

**MINUTES OF VIRTUAL MEETING
OF CITIZENS ADVISORY COUNCIL
March 16, 2021**

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Robert Barkanic, Lehigh County	John St. Clair, Indiana County
Cynthia Carrow, Allegheny County	Jerome Shabazz, Philadelphia County
Mark Caskey, Washington County	Thad Stevens, Tioga County
Mitch Hescox, York County	John Walliser, Allegheny County
Duane Mowery, Cumberland County	Jim Welty, Cumberland County
James Schmid, Delaware 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 February 16, 2021 Minutes. Hearing none:

Jerome Shabazz moved to approve the Minutes of the February 16, 2021 meeting. Mitch Hescox seconded the motion, which was unanimously approved.

DEP REPORT:

In Secretary McDonnell's absence, Ramez Ziadeh provided a brief update on the following:

DRBC High Volume Hydraulic Fracturing Rulemaking

On February 25, the Delaware River Basin Commission approved a final rulemaking prohibiting high volume hydraulic fracturing in the Delaware River Basin. The revised rule was proposed in 2018 and published for public comment. Six public hearings were held, and the DRBC received over 9,000 written comments with over 220 individuals providing oral testimony at the hearings. The adopted rule amends the Commission's Comprehensive Plan and Water Code to prohibit high volume hydraulic fracturing in the Basin in order to control future pollution, protect public health, and preserve the waters of the Basin for uses in accordance with the Commission's Comprehensive Plan. By the end of September 2021, DRBC intends to propose amendments to update its regulations concerning hydraulic fracturing related to imports and exports and inter-basin transfers.

EV Charge Station Grants

Through the Driving PA Forward Grant Program's DC Fast Charging Grants, which is funded by the VW settlement, nearly \$1 million was awarded to four projects to install 16 electric vehicle fast chargers in high-traffic locations that serve both local and longer distance drivers. The projects are expected to remove over 700 tons of carbon dioxide and reduce NOx emissions, VOCs, and considerable amounts of particulate matter. The Driving PA Forward DC Fast Charging Grant program has now awarded funds to projects that will install at least 40 DC fast charging projects. When completed, the projects will increase the number of DC fast charging

plugs in Pennsylvania by more than 30%. The Department received approximately 30 applications in the most recent round, which is more than double any previous round, and received requests for over \$6 million in funding despite having just \$1 million available.

ZEV Rulemaking

DEP's Bureau of Air Quality has begun drafting a proposed rulemaking that would amend the Pennsylvania Clean Vehicles Program to establish a requirement for automakers to include light-duty electric vehicles as a percentage of model offerings starting in 2025. The proposed amendment would make Pennsylvania the ninth state in the Northeast and Mid-Atlantic regions to adopt a new light-duty zero emissions vehicle percentage requirement for automakers. The Department has witnessed automobile manufacturers directing their supplies of zero emission electric vehicles to states with a zero-emission electric vehicle program, including the neighboring states of New York, New Jersey, Delaware, and Maryland. The Bureau of Air Quality tentatively anticipates presenting the proposed rule for consideration to the EQB in the fall.

Statewide Water Resources Committee Legacy Issues

Three of the six regional committees of the Statewide Water Resources Committee have specifically called out legacy issues for further discussion. The Lower Susquehanna Regional Committee has been discussing a long list of historical impacts to the region, legacy sediments, mill dams, and other water resource impairments linked to past land uses. The Ohio Regional Committee is discussing water quality and quantity concerns, which specifically relate to legacy issues such as acid mine drainage and abandoned wells. The Upper/Middle Susquehanna Regional Committee hopes to address the legacy infrastructure of acid mine drainage areas that are critical to protecting important headwaters and streams.

PUBLIC COMMENT

Eric Dixon

Eric Dixon is a Research Fellow at the Ohio River Valley Institute. Mr. Dixon offered extensive comments on three main points regarding the Abandoned Mine Land (AML) reclamation program: the unreclaimed damage to land, air, and water from pre-1977 coal mining; Pennsylvania being home to 33.8% of unreclaimed acres of AML damage and 40.7% of unreclaimed costs; and the ambitious changes he believes must be made to the program to repair the damage and address the intersecting crises of climate change and inequality in AML-impacted regions.

