

Citizens Advisory Council

to the Department of Environmental Protection



2008 Annual Report



Adopted: February 17, 2009

Richard J. Manfredi
Chair

Susan M. Wilson
Executive Director

CITIZENS ADVISORY COUNCIL (December 2008)

GOVERNOR'S APPOINTMENTS

Jolene E. Chinchilli - Lancaster Co.; B.S. Biology, Chatham College; M.S.P.H., Environmental Science and Engineering, University of North Carolina; Former Executive Director, Pennsylvania Office of the Chesapeake Bay Foundation; appointed June 27, 1996; current term expires January 2009.

Gail M. Conner, Esquire - Delaware Co.; JD, Widener University School of Law; B.S., University of Wisconsin; Founder and President of G&C Environmental; appointed June 17, 2005; current term expires January 2011.

S. Pat Lupo, O.S.B. - Erie Co.; B.A. Elementary Education, Mercyhurst College; M. Ed. Science Education, Clarion State University; Director, Lake Erie Allegheny Earth Force; appointed June 29, 1988; current term expires January 2010.

Richard J. Manfredi - Bucks Co; B.S. Public Administration, Shippensburg University; M.S. Public Administration, Marywood College; former Director of Public and External Affairs for Haines and Kibblehouse, Inc.; President & CEO of RJM Public Affairs; appointed June 13, 2002; current term expires January 2011.

John J. Walliser, Esquire – Allegheny Co.; B.A. Political Science, University of Pittsburgh; JD, University of Pittsburgh School of Law; Allegheny Valley Conservancy Board of Directors 2004-Present; Allegheny County Bar Association, Environmental Law Section Council, 2006-present; appointed October 2008; term expires 2010.

Peter Wilshusen, Ph.D. – Union Co.; B.A. Environmental Studies, University of Vermont; M.F.S. Master of Forest Science in Environmental Policy, Yale School of Forestry and Environmental Studies; Ph.D. Resource Policy and Behavior, School of Natural Resources and Environment, University of Michigan; Co-director, Bucknell University Environmental Center 2005-present; appointed October 2008; term expires January 2009.

PRESIDENT PRO TEMPORE OF THE SENATE APPOINTMENTS

Cynthia Carrow - Allegheny Co.; B.S. University of Pittsburgh; Executive Vice-President of Western Pennsylvania Conservancy; President of the Board of Directors, Conservation Consultants, Inc.; appointed February 1997; current term expires January 2010.

Joyce Hatala – Lackawanna Co., B.A. Anthropology, University of Notre Dame; M.A. Anthropology, University of Minnesota; Environmental Institute Director, Lackawanna College; appointed June 2005; current term expires January 2011.

Walter N. Heine, P.E. - Cumberland Co.; B.S. Civil Engineering, Drexel University; M.S. Sanitary Engineering, University of Michigan; Chief Executive Officer, Walter N. Heine Associates, Inc. and Township Supervisor; former Director of the Federal Office of Surface Mining, U.S. Department of the Interior; and former Associate Deputy Secretary for Environmental Protection, PA DER; appointed August 11, 1983; current term expires January 2010.

Bernard Hoffnar, Ph.D. – Bedford Co.; B.S., General Agriculture, Southern Illinois University; M.S., Agriculture Economics, Pennsylvania State University; Ph.D., Agriculture Economics, Michigan State University. Owns and operates a Christmas tree farm in Broadtop Township, Bedford County; appointed April 24, 2006; term expires January 2009.

Curtis N. Kratz – Montgomery Co.; Kellogg Rural Leadership Institute at Penn State; Consultant – Environmental and Government, elected to Board of Directors for the PA Farm Bureau, represents members from Berks, Chester, Delaware and Montgomery Counties; appointed June 2005; current term expires January 2011.

Burt A. Waite - Crawford Co.; B.A. Geology, College of William & Mary; M.S. Geology, University of Vermont; Senior Geologist in charge of environmental services for Moody & Associates; appointed November 17, 1998; current term expires January 2009.

