

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

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Bob Barkanic, Lehigh County
Jacquelyn Bonomo, Luzerne County
Cynthia Carrow, Allegheny County
Lori Dayton, Greene County
Jamie Green, Philadelphia County
Mitch Hescoc, York County
Duane Mowery, Cumberland County
Trisha Salvia, Cumberland County

John St. Clair, Indiana County
James Schmid, Delaware County
Jerome Shabazz, Philadelphia County
Thad Stevens, Tioga County
John Walliser, Allegheny County
Jim Welty, Cumberland County
Tim Weston, Cumberland County

Executive Director

Keith Salador

CALL TO ORDER:

Chairman Shabazz called the meeting to order at 1:00 PM.

APPROVAL OF MEETING MINUTES:

Chairman Shabazz solicited additions or corrections to the April 20, 2021 Minutes. James Schmid requested that the Minutes be corrected to reflect his participation via telephone.

Tim Weston made a motion that the April 20, 2021 Minutes be corrected to include the participation of James Schmid via telephone and moved to approve the Minutes upon revision. Mitch Hescoc seconded the motion, which was unanimously approved.

NEW MEMBER INTRODUCTIONS:

Lori Dayton graduated from Penn State with a concentration in environmental economics and policy. Upon graduation, she was hired by an environmental consulting firm where she worked until she accepted a job in environmental compliance with Alpha Natural Resources, a large underground coal mining operation in Southwestern Pennsylvania. Lori recently started a new job as a senior permitting specialist for an aggregate mine.

Dr. Jaime Green has been a 25-year resident of the City of Philadelphia. As a STEM expert, she has spent the last 15 years teaching K-12 students and their teachers how to apply engineering and science to sustainability-related initiatives. She serves on the Pennsylvania Department of Education's board and is pleased to join CAC to bring STEM expertise and a focus on sustainability to DEP initiatives.

DEP REPORT:

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

2021 Pennsylvania Climate Impacts Assessment

DEP recently released the 2021 Climate Impacts Assessment Report. Currently, the greatest climate hazard facing Pennsylvania is heavy precipitation and inland flooding, which is projected to increase through the century. Increasing average temperatures and heat waves will also be a critical threat. Average daily temperatures are projected to rise by 4.0 to 8.0°F by mid-century, with the greatest increases occurring in the summer. There are projected to be 37 days over 90°F per year on average across the state, and that number increases to 66 days by the end of the century. Impacts to Pennsylvania's recreation and tourism industries and agricultural industry are anticipated as well. The state's downhill ski and snowboard resorts are not expected to be economically viable past mid-century and forests, ecosystems, and wildlife are assessed to be at catastrophic risk from rising temperatures. The Report assesses risk levels from rising heat and increased rainfall events for energy, infrastructure, and other areas which enables prioritization of adaptation actions to those areas expected to face the most serious impacts of climate change.

Black Fly Suppression Program

The black fly suppression program for 2021 has begun, with sampling efforts kicking off in late March. Sampling will continue throughout the active black fly season, which ends in October. DEP uses a naturally occurring bacterium to treat the larval stage of four specific human pest black fly species. This bacterium degrades quickly in the environment and does not harm the aquatic ecosystem, birds, or other insects. There are three aerial contracts for black fly control in PA: the Delaware River Basin, Susquehanna River Basin, and the Ohio River Basin, with a total of 1,700 stream miles on 48 waterways monitored for black fly production. Spray operations will continue into late July or August depending on availability of funds and weather conditions.

Chesapeake Bay WIP County Action Plans Update

Twelve counties in DEP's Northcentral Region, with the assistance of DEP, are creating Countywide Action Plans (CAPs) to identify projects that will reduce nutrient and sediment pollution in the Susquehanna River and its tributaries. The CAPs are designed to identify best management practice projects in each county that can decrease the levels of nitrogen and phosphorous in local waterways. The projects could include stream bank and floodplain restoration, streamside tree plantings, culvert replacement, streambank fencing, and many others. The CAPs also provide farmers with tools to implement BMPs on their properties, including effective management of manure. Cover crops, soil and water conservation planning, and agriculture erosion and sediment control are among many others. County participation in the CAPs is voluntary and the plans are being administered by county conservation districts and county planning departments. The twelve counties have partnered together in groups of two and three to share resources, including Environmental Stewardship Fund grants from DEP. The 12 Northcentral counties will begin implementing their completed CAPs in September. This will bring the total number of counties to 34 that DEP, DCNR, the Department of Agriculture, and the Susquehanna River Basin Commission, as well as external entities like the Pennsylvania Farm Bureau, are actively working with in the development and implementation of CAPs.

