

**MINUTES OF MEETING
OF CITIZENS ADVISORY COUNCIL
February 15, 2022**

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Robert Barkanic	Trisha Salvia
Cynthia Carrow	James Schmid
Lori Dayton	Jerome Shabazz
Jacquelyn Bonomo	Thad Stevens
Mitch Hescox	John Walliser
Duane Mowery	Jim Welty
John St. Clair	Tim Weston

CAC STAFF PRESENT:

Keith Salador, Executive Director
Kate Cole, DEP Policy Office

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 January 18, 2022 Minutes. Hearing none:

Chairman Shabazz made a motion to approve the Minutes of January 18, 2022. Tim Weston seconded the motion, which was unanimously approved.

DEP REPORT:

Secretary McDonnell provided a brief update on the following:

Governor's Budget Proposal & DEP Funding

On February 8, Governor Wolf announced his last budget for FY2022-23 and proposed a \$43.7 billion General Fund budget. DEP's overall proposed budget is \$1.557 billion. The General Fund appropriation for DEP is \$211.387 million, an increase of \$42.345 million. For special funds, a total funding level of \$652.844 million was proposed, which is an increase of \$382.062 million. The proposed budget fully funds all water-related Commissions at the needed amounts and restores \$10 million to the Recycling Fund to aid the Department with providing grants to municipalities for the recycling programs. The proposed budget also includes a significant increase in the use of federal funds, with a proposed funding level of \$554.077 million, an increase of \$297.92 million from FY2021.

Federal Bipartisan Infrastructure Law Funding Update

The Department is working to ensure it is well positioned to apply for and use the infrastructure funding while awaiting more guidance from the federal level.

On January 27, PennDOT kicked off an Electric Vehicle Interagency Workgroup that DEP is participating in focused on ensuring coordination between state agencies to best use federal infrastructure funds to expand EV infrastructure throughout Pennsylvania. The EV Formula Program, which will provide Pennsylvania with \$171.5 million, will be used for the installation and operation of EV chargers, the installation of traffic control devices used to provide directional information to EV charging infrastructure, and for the discretionary Grant Program, which focuses on alternative fuel corridor development and community alternative fueling projects, among other grant programs.

DEP's Oil and Gas Program submitted a Notice of Intent in late December to apply for the available formula grant program associated with abandoned well plugging.

On January 31, the Federal Department of Interior (DOI) released the amount of funding that Pennsylvania is eligible to apply for in Phase One of the program including up to \$25 million in Initial Grant funding and an additional \$79,178,000 which is a quarter of the total Phase 1 Formula Grant money available for Pennsylvania. Pennsylvania was awarded the second highest amount of Phase 1 funding, behind only Texas.

On February 7, the Federal DOI announced that nearly \$725 million is available nationally to 22 states and the Navajo Nation to reclaim eligible pre-1977 stand-alone Priority 1, Priority 2, and Priority 3 abandoned mine lands and treat eligible pre-1977 stand-alone Priority 3 abandoned mine drainage. Up to \$244,904,000 of this funding will be eligible each year for the Pennsylvania AML program to apply for annually over the next 15 years. DOI has also confirmed that this funding may be used to build, operate, and maintain new Priority 3 AMD treatment systems, as well as to pay to operate and maintain existing Priority 3 AMD treatment systems. In the coming weeks, the DOI will release detailed guidance for states and Tribes to apply for the funding.

DEP Vacancy Rate

The Department had been making progress in filling vacancies until the Commonwealth instituted a hiring freeze at the beginning of COVID. At the end of the hiring freeze on July 6, 2021, DEP had 2,277 filled positions, down from a high of 2,382 positions filled on March 2, 2020. Since July of 2021 efforts have been redoubled, and there are currently 2,328 filled positions, which is up 51 positions since the July low point, restoring nearly half of DEP's losses. The Department experienced an excess of retirements in the first two pay periods of 2022, at which time recruitment was not keeping up with that level of attrition. While 39 positions were filled during those two pay periods, 49 became vacant, but the net gains were restored in the third pay period. The Department is continuing to work diligently with HR and internal hiring managers to maintain the existing trajectory and expects to approach the March 2020 filled complement level of 2,382 filled positions in the next 3-4 months barring any unforeseen circumstances.

AML Site Visit with Department of Interior

On January 24, Governor Wolf announced funding for environmental restoration projects focused on economic development or community revitalization at abandoned mine land locations across the state. This year, \$25 million was made available for reclamation projects with economic development components. These funds are available as part of the Federal 2020 Abandoned Mine Land Economic Revitalization or “AMLER” Program, which authorizes U.S. Treasury funds for Pennsylvania’s AML program to be used to accelerate the remediation of AML sites with economic and community development end uses.