SPEAKER OF THE HOUSE APPOINTMENTS

Janet B. Keim – Lehigh Co.; B.S., Elementary Education, Kutztown University. Retired Substitute Teacher for 24 years; appointed August 22, 2006; term expires January 2010.

Thaddeus Stevens - Tioga Co., Associate Applied Science, Forestry, Paul Smith's College New York; Active with PA Association of Realtors, Legislative Committee; Delegate to North Central Sewage Agency for Gaines Township, Tioga County; appointed April 9, 1997; current term expires January 2008.

David Strong - Jefferson Co.; B.S. Chemistry, Mansfield University; Independent Environmental Scientist; appointed October 31, 1996; current term expires January 2007.

Bruce M. Tetkoskie — Schuylkill Co.; Bloomsburg University - Principles of Industrial Safety & Health; Northampton Community College - Finance & Accounting Principles; Consultant in the environmental field; appointed July 28, 2004; current term expires January 2006.

ACTING SECRETARY OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

John Hanger - Dauphin Co.; 1979 graduate of Duke University; 1984 graduate of University of PA School of Law; 1984-1988 public advocate with Commentary Legal Services, Inc.; 1988-1993 legal counsel to PUC Commissioner Joseph Rhodes; 1993-1998 PA PUC Commissioner; 1998-August 2008 President and CEO of Penn Future; currently serving as Acting Secretary of Pennsylvania Department of Environmental Protection; appointed August 2008.

Executive Director - Susan M. Wilson
Program Analyst - Janis Dean

Administrative Assistant – Patty Davenport

February 17, 2009

Allegheny County

Cynthia Carrow
John J. Walliser, Esquire

Bedford County

Bernie Hoffnar, Ph.D.

Bucks County

Richard J. Manfredi

Crawford County

Burt A. Waite

Cumberland County

Walter N. Heine

Delaware County

Gail M. Conner, Esquire

Erie County

Pat Lupo, O.S.B.

Jefferson County

David L. Strong

Lackawanna County

Joyce A. Hatala

Lancaster County

Jolene E. Chinchilli

Lehigh County

Janet B. Keim

Montgomery County

Curtis N. Kratz

Schuylkill County

Bruce M. Tetkoskie

Tioga County

Thaddeus K. Stevens

Union County

Peter K. Wilshusen, Ph.D.

Dear Governor Rendell:

The Citizens Advisory Council (Council) to the Pennsylvania Department of Environmental Protection (DEP) is pleased to submit its *2008 Annual Report* for your review.

The Council is charged with advising DEP on environmental issues, programs, and policies.¹ Council members are unpaid citizen volunteers from all across Pennsylvania, that represent an extensive range of interests and experiences, and who donate a substantial amount of their time in assisting and advising the DEP. In addition to attending monthly Council meetings, actively participating in committee related responsibilities, and taking part in conference calls, many members also serve the Commonwealth on program specific advisory committees. Council elects five members annually to sit on the Environmental Quality Board as well.

A few of the many issues and activities Council focused on in 2008 are summarized below:

Water & Wastewater Infrastructure

In February an Executive Order created the State Water Infrastructure Task Force. Council supported this effort, provided input including Council's white paper "*Pennsylvania's Approach to Integrated Wastewater Management: A New Paradigm*" with regard to integrated wastewater infrastructure, and corresponded with Pennsylvania's Congressional Delegation stressing the need for dedicated sources of funding from all levels of government to address aging infrastructure needs.

Oil & Gas Program – Marcellus Shale

Council continued to hear concerns with regard to the recent gas drilling boom. In September Council convened a panel of experts to informally discuss the issues involved with the recent activity related to the Marcellus Shale. The department requested Council's assistance with public outreach efforts and its participation on a recently convened interagency workgroup as well.

¹ Citizens Advisory Council was created by Act 275 of 1971. Citizens Advisory Council reports annually to the Governor and to the General Assembly.

