from other agencies, and media events such as groundbreakings and ribbon-cutting. More information forthcoming.

INTRODUCTION:

David Dunphy introduced himself as CAC's newest member. Mr. Dunphy was appointed to the CAC by the Senate Minority Leader. His background has been in campaigns and government affairs in Philadelphia, but he also served in the past on Baltimore's Sustainability Council.

PUBLIC COMMENT:

Joe Sweeney from The Water Science Institute discussed with members of the Council possible solutions to restoration of the Conowingo Dam. The Water Science Institute promotes the sustainable, science-based benefits of projects that provide available, clean water through conservation, restoration, and exploration.

PRESENTATIONS:

ACT 54 UPDATE

Sharon Hill, Professional Geologist and Chief of the Permits & Technical Section in the Bureau of Mining Programs, Office of Active and Abandoned Mine Operations, provided a progress report on DEP's BMP Act 54 Recommendations. Currently, 25 of the 45 issues have been addressed. Some remain long term issues; some are subject to executive decisions and available funding. Several major DEP initiatives, such as electronic monitoring and e-permitting options, will be resolved as the initiatives are fully implemented. The framework is currently being developed for the fifth report.

Greg Shuler, Licensed Professional Geologist in the Bureau of Mining Programs, Office of Active and Abandoned Mine Operations, indicated that the University of Pittsburgh is very interested in continuing to work on the next report. A change for this report is that the Department will now collect data for the University. The University will be given access to the Department's servers so it can review the permits independently. All the six-month mine maps have been delivered to the University. The report should be completed in August of 2019 and will be distributed to all parties sometime in that fall.

EMERGING TRENDS IN ECOLOGICAL OFFSETS

Jon Kasitz, Clients Solutions Manager of Resource Environmental Solutions, provided an overview of ecological offset drivers, wetland/stream mitigation, endangered species mitigation, water quality/stormwater offsets, and regulatory challenges. RES is a private, commercial enterprise that restores wetlands, streams, riparian corridors, and stormwater infrastructure to counteract the environmental impact of economic development.

DEP BUDGET REVIEW:

Tina Sutton, DEP's Director of the Bureau of Fiscal Management, provided a summary by fund and appropriation showing the three prior years of actual funding, the 2017 fiscal year funding, the 2018 budget request, and four planning years up through and including 2022.

CHAIRMAN:

At the October CAC meeting, DEP's Police Office presented documents to the members entitled Advisory Committee Guidelines, Policy for Development and Publication of Technical Guidance, and Development and Review of Regulations. Comment letters were prepared by Executive Director Murray and circulated to the membership for comments. Comments were received, and the letters were edited to reflect those comments. Final drafts of the letters were made available to members. The letters are generally supportive, but did offer individual comments about items the CAC believes could be changed or included.

Chairman Welsh requested a motion to approve the three letters to be sent to the Department:

Jim Sandoe moved to send the letters to the Department. Cynthia Carrow seconded the motion, which was unanimously approved.

CHAIRMAN'S REPORT:

Chairman Welsh advertised to the new members the internal boards and commissions on which the CAC has membership and solicited interest in serving. Executive Director Murray will work with the Policy Office to compile a complete list of committees, meeting schedules, and current vacancies and will have that information available to the CAC members at the January meeting.

NEXT MEETING

The next meeting of the Citizens Advisory Council will be January 16, 2018.

ADJOURNMENT:

With no further business, Chairman Welsh requested a motion for adjournment. _____ (could not determine voice) moved to adjourn the meeting, which was seconded by Thad Stevens, and all were in favor. The November 14, 2017 meeting of the CAC was adjourned at ____PM.