Growing Greener Grant Awards & Growing Greener III Announcement

For the 2021 Growing Greener Plus awards, more than \$18.2 million was awarded to 65 projects across the state; more than \$10 million was awarded to 25 projects in the Chesapeake Bay Watershed; more than \$7.9 million was awarded to 40 projects in non-Chesapeake Bay counties; and statewide more than \$9.9 million was awarded to 25 grants in Environmental Justice areas. On February 2, the Governor announced a \$1.7 billion plan to help Pennsylvania fully recover from the pandemic using American Rescue Plan Act funds. As part of this, the Governor proposed \$450 million of the federal ARPA funds to go towards Growing Greener III and agriculture conservation programs. In addition to traditional uses, the Governor proposed to increase the focus on agriculture conservation programs to accelerate Chesapeake Bay cleanup efforts and address other water quality priorities.

PRESENTATIONS:

Jill Whitcomb, Director of the Chesapeake Bay Program Office

Pennsylvania’s Phase 3 Watershed Implementation Plan: Partners, Projects, and Progress

An update was provided on the Chesapeake Bay Phase 3 WIP progress, including successes, how partners are working together, milestones, where the implementation plan stands currently, and what to expect in the future. A lengthy question and answer session followed the presentation.

CAC COMMITTEE REPORTS:

Environmental Quality Board

No formal action was taken at the meeting. Reports were provided by the Oil & Gas program and the Radiation Protection program on the three-year regulatory fee and program cost analysis. The Radiation Protection Program seems to be adequately funded, which is not the case with the Oil & Gas program.

Public Participation

The committee revisited the need to come up with strategies to improve public participation and implement a plan post-pandemic. Keith Salador will connect with DEP’s Communications Office and Policy Office to determine their focus and where CAC might be able to fill in gaps or amplify what is currently being done.

Strategic Issues

The committee met to revisit its charge and responsibilities and discuss potential issues to select as priorities. Potential issues included a transition report for the incoming Administration, continued examination of the orphaned and abandoned wells program and expenditures with the infusion of federal money, long term and sustained funding of environmental programs,

stormwater program management, and RGGI and how revenues from that program will potentially be spent. The committee concluded that its first order of business is to complete last year's report on legacy pollution.

Legislative Committee

Discussion surrounded HB 610 which was brought before the full CAC over a year ago regarding amendment of the definition of economic development agencies in Act 3 to include land banks, which would provide land banks with environmental liability protection. The committee was asked to provide a letter of support. Without knowledge of DEP's position, there was no immediate agreement by the committee for such a letter. The committee will hold off on anything further unless the Bill begins to move.

Keith Salador brought two white papers to the committee's attention that had been prepared by DEP as the precursor to what it hopes will be legislation: 1) managing electronic waste; and 2) Act 101, the Municipal Recycling Act. The committee asked Keith to do a deeper dive into the papers and then report out to the committee. The committee thought it would be helpful to have folks from DEP, the manufacturing industry, and the waste industry provide a briefing to the full Council on these matters and also receive a presentation on waste collection. The Legislative Committee would like to meet with the Strategic Issues Committee to review the white papers and attempt to develop recommendations. Chairman Shabazz proposed that the committees take the next month to study the two issues. A discussion about the need for presentations will then follow.

Act 54

Keith Salador is developing a draft letter in response to the report. The Act 54 committee will review the draft letter and bring it back to the full CAC for discussion.

Mining Reclamation Advisory Board

The committee met on January 20. The main topic was the Water Quality Standards for Manganese and Implementation final rulemaking establishing a 0.3 mg/L human health toxin criterion and moving the point of compliance from the point of discharge to the point of any downstream drinking water intake. The rulemaking is greatly opposed by industry as being overly protective, and those in support of the criterion argue it is expensive for facilities to be burdened with treatment. A presentation was given by the Bureau of Clean Water. Anticipated delivery of the final rulemaking to the EQB is spring, with delivery to IRRC before September 2021.

Aggregate Advisory Board

Discussions surrounded the Water Quality Standards for Manganese and Implementation final rulemaking and the complete rewrite of the Mining Engineering Manual and where it currently stands. A joint meeting of the MRAB and AAB Regulation, Legislation, and Technical Committees will be held on March 17 to discuss the Engineering Manual.

EPA Clean Air Act Advisory Committee

Mitch Hescox reported that the committee recently sent a recommendation to the EPA about future pollution from transportation sources. The EPA is developing new interactive tools looking at air pollution sources, power plants, EJ communities, and more.

OPEN DISCUSSION:

To allow additional time for Keith Salador to review DEP's white papers and for the Legislative and Strategic Issues committees to meet:

Chairman Shabazz made a motion to cancel the March 15, 2022 CAC meeting. Jacquelyn Bonomo seconded the motion, which was unanimously approved.

The March 15 CAC meeting was canceled. The next meeting of the CAC will be April 19, 2022 at 12:30 PM.

ADJOURNMENT:

With no further business, Chairman Shabazz moved to adjourn the meeting. James Schmid seconded the motion, and all were in favor. The February 15, 2022 meeting of the CAC adjourned at 2:55 PM.