

**MINUTES
CITIZENS ADVISORY COUNCIL MEETING
JANUARY 22, 2019**

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Cynthia Carrow, Allegheny County	Jerome Shabazz, Philadelphia County
Terry Dayton, Greene County	Thad Stevens, Tioga County
Duane Mowery, Cumberland County	Jim Welty, Cumberland County
James Schmid, Delaware County	Tim Weston, Cumberland County

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT VIA PHONE:

Mark Caskey, Washington County
John Walliser, Allegheny County

CALL TO ORDER:

Vice Chairman Jerome Shabazz 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.

DEP REPORT:

The Secretary provided a brief update on the following:

PFAS

The first public meeting of the PFAS Action Team was held in December. The second public meeting will be held at the Upper Dublin High School in Fort Washington on February 12. The Department of Health will discuss the outcome of their pilot study. Aqua America and Horsham Township's Land Redevelopment Authority and the Water & Sewer Authority will discuss their ongoing work to address the land and water contamination from the Willow Grove Naval Air Station and neighboring sites.

Permitting Efficiencies

Two modernization measures to increase permitting efficiency were recently announced. The first measure was the establishment of the Regional Permit Coordination Office, which is a centralized permitting office that will assist with construction permitting for large-scale, multi-county, or multi-regional infrastructure projects. The second measure rebalances workloads among regional offices by transferring regulatory programs in Armstrong and Indiana Counties to the Northwest Regional Office.

Transportation Climate Initiative

Last month Pennsylvania announced its plan to join the Transportation Climate Initiative which will look at regional low-carbon transportation policy options. Pennsylvania joined Washington, DC and eight other states in that initiative.

Growing Greener

Over the past few weeks, several awards have been announced for Growing Greener recipients. In total \$28 million will be dispersed to fund 134 projects across the Commonwealth. More

specific information about the award recipients will be made known in an upcoming omnibus announcement.

Climate Leadership Executive Order

On January 8 Governor Wolf signed an Executive Order calling for a 26% reduction of carbon emissions by 2025 and an 80% reduction by 2050. The targets will be accomplished by state agencies collectively reducing overall energy consumption by 3% annually and 21% by 2025, replacing 25% of state vehicles with battery and electric hybrids cars, evaluating opportunities to reduce miles traveled, and procuring renewable energy to offset 40% of the Commonwealth's annual electricity consumption. The Executive Order also created the GreenGov Council which is co-chaired by Secretary McDonnell, DCNR Secretary Cindy Dunn, and DGS Secretary Curt Topper.

Federal Government Shutdown

Financially, DEP is in relatively good shape. Most of the Department's major grants have already been received from the federal government. If the impasse continues, significant impacts can be expected in the upcoming weeks.

Budget Hearings

February 14 is the House budget hearing; February 28 is the Senate budget hearing.

VICE CHAIRMAN'S REPORT:

Vice Chairman Jerome Shabazz reminded members of the resignation of Don Welsh as Chairman of the CAC and thanked Don for his dedicated service.

The terms of Mark Caskey, Terry Dayton, David Dunphy, Duane Mowery, John Over, and Jim Welty are expiring. The members will continue to serve until either reappointed or replaced. Vacancies remain from the Governor's Office; two from the House and one from the Senate.

Executive Director Keith Salador announced that the PUC opened advanced notice of a proposed rulemaking for a Consumer Advisory Council. Keith provided comments to the PUC about CAC's interactions with DEP, and those comments may be reviewed on CAC's website.

Letters were adopted regarding the Hazardous Site Cleanup Fund and the Keystone Tree Fund which will be signed and sent to the General Assembly.

Executive Director Keith Salador is updating CAC's website. Any comments, changes, or suggestions for items to be placed on the website should be sent to Keith.

APPROVAL OF NOVEMBER 13, 2018 MEETING MINUTES:

Vice Chairman Jerome Shabazz solicited additions or corrections to the November 13, 2018 Minutes.

