

**MINUTES OF VIRTUAL MEETING  
OF CITIZENS ADVISORY COUNCIL  
January 19, 2021**

**CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:**

Robert Barkanic, Lehigh County	James Schmid, Delaware County
Cynthia Carrow, Allegheny County	John St. Clair, Indiana County
Mark Caskey, Washington County	Jerome Shabazz, Philadelphia County
Mitchell Hescox, York County	John Walliser, Allegheny County
Duane Mowery, Cumberland County	Jim Welty, Cumberland County
	Tim Weston, Cumberland County

**CALL TO ORDER:**

Chairman Shabazz called the meeting to order at 12:30 PM.

**APPROVAL OF MEETING MINUTES:**

Chairman Shabazz solicited additions or corrections to the November 17, 2020 Minutes. Hearing none, the Chairman requested a motion to approve the Minutes.

**Tim Weston moved to approve the Minutes of the November 17, 2020 meeting. Bob Barkanic seconded the motion, which was unanimously approved.**

**DEP REPORT:**

Secretary McDonnell provided a brief update on the following:

***Review of 2020 Workload***

DEP quickly transitioned to teleworking in March when all physical DEP offices shut down because of the pandemic. Since January 1, 2020, the Department has conducted over 86,000 inspections and processed over 35,000 permit applications and authorizations, with 94% of applications within the Permit Decision Guarantee timeframe. The Department has also responded to 274 environmental emergencies related to public health and safety.

***DEP Priorities for 2021***

A main priority for DEP's Oil and Gas Program will be establishing a stable source of funding that moves away from well permit application fees.

The Office of Active and Abandoned Mining Operations is putting resources into expanding ePermitting capabilities, implementation of a compliance GIS

application to allow for real time evaluation of federally mandated inspection frequencies, and developing mobile reporting capabilities for AML investigations to make reporting of those emergency problems easier.

Priorities in the Office of Waste, Air, Radiation and Remediation include: continuing to move forward with the proposed CO2 Budget Trading rulemaking; working with the legislature to update the Covered Device Recycling Act to ensure convenient access to no-cost recycling of electronic devices; continuing to monitor the shutdown of Three Mile Island Unit 1 and decommissioning of TMI Unit 2; working with the legislature to develop radon-related legislation for schools and daycares to be tested for radon and for radon-resistant new construction to be used; and identifying a dedicated, long-term funding source for the Hazardous Sites Clean-Up Fund.

The Water Program will continue their critical work on the Chesapeake Bay Healthy Waters, Healthy Communities initiative and continue to collaborate with the Bay counties in the development of Countywide Action Plans. Efforts will continue related to PFAS sampling and setting PFAS cleanup standards.

The Department is also working to ensure that environmental justice is being thoroughly considered throughout all the agency's programs and working to update DEP's Environmental Justice Policy.

From an operations perspective, focus is on continuing to develop tools and practices for employees, the regulated community, and the public to ensure business can continue to proceed in the virtual work environment.

### ***Growing Greener Grant Awards***

On December 30, DEP announced more than \$34 million in grant funding for projects to clean up Pennsylvania waters through the Growing Greener Plus program. A total of 149 projects received grant funding for watershed restoration and protection, abandoned mine reclamation, and abandoned oil and gas well plugging. By region, the projects included: 43 in Southcentral (\$12 million); 20 in Southwest (\$2.7 million); 17 in Northcentral (\$3 million); 20 in Northwest (more than \$3.7 million); and 22 in Northeast (more than \$5 million in funding).

### ***DEP Environmental Justice Trainings***

DEP's Office of Environmental Justice collaborated with senior staff from EPA headquarters and Region III to develop an internal training module on

environmental justice and community engagement for DEP staff. The purpose of the training was to provide staff with a baseline knowledge on environmental justice and gain feedback on the current EJ Policy about how to improve environmental justice work within the agency. The training was rolled out to DEP Executive Staff in September, then six virtual trainings sessions were held in December across all DEP offices with over 1,500 employees participating. The training included an overview of DEP's Environmental Justice Public Participation Policy and engagement with staff to receive input on the policy. The Office of Environmental Justice is now reviewing and summarizing the feedback received during the trainings and is working to identify next steps. Requests have been received from other state agencies inquiring about the possibility of receiving DEP's EJ training.

### **PUBLIC COMMENTS:**

Rachel Gleason is Executive Director of the Pennsylvania Coal Alliance (PAC), and she expressed concern that the Citizens Coal Council (CCC) was provided an hour on today's agenda since interest groups have historically been provided five minutes to offer public comment. Ms. Gleason claimed that Schmid & Co. has been reviewing the Act 54 Report on behalf of the CCC for the past decade and has repeatedly misrepresented data to advance an anti-industry agenda. She offered that Act 54 was implemented as the legislature's solution for balancing the rights of the landowner and coal operator, not tilting the scale to one stakeholder at the expense of another.

### **PRESENTATIONS:**

#### ***Abandoned Oil and Gas Wells***

Seth Pelepko, Program Manager in DEP's Division of Subsurface Activities, Bureau of Oil & Gas Planning & Program Management, offered an update on the plugging program. In summary, Mr. Pelepko stated that Pennsylvania has a significant history of legacy oil and gas development and the potential for hundreds of thousands of wells with no associated responsible party; unfunded plugging liability is currently estimated at \$280 million, but is forecasted to grow; an analysis of failed plugs suggests that further improvements may be necessary to ensure long-term plug integrity; and legacy wells are contributing to environmental and public safety risks.

Arthur Stewart, President of Cameron Energy Company, has been involved in the conventional industry for 32 years. Mr. Stewart expressed deep concern about the

urgent problem of plugging ancient oil wells. He fears that the window is closing because of deteriorating surface and downhole conditions and fears significant environmental impacts because of delayed plugging, including comingling of water sources and methane releases. Mr. Stewart believes the problem must be attacked while workers can still get to the wells, while most of the wells are still intact, and while plugging can still be done inexpensively.

***Citizens Coal Council: Act 54 Report Analysis***

Stephen Kunz, Senior Ecologist at Schmid & Company, Inc., provided an in-depth analysis of the fifth Act 54 Report and summarized what he believes DEP needs to do going forward, including: developing a model to predict flow loss; suspending longwall mining beneath streams until a model is developed and implemented; protecting water resources; enforcing laws/regulations; honoring its trustee obligations; and continuing the five-year reporting per Act 54.

**CAC COMMITTEE REPORTS:**

***Legislative Committee***

Cynthia Carrow reported that a call is being planned for the second week of February as proposals may be introduced that the CAC would want to watch.

***Strategic Issues Committee***

Bob Barkanic indicated that he would like to request authorization for the Strategic Issues Committee to pursue oil and gas legacy issues. Chairman Shabazz asked CAC members to think about other possible issues to pursue and stated that a vote would be taken at the February 16 meeting.

***Act 54 Workgroup***

In the absence of John Walliser, Executive Director Salador offered that the Act 54 Workgroup recently published a notice in the *Pennsylvania Bulletin* opening a comment period for the latest Act 54 Report. CAC has historically taken the lead on accepting these comments, and the Workgroup is looking to set up virtual public hearings for individuals interested in providing oral testimony.

**NEW BUSINESS/OPEN DISCUSSION:**

Executive Director Salador offered that the members will be hearing from Land Recycling and Environmental Cleanup at the February 16 meeting.

**ADJOURNMENT:**

**With no further business, Mitch Hescox moved to adjourn the meeting. Cynthia Carrow seconded the motion, and all were in favor. The January 19, 2021 meeting of the CAC was adjourned at 3:20 PM.**