Interagency Cooperation

Council embarked on a joint effort with the Conservation and Natural Resources Advisory Council to look into cooperation and coordination efforts between the agencies. Over 40 interviews were held with Commonwealth staff and external partners to discuss interagency cooperation. In June, the two advisory councils finalized and adopted the resulting report, "*A Review of Interagency Coordination and Grant Program Administration and Implementation Between the PA Department of Environmental Protection and the PA Department of Conservation and Natural Resources.*" This report was then provided to both departments for consideration.

Regional Meeting

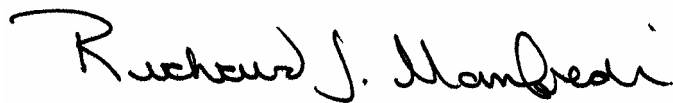
Council held its 2008 regional meeting in Sayre, Bradford County. During the regional meeting, Council had an informal discussion with a panel of individuals in regard to the recent Marcellus Shale gas boom, visited several sites of environmental interest, had two sessions where public testimony was heard, and held a brief business meeting. Council heard first hand the issues facing people in Bradford and the surrounding counties and also received a report on the work of DEP in the region.

These highlighted activities, in addition to many others, are discussed in greater detail in the enclosed report.

Council welcomes the receipt of comments from you, members of Pennsylvania's General Assembly, and the citizens of the Commonwealth with regard to issues of environmental concern to Pennsylvania.

I speak for both myself and Council when I say that we take our mandate seriously and encourage the citizens of the Commonwealth to take an interest in participating in the protection of their air, soil, and water. We remain committed to working with you and your administration, the General Assembly, and the citizens of the Commonwealth in the protection of our environment.

Sincerely,

A handwritten signature in black ink that reads "Richard J. Manfredi". The signature is written in a cursive style with a large, prominent initial "R".

Richard Manfredi
Chair

Attachment

2008 ANNUAL REPORT

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2008 ANNUAL REPORT

CITIZENS ADVISORY COUNCIL TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

COUNCIL OVERVIEW

Since its creation in 1971, the Citizens Advisory Council (Council) has been actively involved in environmental issues affecting the Commonwealth. Council is the only legislatively mandated advisory committee with the comprehensive charge to review all environmental legislation, regulations, and policies affecting the Department of Environmental Protection (DEP). In addition, the 1992 amendments to Pennsylvania's Air Pollution Control Act require DEP to consult with Council in developing state plans and regulations to implement the federal Clean Air Act. To carry out these responsibilities, Council by law² is granted access to all DEP records. Council reports annually to the Governor, the General Assembly, DEP and the public.

Council has 19 members: 18 appointed citizen volunteers and the Secretary of the Department of Environmental Protection. The Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate each appoint six members, with no more than half from the same political party. Because the appointments originate from different authorities, Council's membership is geographically, politically and professionally diverse. Appointees must be familiar with the work of DEP and willing to commit the time and energy required. Members serve staggered 3-year terms and may serve until successors are appointed.

Council meets monthly, except August and December, and at the call of the chairperson. Meetings are open to the public and advertised as required by the Sunshine Act.³ Each year, Council holds a regional meeting in a different part of Pennsylvania to give citizens and groups in that area an opportunity to speak about their environmental concerns. The 2008 regional meeting was held in Bradford County on September 8-10 and included site visits as well as two sessions of public testimony. A few of the issues raised during the testimony included Marcellus Shale gas drilling, water degradation, wastewater management, and the funding of recycling initiatives.

Council elects five members annually to serve as the only citizen representatives to the Environmental Quality Board (EQB), a 20-member independent board that adopts all of DEP's regulations.⁴ In 2008, the EQB convened 6 times to consider 2 petitions, 9 proposed and 13 final rulemakings.

Council elects 4 members to serve on the Mining and Reclamation Advisory Board.⁵ Council also holds seats on the Air Quality Technical Advisory Committee; Low-Level Radioactive Waste Advisory Committee; Radiation Protection Advisory Committee; and Solid Waste Advisory Committee.