**Tim Weston moved to adopt the November 13, 2018 meeting Minutes.
James Schmid seconded the motion, which was unanimously approved.**

PUBLIC COMMENT:

One written comment was received from Melissa Troutman at Earthworks. In July 2018 Earthworks and approximately 40 other stakeholders sent a certified letter to Deputy Secretary Scott Perry and the Northwest Regional Director James Miller requesting an update on brine spreading approvals and potential rulemakings. Since several communications have gone unanswered, Earthworks would like to know if there is any update on brine spreading approvals or if DEP will be initiating a rulemaking process.

PRESENTATION:

Scott Perry, Deputy Secretary of the Office of Oil & Gas Management, first addressed the issue of brine spreading. He offered that the Department had historically authorized the use of conventional oil and gas well brines as a dust suppressant pursuant to a fact sheet, not pursuant to any permit under the Clean Streams Law or the Solid Waste Management Act. The Department was challenged on one of its authorizations by an individual in Warren County, and the Department basically agreed that it was not authorizing the use of the waste material properly, rescinded the approval, and has not issued any further authorizations for the use of brine. The Department has not noted any environmental impact from the use of brine as a dust suppressant. There are currently no plans to develop a regulation or a permit to authorize the use of brine, but there is significant public interest in the northwest counties to use brine as a dust suppressant, particularly in the municipalities that have historically used it. There has been no official action of the Department, but discussions, particularly with the Crude Oil Development Advisory Council, have been ongoing.

Seneca Minerals, who owns several gas wells that are no longer producing gas but are producing brine, sells the brine for de-icing and dust suppression purposes. The brine is not waste, it is a product, and no Solid Waste Management Act beneficial use permits from the Department are required. Covanta, near Erie, also treats brine for use as a dust suppressant. Under the Solid Waste Management regulations, if a waste product mimics an intentionally-produced product that does not otherwise present harm to the environment, that waste product can be deemed a co-product and used in the same manner. Conventional operators are evaluating that opportunity. The Department does not require an application, but it can request the co-product determination materials and evaluate whether the material meets a co-product definition.

Continuing on, Scott Perry stated that significant work has been done since 2008 to modernize the well construction regulations, as well as regulations governing surface activities at unconventional well sites. Performance in the field and compliance is as good as it has ever been in Pennsylvania and anywhere in the world. Very significant innovations at unconventional well site development have made Pennsylvania an international leader, i.e. completely pitless drilling during hydraulic fracturing and complete containment of polluttional materials on site.

The goals of the Office of Oil & Gas Management for 2019 to make the office more efficient and use innovative techniques to achieve greater performance in the field than could otherwise be required by statute include:

- Funding the Oil & Gas program via an increase in program fees, which were last increased in June 2014;
- Locating and plugging approximately 200,000 currently unplugged or improperly plugged abandoned wells in the Commonwealth with the support of DCNR, through a Memorandum of Understanding, to provide \$2 million a year for the next 10 years to plug wells on state forest and state park land, encouraging conventional drillers to take advantage of the Good Samaritan Act, and looking to the Commonwealth Finance Act for additional funding.
- Making certain that permits issued are robust.
- Establishing priority review whereby companies who engage in superior ecological practices will receive review on an expedited basis.
- Using technology to increase efficiency by providing field inspectors with tablets and wireless communication that will allow reports to auto populate at the office and eliminate human error during transcription of data. The tablets will have automatic tracking capabilities for locating wells, and wells will be color coded based on risk.
- Permitting home storage of vehicles to reduce travel time and mileage.
- Providing staff training.
- Improving electronic permitting functions.

Scott indicated that he has never been more optimistic about the future of the Office of Oil & Gas Management.

COMMITTEE REPORTS:

ENVIRONMENTAL QUALITY BOARD

Keith Salador offered that the all items on the December 2018 EQB agenda were approved, with nothing controversial.

POLICY & REGULATORY OVERSIGHT COMMITTEE

Tim Weston stated that the Policy & Regulatory Oversight Committee will have a meeting in March to review several air regulations before Air Quality presents those regulations to the full Council in April. The regulations include vapor at gas stations and VOCs on oil and gas leases.

