

MINUTES
CITIZENS ADVISORY COUNCIL MEETING
January 16, 2018

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Cynthia Carrow, Allegheny County
Mark Caskey, Washington County
Terry Dayton, Greene County
Bill Fink, Bedford County
Duane Mowery, Cumberland County
James Schmid, Delaware County
Jerome Shabazz, Philadelphia County
Don Welsh, Chester County
Jim Welty, Cumberland County
Tim Weston, Cumberland County

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT VIA PHONE:

Jim Sandoe, Lancaster County
John St. Clair, Indiana 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 NOVEMBER 14, 2017 MEETING MINUTES:

Chairman Welsh solicited the name of the member who moved for adjournment at the November 14, 2017 meeting. Tim Weston indicated that he had moved for the adjournment. The Chairman then solicited any further additions or corrections to November 14, 2017 Minutes. Hearing none, Chairman Welsh requested a motion to adopt the Minutes with the addition of Tim Weston's name as the member who moved for adjournment at the November 14 meeting.

James Schmid moved to approve the November 14, 2017 meeting Minutes. Tim Weston seconded the motion, which was unanimously approved.

DEP REPORT:

The Secretary provided a brief update on the following:

DEP Managers

Ron Schwartz took on the role of Director of DEP's Southwest Regional Office in December 2017. Ron has been the Assistant Regional Director since 2004 and moved to Acting Regional Director in July 2017. He started as a sanitary engineer in the Water Program, rose to Permits Section Chief in Clean Water, then became Program Manager for Air Quality. Ron is a licensed professional engineer and a board-certified environmental engineer with a Bachelor's degree in Environmental Resource Management from Penn State.

Tim Schaeffer took on the role of Deputy Secretary for Water Programs in December 2017. He was most recently the Director of Policy and Planning for the Fish and Boat Commission. Before that, Tim served in several positions in the non-profit sector, including Audubon Pennsylvania, the Pennsylvania Environmental Council, and the Pennsylvania Organization for Watersheds and Rivers. With his Ph.D. from the State University of New York College of Environmental Science and Forestry, a J.D. from Syracuse University, a Master of Science in Public Policy and Management from Carnegie Mellon University, and a B.A. from Gettysburg College, Tim has an extremely strong educational foundation for his work at DEP.

Environmental Justice

The Department has been working on an “EJ Viewer,” a GIS web-based interactive mapping tool that will allow the public to easily view EJ communities, regulated activity, demographics, and health data. Additionally, the Department has begun working on a revised Environmental Justice Public Participation Policy with improved readability and an expanded definition of environmental justice communities.

On December 12, the Department hosted an internal EJ Summit with 51 central office and regional office personnel re-emphasizing the Department’s commitment to environmental justice. Staff was informed of proposed changes to environmental justice policies and ways to can integrate environmental justice into existing policies and the culture of the agency. Feedback and guidance was welcomed from staff to ensure the Department is improving on its responsibility to ensure environmental justice most effectively.

Chesapeake Bay Phase III WIP: TMDL Midpoint Assessment Steering Committee

The Department has been working with a Steering Committee with representation from state agencies, federal agencies, local government, industry, farming, and municipal stormwater. A decision was made at the last steering committee meeting that local planning goals will be developed around counties, not giving responsibility to the counties for the goals, but using counties as an organizing principal around which the Bay obligations will be tackled.

Chesapeake Bay Partnership’s Principals’ Staff Committee

The Principals’ Staff Committee includes cabinet-level representatives of the lead agencies of all the partners. The committee met for two days in mid-December to conduct a Midpoint Assessment of the Total Maximum Daily Load (TMDL). More modeling will be done at the request of some of the partner members, but the model itself was approved as robust.

Next Steps

Late February 2018: EPA will release draft Phase III planning targets

May 2018: EPA will release final Phase III planning targets

March 2019: States must submit their draft Phase III WIPs to EPA for review and approval

Radon

January has been established by the US EPA as National Radon Action Month. This is a time of increased public awareness regarding the risks of radon exposure. Many states and the EPA participate in outreach on the issue. In 2016, the highest radon level ever recorded in Pennsylvania was logged at 6,176 picocuries per liter. The EPA’s recommended limit is 4 picocuries per liter.

Farm Show

The Farm Show was a busy week, with events on five of the nine days. The theme of the 102nd Farm Show was Strength in Our Diversity, and DEP was a strong partner in many of the programs and initiatives that were rolled out during the show. DEP once again had a booth at the show with this year's focus being water quality and the Chesapeake Bay.

The Department of Agriculture released a report about milk processing and ways to deal with the current glut of milk. One of the issues facing the dairy industry right now is the low milk price. The Department of Agriculture also released a report about the economic impact of agriculture, with almost \$30 billion of activity within the industry. There is significant revenue and significant employment.

Friday of the Farm Show was Conservation Day. A discussion was started with some of the Ag stakeholders around an Ag certification program. If the regulatory obligations are being met, then doing one additional BMP of significant impact to the farm could make the farm eligible for the certification program. The boundaries around that certification are still being defined.

CHAIRMAN'S REPORT:

John Hines has resigned as a member of the Citizens Advisory Council because of time constraints. The Council will miss his experience and wisdom.