² Section 1922-A of Act 275 of 1970

³ Act 84 of 1986

⁴ Sections 471 and 1920-A of Act 275 of 1970

⁵ Section 18 of Act 181 of 1984

Council is represented on the Environmental Hearing Board Rules Committee⁶ and the Oil and Gas Technical Advisory Board.⁷ For the Oil and Gas Technical Advisory Board, Council submits three names to the Governor for selection of a representative.

Council is granted the independence to hire its own staff by law.⁸ In 2008, staff included Susan M. Wilson, Executive Director; Janis Dean, Program Analyst; and Patty Davenport, Administrative Assistant. The Council's offices are located on the 13th floor of the Rachel Carson State Office Building in Harrisburg.

For more information, you may contact the Council by using any of the following methods:

- Write: P.O. Box 8459, Harrisburg, PA 17105-8459
- Call: (717) 787-4527
- Fax: (717) 787-2878
- E-mail: epcontactcac@state.pa.us
- Website: <http://www.depweb.state.pa.us/cac>

INTRODUCTION

The objective for creating the Council in 1971⁹ was to establish a non-partisan body to represent citizen viewpoints and provide objective analyses of DEP's performance and environmental issues in general. This legislation gave the Council three specific charges:

(a) The Citizens Advisory Council shall review all environmental laws of the Commonwealth and make appropriate suggestions for the revision, modification, and codification thereof.

(b) The Council shall consider, study, and review the work of the Department of Environmental Protection and for this purpose, the Council shall have access to all books, papers, documents, and records pertaining to or belonging to the Department.

(c) The Council shall advise the Department on request, and shall make recommendations upon its initiative, for the improvement of the work of the Department.

This report highlights the activities, positions and recommendations of the Citizens Advisory Council, pursuant to these mandates, from January 1 - December 31, 2008. Where appropriate, the current status of an issue is included.

⁶ Section 5 of Act 94 of 1988

⁷ Section 216 of Act 223 of 1984

⁸ Section 448 of Act 275 of 1970

⁹ Act 275 of 1970

CAC STANDING COMMITTEES

ADMINISTRATIVE OVERSIGHT COMMITTEE

Administrative Oversight Committee Priorities

The Administrative Oversight Committee's priorities, which were developed in 2005, were retained and upheld in 2008:

1. Identify opportunities for greater consistency (process and enforcement) among DEP regions.
2. Work towards more appropriate use and communication of policies, guidance and regulation (literal interpretation vs. direction).
3. Enhance DEP effectiveness.

The Administrative Oversight Committee's primary focus is on the department's workload and resource shortfalls in its various programs and regions. NPDES and oil and gas program staffing continue to be areas of concern.

Budgetary – Program Fees

Deputy Secretary of Administration Patrick McDonnell attended the July meeting to provide a budgetary update. Patrick indicated that all agencies saw a reduction in their General Funds. He highlighted increases in flood control, municipal climate change grants for planning to implementation, and operation funds. Patrick also reported that the state Recycling Fund had been depleted by \$15 million. Other highlights of his presentation included the passing of HB 1 for energy related initiatives and gaming revenue being dedicated to sewage and drinking water infrastructure, flood control, dams, etc.

AIR COMMITTEE

Pennsylvania's air quality has continued to improve and considerable progress has been made. However, the Commonwealth continues to face new challenges. At times, these challenges require innovative, aggressive action to protect Pennsylvania citizens and the environment. The department must be poised to identify these challenges and be prepared to utilize creative and aggressive solutions to meet the demands of Pennsylvania's ever-changing air pollution issues.

Air Committee Priorities

The Air Committees Priorities, which were developed in 2005, were retained in 2008:

1. Air permits and permitting procedures
 - a. Support and encourage permitting procedures that are economically and administratively efficient yet remain protective of the environment.
 - b. Look for opportunities to achieve measurable improvement in environmental quality as well as advancing economic and administrative efficiency.