AGGREGATE ADVISORY COMMITTEE

Tim Weston offered that there were proposed amendments to the non-coal regulations to correct misstatements in the current rules and to address gaps. The committee participated in a tour of a non-coal site in central Pennsylvania and received a very good set of presentations on federal mine safety issues.

SOLID WASTE ADVISORY COMMITTEE

Jim Welty attended his first Solid Waste Advisory Committee meeting in December. He reported that most of the discussion was around draft permits with respect to establishing county recycling convenience centers and satellites that would service rural and non-serviced areas in Pennsylvania. That draft permit would be available only to local and county governments. The Department pulled back on the draft permit because of expressed interest by the private sector to find a way to be part of the solution in servicing these rural communities.

MINING AND RECLAMATION ADVISORY BOARD

James Schmid reported that the Mining and Reclamation Advisory Board recently met in Harrisburg. There was discussion of the operations of DEP and technical discussion on the interest of industry to plug legacy discharges from coal mining as a substitute for meeting extremely sensitive and stringent discharge regulations from ongoing operations.

EXECUTIVE DIRECTOR REPORT

Keith Salador attended several advisory committee meetings since CAC last met. He presented briefly at DCNR's Conservation & Natural Resources Advisory Committee to introduce himself. There had been previous discussion among the CAC members about potential collaboration with that committee if there were shared interests. A great presentation was given at the meeting on DCNR's experiment with different seed mixtures and revegetation efforts at their mock well pad.

Keith also attended the Water Resources Advisory Committee. The water allocation program is working on a technical guidance update. He suggested that the CAC continue to monitor the update.

With regard to the Climate Change Advisory Council, Keith indicated that the council is finalizing the Climate Action Plan. Keith suggested that the CAC keep tabs on this as well.

TRANSITION DOCUMENT:

Executive Director Keith Salador reported that the transition document is shorter than the previous transition report as there was no need to rehash the old topics given the Administration is the same. The report is an update on the direction the CAC sees important issues headed and those that still face the Department. Lengthy discussion was held regarding suggested changes or recommendations for the transition document.

Tim Weston moved to adopt the transition document subject to the suggested edits being made and circulated to CAC members for consensus. Cynthia Carrow seconded the motion, which was unanimously approved.

NEW BUSINESS:

Cynthia Carrow offered that the CAC is down to 14 members and believes that an effort should be made to fill the complement. She also recommended reviewing the membership to see where gaps exist within the state.

Tim Weston will update the Bylaws to incorporate the procedure for reappointment of a vacated officer position and will circulate the amendments in the next few weeks. The Nomination Committee will meet prior to the next meeting of the CAC in February, at which time the full CAC will vote on the Bylaws. In addition, Keith Salador solicited volunteers to fill Don Welsh's seat on the EQB.

After lengthy discussion, CAC consensus is that the 2019 meetings will remain the same in length and number.

With the departure of Don Welsh, Thad Stevens encouraged the Ad Hoc Budget Committee to continue the budget work. The latest work, dating back to October, was the collection of fee reports.

Jim Welty requested an update on the Oil & Gas Technical Advisory Board. CAC is required to submit three names to DEP for nominations to the Oil & Gas Technical Advisory Board. Previous appointment was Brian McConnell, whose term will expire in several months. He is willing to be reappointed. Jim Welty previously submitted a second name to add to the list. A third is still needed.

The February agenda will include a presentation by the Pennsylvania Environmental Council on reforesting abandoned mine lands and a presentation by DEP's Small Business Ombudsman about the program.

Tim Weston suggested a presentation on the Good Samaritan Act and Consent Order & Agreement voluntary clean-ups.

Duane Mowery asked the Council to think about how CAC's effectiveness is measured. The topic was tabled for later discussion.

ADJOURNMENT:

With no further business, Vice Chairman Jerome Shabazz requested a motion for adjournment. Tim Weston moved to adjourn the meeting, which was seconded by Thad Stevens, and all were in favor. The January 22, 2019 meeting of the CAC was adjourned at 1:05 PM.