Based on discussions held at CAC's Strategic Planning Meeting in October of last year, the format of the CAC meetings going forward will focus on and delve deeper into individual program areas. The Council may need to deviate from that format as issues arise, but the new format should allow the Council to learn more about DEP's program areas and be more interactive with the agency. Chairman Welsh requested Council member feedback from a survey to be distributed at the end of the meeting.

Chairman Welsh solicited feedback from the Council and members of the public regarding the placement of the public comment period in the CAC schedule. The goal is to be more effective in the overall structure of the meeting and in the Council's advice to the Department.

PRESENTATIONS:

Members of DEP's Bureau of Air Quality gave comprehensive presentations on the overall air quality picture in Pennsylvania, stationary source emissions and monitoring, mobile sources, the Air Quality State Implementation Plan, regulatory status, and recent 2015 ozone determinations, compliance and enforcement, oil and gas emissions, and the Clean Air budget and Clean Air fund.

MEMBER APPOINTMENTS/REAPPOINTMENTS:

The Citizens Advisory Council has four seats on the Mining Reclamation Advisory Board (MRAB). Executive Director Lee Ann Murray previously contacted CAC members to gauge their interest in either continuing to serve or in newly serving as CAC representatives on the MRAB. Cynthia Carrow, Terry Dayton, and John St. Clair indicated their willingness to continue to serve and James Schmid also indicated willingness to serve on that body. The Chairman asked for a motion to approve those four members to serve on the MRAB:

Bill Fink moved to approve the appointment of Cynthia Carrow, Terry Dayton, John St. Clair, and James Schmid to serve on the MRAB. Jim Welty seconded the motion, which was unanimously approved.

The Citizens Advisory Council also has the opportunity for an alternate to the MRAB. Executive Director Lee Ann Murray has served as the alternate. The Chairman asked for a motion to reappoint Lee Ann Murray as the alternate to the MRAB.

Terry Dayton moved to approve the appointment of Lee Ann Murray as alternate to the MRAB. Tim Weston seconded the motion, which was unanimously approved.

The Citizens Advisory Council also has four seats on the Aggregate Advisory Board (AAB). Terry Dayton and Thad Stevens indicated their willingness to be reappointed, and Tim Weston and Bill Fink indicated their willingness to serve on that body. The Chairman asked for a motion to reappoint Terry Dayton and Thad Stevens and appoint Tim Weston and Bill Fink to the Aggregate Advisory Board.

James Schmid moved to approve the reappointment of Terry Dayton and Thad Stevens and the appointment of Tim Weston and Bill Fink to the Aggregate Advisory Board. Jim Welty seconded the motion, which was unanimously approved.

The Citizens Advisory Council also has the opportunity for an alternate to the AAB. Executive Director Lee Ann Murray has served as the alternate. The Chairman asked for a motion to reappoint Lee Ann Murray as the alternate to the AAB.

Tim Weston moved to approve the appointment of Lee Ann Murray As alternate to the AAB. Bill Fink seconded the motion, which was unanimously approved.

PUBLIC COMMENT:

Don Robertson from the Isaac Walton League of America came to request the assistance of the CAC pertaining to mine discharge at the Clyde Mine in Greene County. The mine has a huge discharge of heavy metals, bromides, radium 26, and acid, going into Ten Mile Creek, which then ends up in the Monongahela River. The Isaac Walton League filed a Right-to-Know request with the Department. Department data does indeed show that the discharge from the Clyde Mine far exceeds federal regulations. Mr. Robertson is asking the CAC to ask the Department to please come up with a plan to fix the mine discharge situation.

Robert Routh, Staff Attorney with the Clean Air Council, commended DEP for releasing its revised general permit drafts to control methane pollution. Clean Air Council submitted written comments before, during, and after the official comment period. Mr. Routh stated that the Clean Air Council is concerned about the uncertainty and unpredictability that will result for the industry and the public given the incorporation by reference of the federal rules in the general

permit drafts. Pennsylvania has considerable authority and flexibility under existing law to control methane from oil and gas sources. The federal guidelines, in terms of scope, are limited because they control only VOCs and do not target methane directly. As a result, the rules will not apply to a substantial number of facilities. Pennsylvania has a significant number of methane sources that either do not emit VOCs or do not emit high enough levels of VOCs to reach the applicability threshold in the federal guidelines. Mr. Routh stated that the EPA also chose to exclude important sources from the guidelines, i.e., loading and pigging operations. The federal guidelines do not represent meaningful control requirements given what other states, including Colorado, Wyoming, and California, have put forward in recent years. Comprehensive methane rules must be broader in scope and more stringent than the requirements found in the federal guidelines. The Clean Air Council urges the Wolfe administration and DEP to aim higher for the sake of all Pennsylvanians.

COMMITTEE REPORTS
LEGISLATIVE COMMITTEE

The Legislative Committee discussed high tunnels, but that is a topic that will be followed up with the Department at a later date.

NEXT MEETING

The next meeting of the Citizens Advisory Council will be February 20, 2018.

ADJOURNMENT:

With no further business, Chairman Welsh requested a motion for adjournment. Bill Fink moved to adjourn the meeting, which was seconded by Jerome Shabazz, and all were in favor. The January 16, 2017 meeting of the CAC was adjourned at 2:45 PM.