2. Emission reductions
 - a. Look for opportunities to further minimize air emissions, especially where health and environmental impacts can be measure and/or are strongly correlated.
 - b. Promote awareness of the connection between air pollution and public health with focus on the general public and government decision-makers.
 - c. Identify and encourage private sector innovations in minimizing emissions.
 - d. Identify and address the significant impacts of individuals and permittees on air quality (e.g., open burning, inspection/maintenance, etc.) through education, public awareness, etc.
3. Influence of/relationship with EPA
 - a. Monitor the effectiveness of the relationship between DEP and EPA with regard to air programs and issues.
4. Energy impacts on air quality

Program/Regulatory Revisions

Section 7.6 of “The Air Pollution Control Act,” (Act No. 1992-95) provides that “The Department shall consult with the Citizens Advisory Council...as appropriate, in consideration of State implementation plans and regulations developed by the Department and needed for the implementation of the Clean Air Act.”

Anti-Idling - Council forwarded letters supporting this package to both EQB and the Bureau of Air Quality in February and June respectively.

SB 295, signed by Governor Rendell October 2008, replaced DEP’s anti-idling regulations.

Consumer Products - At the March meeting, the Bureau of Air Quality presented the final Consumer Products Rulemaking. In April, Council forwarded a letter supporting the department moving forward with the rulemaking, scheduled to go to EQB in June. This rulemaking was published as final in October.

Adhesives, Sealants & Primers - Bureau of Air Quality staff attended Council’s April meeting to review the concepts to be included in the Adhesives, Sealants and Primers proposed rulemaking which will limit emissions of volatile organic compounds from these products. In May, Council sent a letter supporting the department moving forward with this package.

Cement Kilns – In October Bureau of Air Quality staff held a conference call with the Air Committee to discuss the effect that the vacatur of the Clean Air Interstate Rule will have on the rulemaking. At the November meeting Council voted unanimously to forward a letter to the department in support of the cement kiln final form rulemaking.

5 - Year Report

Section 4.3 of Pennsylvania’s Air Pollution Control Act (Act No. 992-95), requires the department to conduct and submit to the General Assembly an evaluation of the effectiveness of the programs adopted to implement the federal Clean Air Act. The evaluation is also required to include a summary of Council’s air activities.

The 5-year report was due in 2007. Bureau of Air Quality staff provided Council a status update on the report at the April Meeting. Council continues to track the department's progress in completing this report.

ENVIRONMENTAL STANDARDS COMMITTEE

The Environmental Standards Committee primarily handles regulatory and policy issues for mineral resources, waste, land recycling, and energy.

Mineral Resources

Environmental Standards Committee's Priorities for Mineral Resources Issues

The Environmental Standards Committee's priorities for mineral resources, which were developed in 2005, were retained in 2008:

1. Expedite remediation of historic problems.
2. Enhance the ease of reclamation of current mining.
3. Promote quicker resolution of surface and water impacts and ensure that the spirit and intent of the law is properly applied and enforced to result in a just balance of conflicting property uses and users.

Abandoned Mine Land Trust Fund/Title IV – Ad Hoc Workgroup

At the March meeting, DEP staff reported that no decision had been made with regard to the 30 percent set aside allowed under the authorization. Council was assured that both the CAC and MRAB would be included in the decision-making process on how any set-aside funds are utilized. In July the department's draft position statements with regard to Title IV monies and the set aside were provided for Council review and comment. After review of the information, Council representatives held a conference call and met with department staff to discuss the draft documents. Council staff attended the AML conference held in State College in August and provided a presentation on Title IV funding and the set aside.

In October, at a combined session with the Conservation and Natural Resources Advisory Council, staff from both the department's Bureau of Abandoned Mine Reclamation and the Department of Natural Resources (DCNR) provided presentations on abandoned mine land issues on Commonwealth owned lands. Council at the November meeting discussed the matter further and will be creating a joint workgroup with CNRAC to further review and facilitate inter-agency discussion of related issues.

