

**MINUTES OF COMBINED MEETING
OF THE CITIZENS ADVISORY COUNCIL
AND THE ENVIRONMENTAL JUSTICE ADVISORY BOARD
November 15, 2022**

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Bob Barkanic	Jerome Shabazz
Cynthia Carrow	Thad Stevens
Mitch Hescox	John Walliser
Duane Mowery	Jim Welty
John St. Clair	Tim Weston
James Schmid	

CAC STAFF PRESENT:

Keith Salador, Executive Director, Citizens Advisory Council

ENVIRONMENTAL JUSTICE ADVISORY BOARD MEMBERS PRESENT:

Jen Baka	Bobby Hughes
Heather Bedi	Rashida Lovely
Adam Cutler	Jerome Shabazz
Anthony David	Horace Strand
Arthur Frank	

EJAB STAFF PRESENT:

Justin Dula, Director, Office of Environmental Justice
Winnie Okello, Strategic Coordinator, Office of Environmental Justice
Juan Serrat, Eastern Regional Coordinator, Office of Environmental Justice

CALL TO ORDER:

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

DEP REPORT:

Acting Executive Deputy Secretary for Programs Joe Adams provided a brief update on the following:

PAG-13 Extension and Workgroup

On September 24, DEP published in the *Pennsylvania Bulletin* notice of a two-year extension to the PAG-13 NPDES General Permit for small MS4s. Coverage under the existing PAG-13 has been extended until March 15, 2025. In that same notice, DEP also solicited participants for a PAG-13 workgroup. DEP received nearly 60 requests to participate in the workgroup and has selected 22 participants. A representative from the USEPA will also participate in the workgroup. DEP staff will facilitate the workgroup and provide input on the history of the PAG-13, relevant state and federal statutory and regulatory requirements, and other relevant matters as needed to inform discussions. The first PAG-13 workgroup meeting is scheduled for November 21, with seven additional meetings scheduled about every two weeks through early March.

HB 2528, Act 136 of 2022

On October 18, the Senate Environmental Resources and Energy Committee reported House Bill 2528 as committed. On October 26, the House concurred in Senate amendments to House Bill 2528, sending the bill to the Governor for signature. Governor Wolf signed the bill into law on November 3. The bill directs that 20% of all funds received under IJA be used to run an Orphan Well Plugging Grant program. Grants are generally limited to \$40,000 per “shallow” well and \$70,000 per “deep” well, or the actual cost to plug, whichever is less. The bill adds a new Section 3271.1 to the Oil and Gas Act that essentially removes any small business considerations from the contracting program for Pennsylvania companies. HB 2528 removes the limitation on imposing federal grant requirements on grant applicants, which is expected to address the concerns raised by the U.S. Department of the Interior to the original language in Act 96 of 2022. The Office of Oil and Gas Management has started internal discussions and is developing a strategy to implement the provisions of Act 136 of 2022.

Governor’s Award for Environmental Excellence 2023

As noted in the Secretary’s update at the October CAC meeting, the DEP has begun accepting applications for the 2023 Governor’s Award for Environmental Excellence. Applications can be submitted to DEP through December 21. To be eligible for consideration, projects must have been completed between October 4, 2021 and October 11, 2022. Application information and FAQs can be found at the Department’s Governor’s Award for Environmental Excellence webpage: www.dep.pa.gov/about/awards/environmentalexcellence.

Agricultural Energy Efficiency Rebate Program

As noted in the Secretary’s update at the October CAC meeting, DEP’s Energy Programs Office re-opened the Agriculture Energy Efficiency Rebate Program for Pennsylvania farmers and agricultural producers on September 17. Approximately \$150,000 is available from the rebate program this year. The program is open on a first-come, first-served basis as funding remains available or through March 31, 2023. Program details can be found on the DEP agriculture energy website: www.dep.pa.gov/agricultureenergy.

PUBLIC COMMENTERS:

Riley Ross

Mr. Ross appeared on behalf of the Board of Directors of the Chester Water Authority requesting that the Environmental Justice Advisory Board conduct state-wide hearings to examine the impact of private water companies purchasing public water systems which disparately and discriminately impacts low income residents, communities of color, and vulnerable residents. Mr. Ross requested that the Board members of the Chester Water Authority, and others interested in this topic, be permitted to speak at the next EJAB meeting.