Michael Wright

Michael Wright lives in York County, is retired from NASA, and is a licensed social worker. Mr. Wright believes the Commonwealth must recognize climate change as an issue of morality and justice; he supports Pennsylvania's participation in RGGI; and he believes that Pennsylvania can preserve both the climate and the economy by providing robust incentives for renewables, EVs, and energy conservation, by eliminating subsidies and tax breaks for fossil fuels and imposing taxes and fees, and developing a sustainable and efficient multimodal transportation system.

PRESENTATIONS:

Pennsylvania's Surface Mining Control and Reclamation Act (SMCRA) Funded Abandoned Mine Lands Program: Past, Present, and Future

Brian Bradley is Director of DEP's Bureau of Abandoned Mine Reclamation which administers the federal AML program to address the highest priority problems resulting from coal mining that occurred prior to passage of SMCRA. The program receives annual grants from the U.S. Department of Interior Office of Surface Mining Reclamation and Enforcement and is funded by a per ton fee on coal mined nationwide. The AML program reclaims hazards such as mine subsidence, mine fires, hazardous mine openings, contaminated or diminished water supplies, coal refuse piles, abandoned mine drainage, and dangerous highwalls with no liability or cost to the current landowners. Mr. Bradley discussed the program's key issues, accomplishments, economic impacts, inventory, state and tribal programs, and the Pennsylvania AML program. The current AML fee is set to expire in 2021 leaving billions of dollars in unreclaimed abandoned mine hazards across the nation with no resources. The AML program provides significant economic, environmental, and public safety benefits to the citizens of Pennsylvania, and loss of the program will have significant negative impacts on the state.

Regional Community Outreach and Education Program Support on Abandoned Mine Issues

Bobby Hughes is Executive Director of the Eastern Pennsylvania Coalition for Abandoned Mine Reclamation (EPCAMR), a 26-year old non-profit organization serving a 16-county area in northeastern and northcentral PA impacted by abandoned mines. EPCAMR employs seven staff and seasonal interns who build coalitions and partnerships to reclaim and redevelop abandoned mine lands, clean up streams impacted by past mine water pollution, build community capacity within the coalfields to undertake local implementation and assessment projects, and provide environmental education programs to underserved school districts.

CAC COMMITTEE REPORTS:

Environmental Quality Board

John St. Clair offered that the EQB discussed the NPDES and WGM fees for discharges and the need to increase those fees to supply DEP with amounts needed to continue the projects. The fee increase did pass. A presentation was given on wastewater treatment and the cost to operators of sewage and water treatment systems.

Strategic Issues Committee

In Bob Barkanic's absence, Executive Director Salador reported that the committee is planning to have a draft report by the end of 2021 that could be used by the public to digest the scope of legacy issues, the funding that is available, and the money that it may take to address legacy issues. The committee is working on an outline of the steps needed and assigning individuals to those steps.

Legislative Committee

Cynthia Carrow offered that the Legislative Committee has not met since the last CAC meeting. DEP's Legislative Director, Greg Kauffman, had promised a list of DEP's legislative priorities, which has not yet been delivered. Executive Director Salador will follow up on the legislative

priorities list. Cynthia stated that the Legislative Committee will need to meet shortly because of DEP's request that the CAC submit a letter to the legislature outlining the importance of HSCA and the need for continued funding.

Act 54 Committee

John Walliser reported that Executive Director Salador has been working to get a public hearing scheduled and awaiting word from the Department on a possible meeting with the committee to discuss the draft technical guidance currently being developed. The drafting process is nearing the end, possibly 3-4 weeks out.

NEW BUSINESS/OPEN DISCUSSION:

In response to DEP activity at the latest Sewage Advisory Committee meeting, Duane Mowery inquired if the CAC would consider sending correspondence to the Department reiterating the desire of the Council to follow Act 34 as written and allow new land development to take place on sites that are not what is considered to be prime ag land. Chairman Shabazz requested that Duane Mowery work with Executive Director Salador to draft a letter to bring back to the full Council for discussion.

ADJOURNMENT:

With no further business, James Schmid moved to adjourn the meeting. Mark Caskey seconded the motion, and all were in favor. The March 16, 2021 meeting of the CAC was adjourned at 3:05 PM.