

**MINUTES OF
CITIZENS ADVISORY COUNCIL
October 8, 2024**

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

Robert Barkanic, Chairperson	Trisha Salvia, Vice Chair
George Ambrose	John St. Clair
Cynthia Carrow	Jerome Shabazz
Carol Collier	Thad Stevens
Bill Fink	John Walliser
Duane Mowery	Jim Welty
	Tim Weston

The Chairperson announced that James Schmid is no longer on the Council. Jim's term ended on September 19 after seven years on the CAC. He was on the Environmental Quality Board, the Aggregate Advisory Council, the Mining Reclamation Advisory Board, and CAC's Strategic Issues Committee. Jim was singlehandedly the strongest advocate for the Department's Act 54 Report. A Resolution has been drafted on Jim's behalf to express the CAC's thanks for his years of service.

DEP STAFF PRESENT:

Ian Irvin, Executive Director
Casey Damicantonio, Policy Office
Joshua Neyhart, Policy Office

CALL TO ORDER:

Chairman Barkanic called the meeting to order at 12:31 PM.

APPROVAL OF MEETING MINUTES:

Chairman Barkanic solicited additions or corrections to the September 10, 2024 Minutes.
Hearing none:

Tim Weston motioned to approve the Minutes of the September 10, 2024 meeting. George Ambrose seconded the motion, which was unanimously approved.

DEP UPDATE

Acting Secretary Shirley met with CAC's Chair and Vice Chair on July 30. Topics discussed with them and covered in today's presentation included DEP modernization, the Secretary's vision for the future of DEP, core values, and moving at the speed of business.

Q&A included the meaning of the speed of business, the importance of getting back to the objectives and values of the agency, and methods to externally share DEP's new values, mission, and vision.

PRESENTATION

Rob Altenburg, Senior Director for Energy and Climate, PennFuture

New Directions: Hydrogen and Data Centers in Pennsylvania

Mr. Altenburg's presentation covered where hydrogen is being used today, its worldwide uses, future worldwide demand, and growth potential and challenges of hydrogen. He discussed what PennFuture sees on the ground, where Penn Future has questions, where PennFuture thinks questions must be asked, and suggestions for moving forward.

Q&A included the lack of sufficient funding to complete hydrogen hub projects, the viability of generated hydrogen versus naturally occurring hydrogen, hydrogen versus nuclear power, major impacts that a regulatory agency needs to be prepared to address when proposals are submitted, issues with the grid being challenged, and benefits that might motivate a community to embrace a hydrogen hub.

High Garst, DEP Acting Policy Director

FPR Work Group Report

This workgroup is comprised of DEP, the Department of Agriculture, the State Conservation Commission ("SCC"), and stakeholders across the Commonwealth. Three perceived issues became clear.

- (1) *FPR Odor.* The workgroup identified odor as a major concern and highlighted the need for odorous FPR to be handled differently than less odorous FPR. The group also identified the potential for greater requirements for management of FPR in storage and land application to reduce the risk of odor.
- (2) *Transportation.* The workgroup members concluded that banning the importation of FPR would pose legal and logistical challenges while also limiting the potential for FPR to be beneficially used on agricultural operations. The workgroup identified proposed solutions for additional documentation, reporting, and clear responsibility at the generation, transportation, storage, and land application phases.
- (3) *DEP Management.* Recognizing that DEP's management of FPR is limited to the authority given to DEP in statute and regulations, the workgroup focused on potential updates to the Solid Waste Management Act. The group also recognized the important role that the SCC serves in collecting information and building relationships with agricultural operations across the Commonwealth, especially as it pertains to the Nutrient Management, Odor Management, and Certified Manure Hauler and Broker Programs. FPR is already built into nutrient management application when applicable. The workgroup noted that, if the SCC obtained primary oversight of FPR land application and storage on agricultural operation, the Bureau of Waste Management would still be best suited to deal with FPR as a residual waste in all other contexts.

The FPR workgroup's proposed solutions to managing the transportation, storage, and land application of FPR as it relates to agricultural operations are: 1) clarify liability and secure documentation; 2) enhance training for FPR haulers; 3) create a clearer definition of FPR; 4) require more stringent odor management for high-odor-risk FPR; require notification of intent to

store or apply FPR; 6) codify required minimums in LAS Plans; 7) reorganize internal management of FPR rules; and 8) enhance education around FPR rules and management.