CAC COMMITTEE REPORTS/NEW BUSINESS:

Environmental Quality Board

The EQB adopted a proposed rulemaking concerning radiation safety requirements related to nonmedical x-ray equipment, and there will be a 30-day public comment period. A second proposed rulemaking was adopted concerning additional RACT requirements for major sources of nitrogen oxides and VOCs, known as RACT III. There will be a 60-day public comment period and several virtual meetings on that proposed rulemaking.

Public Participation Committee

Document review continues.

Nomination Committee

Jerome Shabazz has agreed to stand for re-election as Chair, and Tim Weston has agreed to stand for re-election as Vice Chair. Others interested in holding office should contact Cynthia Carrow or Keith Salador. Elections will take place at the June meeting.

Act 54 Committee

The public comment period has closed on the Act 54 report, and a virtual public hearing was held. Keith Salador is now drafting a consolidated summary document of all the comments. Keith will also reach out to the Department for an update on the draft Technical Guidance Document the committee has been awaiting.

Aggregate Advisory Board

The committee has not received a full report but did review some comments on the noncoal mining regulations. Most of the discussion centered around the progress of the program and its operations during COVID. Several mines have gone under and left facilities that do not have adequate bonds to handle them. Legacy sites have been an ongoing problem and one that the AAB continues to watch.

Thad Stevens suggested that Lori Dayton's background and work experience is much more pertinent to Aggregate Advisory Board issues and offered to turn over his seat if that seems in order. Executive Director Keith Salador will follow up with Lori to determine if she is interested in filling that seat.

Legislative Committee

All three letters approved by the Council at the April meeting have been sent. Those were: the letter to the General Assembly regarding HSCA funding; the letter to the PA Congressional Delegation in support for reauthorization of the federal Abandoned Mine Land Trust Fund; and the letter to Secretary McDonnell regarding CAC's concerns on implementation of the amendments to the Sewage Facilities Planning Act.

Strategic Issues Committee

The committee has not met and there are no new updates.

Act 34

Chairman Shabazz thanked CAC member Duane Mowery for his assistance with a citizen request from Sister Maria Dolorosa regarding a sewage facilities issue.

Duane Mowery reported that a hearing between the Senate Environmental Resources and Energy Committee and the House Environmental Resources and Energy Committee was held on April 27. The consensus among the legislators was that DEP may not be attempting to enact the language of Act 34 as was hoped while DEP stated that a rulemaking is necessary to allow the required action of the Act to be enacted. Discussion will continue at the upcoming meeting of the Sewage Advisory Committee, a link to which can be found on DEP's SAC website.

Thad Stevens offered that he will work with Keith to develop a letter after the SAC meeting next week as there may be some further points to make depending upon the actions of the Department at that meeting.

PUBLIC COMMENT:

Brooke Petry, Moms Clean Air Force

Ms. Petry urged the CAC to support RGGI as she believes inaction is putting families, children, and frontline communities at risk.

Leann Leiter, Keystone Energy Efficiency Alliance

KEEA looks forward to Pennsylvania's participation in RGGI. Investing auction proceeds in energy efficiency is a win-win-win that will ensure that RGGI delivers not only less pollution, but more jobs, more savings, and a stronger economy for Pennsylvania.

Robert Routh, Clean Air Council

The Clean Air Council strongly supports the draft final-form rulemaking to establish Pennsylvania's CO2 Budget Trading Program and allow the Commonwealth to participate in the Regional Greenhouse Gas Initiative (RGGI).

Karen Feridun

Ms. Feridun is a member of a new fracking waste working group and has been involved in many comment periods over the years. She has reached the conclusion that the public is complicit in its own demise when it participates in public comment because that just gives DEP an opportunity to check the box that says it has asked the public before it goes ahead and approves the industrial activity or rulemaking that will enable more drilling and make it impossible to avoid the worst climate impacts of the future. She believes DEP is a broken agency.

Tom Schuster, Sierra Club

Mr. Schuster expressed continued support for RGGI and urged that the final rulemaking be implemented as soon as possible.

PRESENTATIONS:

Draft Final CO2 Trading Rulemaking

Modeling Results Presentation and CAC Vote on Annex A

Allen Landis, a member of DEP's RGGI project team, stated that the timeline remains the same as previously outlined; final regulation before the EQB in the third quarter and final publication by the end of 2021. Extensive details on the draft final Annex A and updated power sector modeling were provided.

Following a lengthy Q&A session, Chairman Shabazz requested a motion that a vote be taken whether CAC should support presenting the draft rulemaking to the EQB.

Mitch Hescox made a motion that the CAC support presenting the draft RGGI rulemaking to the EQB. John Walliser seconded the motion, which was unanimously approved.

Keith Salador individually polled the CAC members, and the motion passed 8-5 with Tim Weston abstaining. Lori Dayton and Jamie Green were not present for the vote.

ADJOURNMENT:

With no further business, Chairman Shabazz moved to adjourn the meeting. James Schmid seconded the motion, and all were in favor. The May 19, 2021 meeting of the CAC was adjourned at 4:00 PM.