Act 54, 5-Year Report

Amendments to the Bituminous Mine Subsidence and Land Conservation Act require DEP to collect and analyze data on the effects of deep mining on subsidence of surface structures/features and water resources. The data and findings are to be provided to the Governor, General Assembly and Council at five-year intervals.

At the January Council meeting the Secretary reported that the compilation of the Act 54 report, due in 2008, has been slowed due to funding issues and the inability of the department to secure

a commitment from an outside expert to prepare the report. At the March meeting, Council was given an update on those recommendations not implemented from the last report. At the July meeting, the department reported that the University of Pittsburgh's Swanson School of Engineering had expressed interest in compiling the report. A Memorandum of Understanding was in process. The department also distributed a handout on the draft scope of work to be included. As of November, per the department's report to Council, work on the 5-Year report had not yet been started due to internal issues at the University of Pittsburgh.

Oil and Gas

At the April meeting, the department reported that it is working to fill the 2 vacancies on the Oil and Gas Technical Advisory Board and that meetings would resume. It was also reported that there is legislation pending relating to property rights and gas drilling. DEP had testified in favor of better articulation of the rights and responsibilities of surface property owners and mineral rights owners.

During the open comment period at the May meeting, several members of the audience expressed concern over the recent gas well drilling activity around the Marcellus Shale formation. Comments were received from representatives of: Trout Unlimited, PA Game Commission, PA Fish & Boat Commission, Somerset County Conservation District and the U.S. Geological Survey. Also at the May meeting, department staff reported that recent activity indicated a shift of gas drilling development to the eastern part of the Commonwealth. The department is conducting outreach and assisting with Penn State's workshops on leasing. Gas drilling issues include water withdrawals, waste-water disposal, and staffing.

In June DEP staff reported that the department had hosted an Oil and Gas Summit to discuss the future of the oil and gas industry in the Commonwealth. The department also discussed a number of gas related issues, including: permit load, protection of water resources, safety practices, staffing, etc. New regulations are being drafted to address necessary fee increases.

At the December 16 EQB meeting, the board approved an increase of fees in the oil and gas program.
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In September, at Council's regional meeting, a panel of experts was convened to review and discuss the recent Marcellus Shale gas boom and related issues.

In October the department requested Council's input and assistance with regard to a public outreach initiative. This effort was delegated to the Public Participation and Outreach Committee and the committee and staff have participated on the Interagency Marcellus Shale Workgroup. At the October combined meeting session between the two advisory council's, DEP and DCNR staff and a representative from the Susquehanna River Basin Commission provided presentations with regard to water resources and the drilling for natural gas in the Marcellus Shale.

(In Acting Secretary John Hanger's September 30, testimony before the House ER&E committee, he indicated DEP had a need for an additional 68 positions in the program.)

Mineral Resources - Additional Items of Discussion

Council was also informed of a funding change with regard to the federal Office of Surface Mining (OSM). In fiscal year 2009, OSM will no longer provide federal funding for mining related emergencies. Instead, states may be required to use money from AML grants, reducing Pennsylvania's ability to address AML and AMD issues. This is an area of concern for Pennsylvania; DEP is working with Pennsylvania's congressional delegation in regard to this issue. In September, Council forwarded a letter to Pennsylvania's congressional delegation expressing concern over OSM's decision to discontinue federal funding of abandoned mine land related emergencies in Pennsylvania. Council has also shared its concerns with MRAB.

Waste

Environmental Standards Committee's Priorities for Waste Issues

Traditional methods of dealing with pollution prevention include, recycling, source reduction, and public education. While these methods have a significant role in dealing with waste management, society needs to look at the bigger picture and deal with the issue of reducing the amount of waste. It is important that the department not only promote pollution prevention, but also aggressively look for new, innovative ways to reuse, reduce and recycle.