Discussion included the lack of a requirement that truckers notify farmers of a mixture of FPRS in the same load, the need for LAS Plans to be required versus recommended, the form and function of the NOI, whether DEP has issued public comments on the legislation, and when DEP will be putting out a draft of the updated guidance.

ELECTION OF EQB MEMBERS

CAC members have five seats on the EQB, with two alternates. There is currently only one alternate. The volunteers are: Bob Barkanic, Trisha Salvia, Thad Stevens, John Walliser, and John St. Clair. The alternate is Bill Fink.

Bob Barkanic moved that the five volunteers and the one alternate named above be approved by the Council. Cynthia Carrow seconded the motion. There were no abstentions and no opposition. The motion was unanimously approved.

PRESENTATION

Ruby Stanmyer, EPA Region 3 Water Division PFAS and SDWA Regulatory Update

This presentation covered the PFAS rule at the EPA and several Safe Drinking Act regulatory updates, moved on to PA DEP's PFAS rule and what DEP is doing, then looked at the general world of PFAS at the EPA and the federal level.

Q&A included discussion around the state standards for bottled water, the removal of other contaminants, whether the new rule related to removal of PFAS will put additional liability on water operators in the Commonwealth, and the potential to create hazardous substances in the PFAS treatment process.

PUBLIC COMMENTERS

All written comments submitted were provided to the CAC members prior to the meeting

Karen Feridun's public comments were related to Carbon Capture and Storage and can be found [here](#).

CAC COMMITTEE REPORTS:

Legislative Committee

Ian Irvin commented that the committee met last week. Most of the discussion was around the House ERE meeting and the FPR bills. Another bill that was voted on was bonding for solar installations. The committee decided to circle back about the FPR issue to see if it should be discussed in future meetings and where the legislature goes with that, potentially reaching out to stakeholders in the FPR space. With regard to the bonding of solar installations, Ian has begun

to reach out to the industry and other states that are already talking about bonding and solar panels recycling. Several presentations are lined up for early 2025 on solar panels.

Public Participation

The committee meeting was under attended. Bob Barkanic and George Ambrose discussed the possibility of using a newsletter and DEP's regional offices to get the word out about public input. Another suggestion was referring testimony to the appropriate committee for response or follow-up and using public events like the Farm Show and regional meetings for more contact with the public. Cynthia Carrow suggested the committee issue a mini strategic plan to talk about actions to foster additional membership and participation in the committee.

Low Level Waste Management

Ian Irvin offered that the committee met on September 27. An item of discussion was the recent and historic disposal of low-level radioactive waste from Pennsylvania and the Appalachian Compact, which includes the states of Maryland, Delaware, West Virginia, and Pennsylvania. There are primarily two available disposal sites: the Clive site in Utah and the Waste Control Specialists site in Andrews, TX. There was additional discussion around the ongoing Three Mile Island (TMI)-2 decommissioning. TMI-1 was also touched upon, but the announcement the week before between Microsoft and Constellation changed the discussion around TMI-1. There was also public comment on TENORM (Technically Enhanced Naturally Occurring Radioactive Material), which does not fall within the purview of the Low Level Waste Management committee based on the definitions from the Atomic Energy Act of 1954 and the NRC so those public comments were redirected to the Solid Waste Advisory Committee.

Aggregate Advisory Board Regulatory, Legislative, and Technical Committee

A recent meeting was held, but there was nothing significantly impactful.

NEW BUSINESS/OPEN DISCUSSION

Solid Waste Advisory Committee and the Recycling Fund Advisory Committee

The committees will be meeting on October 9.

Radiation Protection Advisory Committee.

The committee will meet on October 16.

Mining Reclamation Advisory Board

The committee will meet on October 23. Cynthia Carrow, John St. Clair, and Jason Foster will attend.

Aggregate Advisory Board

This committee will meet on November 6. John St. Clair, Thad Stevens, and Jim Weston will be in attendance.

Strategic Issues Committee

With Jim Schmid no longer on the Council, Ian Irvin solicited interest in serving on the Strategic Issues Committee. Ian stated that Jacqui Bonomo's service on the committee would be greatly appreciated.

Ian Irvin will electronically send out the Resolution for James Schmid.

The next meeting of the CAC will be November 12, 2024, at 12:30 pm which will be a combined meeting with EJAB.

Thad Stevens offered input that he finds value in face-to-face meetings and was looking for commitment from Council members to attend future meetings in person.

ADJOURNMENT:

The October 8, 2024 meeting of the CAC was adjourned at 3:52pm.