Claudia DePalma

Ms. DePalma, a Staff Attorney at the Public Interest Law Center, requested that the Environmental Justice Advisory Board advance and support efforts to ensure that water affordability is prioritized in the provision of water service throughout the Commonwealth.

PRESENTATIONS:

EJ Viewer and EJ Mapping

Justin Dula, Director of DEP’s Office of Environmental Justice, provided a detailed update related to the EJ Policy, EJ Viewer, and EJ mapping, all tools used by DEP to implement environmental justice policies.

Q&A included housing of the data in the Commonwealth’s IT Department, criteria used for choosing sources, possible contracting of Temple interns who initially performed the work, when methodology document will be available to the public, and the timeframe for filling the Western Regional Coordinator position.

Brownfields Program and Funding Update

Mike Maddagin, Land Recycling Program Manager

Over the last 18 months, the Brownfields Program published a Chapter 250 rulemaking in November 2021, updated its Technical Guidance Manual, and is currently simultaneously working on a Chapter 250 rulemaking to address vanadium soil and a full Chapter 250 proposed rulemaking underway with the guidance of the Cleanup Standards Scientific Advisory Board. The Program is also currently working to fill vacancies and put together Act 2 training for new staff.

John Gross, Land Recycling Group Manager

Information was provided related to funding available from federal and state monies and grant funding.

Q&A included the processes around technical assistance and sites of possible concern.

APPROVAL OF MEETING MINUTES:

Chairman Shabazz solicited additions or corrections to the October 18, 2022 Minutes. Hearing none:

Chairman Shabazz made a motion to approve the Minutes of the October 18, 2022 meeting. John Walliser seconded the motion, which was unanimously approved.

CAC COMMITTEE REPORTS:

EQB

The following final rulemakings were adopted by the EQB today:

- Radiation Safety Requirements for Non-Healing Arts Radiation Producing Devices; and
- National Pollutant Discharge Elimination System (NPDES) Schedules of Compliance for Water Programs

The EQB voted to accept for further evaluation by DEP a petition for the redesignation of a segment of Brodhead Creek in Monroe County.

Legislative

The committee met to follow up on the Waste presentation at CAC's October 18 meeting. The committee determined to bring before the full Council the recommendation that DEP prepare a Fact Sheet on both Act 101 municipal waste and on electronic waste. It was suggested that CAC request the Fact Sheets by yearend 2022 for review by the full Council in early 2023. The proposal is to initially focus on electronic waste given the statewide difficulties to recycle used electronic devices, and it was also suggested that Council send a letter to the General Assembly in 2023 emphasizing the need for legislative action to address this issue and attach the DEP Fact Sheets. This item would also be included in CAC's Transition Report.

Cynthia Carrow made a motion that Council request DEP to develop Fact Sheets on both Act 101 municipal waste and electronic waste as a follow-up to the Waste issues presentation provided at the CAC's October 18, 2022 meeting and requests that Executive Director Keith Salador research and report back to Council what other states are doing with respect to electronic waste. Thad Stevens seconded the motion, and all were in favor.

Solid Waste

Jim Welty agreed to again serve on the Solid Waste Advisory Committee. With no interest expressed by other Council members:

Jerome Shabazz made a motion to approve Jim Welty to serve on the Solid Waste Advisory Council for an additional term. Tim Weston seconded the motion, and all were favor.

NEW BUSINESS/OPEN DISCUSSION:

2021 Annual Report

Jerome Shabazz made a motion to adopt CAC's 2021 Annual Report. Tim Weston seconded the motion, which was unanimously adopted.

2023 Meeting Dates

Discussion revolved around moving CAC's monthly meeting dates to the second Tuesday of the month to align with the EQB.

Jerome Shabazz made a motion to align CAC meeting dates with the EQB for the second Tuesday of the month. Cynthia Carrow seconded the motion. With no opposition, the motion was adopted.

Keith Salador will send the meeting dates to Council members.

Transition Report

A final appeal was issued for volunteers to work on the Transition Report, and a November 30 deadline was set to let Keith Salador know of interest in participating.

ADJOURNMENT:

With no further business, Chairman Shabazz motioned to adjourn the meeting. All were in favor, and the November 15, 2022 meeting of the CAC was adjourned at 2:45 PM.