The Environmental Standards Committee priority for waste, which was developed in 2005, was retained and upheld in 2008:

1. Promote a more sustainable yet still protective approach to waste management.

Regulatory Revisions

Municipal and Residual Waste - At the January meeting, department staff reported that major revisions were being considered for the municipal and residual waste regulations. Council members expressed concern over the proposed revisions and how quickly the department seemed to be proceeding toward implementation. In February, Council forwarded a letter to the Office of Waste Management formalizing several questions in regard to the proposed regulatory changes. DEP staff attended Council's March meeting to discuss the proposed revisions and Council's letter. The department assured Council that the time frame for the progression of these proposed regulatory changes had been relaxed to allow for further dialogue on several issues. Many issues raised in Council's letter were discussed as well, including: implementation & resources, fee increases, sustainable waste practices, permit review and renewal, local and municipal involvement, and disposal bans.

In November Council forwarded a letter to Acting Secretary Hanger outlining their concerns with regard to the depletion of the fund and recommended an extension and increase of the recycling fees.

Recycling Fund

Joyce Hatala discussed her concerns with the depletion of the Recycling Fund at the October business meeting. Further action on this topic was delegated to the Environmental Standards Committee.

In November Council forwarded a letter to Secretary Hanger expressing concern over the \$15 million transfer of funds from the Recycling Fund and the upcoming sunset of the \$2 per ton tipping fee which finances Pennsylvania's recycling programs. The letter also indicates Council's support for the increase of tipping fees, which have not been increased since imposed in 1988, in order to cover the funding of new programs which are needed to deal with the growing list of disposal bans. Additional funding is needed to ensure the continued success of the recycling program in Pennsylvania.

INTEGRATED PROJECTS COMMITTEE

Integrated Projects Committee Priorities

The Integrated Projects Committee's priorities, which were developed in 2005, were retained in 2008:

1. Cumulative Impacts
 - a. Determine the status of models and procedures to determine cumulative impact.
 - b. Promote consideration of cumulative impact in DEP programs and decision-making.
 - c. Expand the use of bio-monitoring in communities subject to exposure of pollutants from multiple sources.
2. Health and Environment
 - a. Continue to explore possible connections between environmental quality and public health with focus on both the general public and government decision-makers.
 - b. Ensure that DEP policies, programs, and regulations address the connection between environment and public health.
 - c. Support and encourage DEP continued participation in the Environmental Health Tracking project with the Health Department and encourage DEP to develop its own initiatives in this area.
3. Multimedia, Market, and Trading Approaches to Environmental Protection
 - a. Support and Encourage the development of new tools to build upon and go beyond progress made under current programs.
 - b. Ensure that new approaches result in measurable improvement in environmental quality and advance environmental as well as economic efficiency.

Lead

The Integrated Projects Committee met in January to discuss EPA's proposal to drop lead as a criteria pollutant. A letter to EPA expressing Council's concern with this proposal was sent January 15, 2008.

In November, a new lead National Ambient Air Quality Standard was promulgated that is ten times more stringent than the 1978 standard. Pennsylvania currently monitors locations where there are obvious lead sources. EPA will require monitoring near potential sources and in urban areas. EPA designations will be made one year after a monitoring network has been established; attainment is required within five years of designation.

DEP/Department of Health (DOH) Coordination

At the February meeting, Council received an update on the public health tracking program and the interaction between DEP and the Department of Health (DOH). The health tracking system received another five-year grant. The program will focus on electronic data collection and input. DEP has worked with DOH on several site assessments and both agencies also work with Center for Disease Control and Prevention and EPA on radioactive and hazardous waste sites. There is not an actual “policy” in place between DEP and DOH; however, some regulations dictate when DOH must be notified. Emergencies are handled through the PA Emergency Management Agency (PEMA), which works with all Commonwealth agencies. Long-term health issues are handled by DOH. The Department, via the November report to Council, provided an update on the individual regional offices’ progress with the DOH in their respective areas.

PUBLIC PARTICIPATION AND OUTREACH

Public Participation and Outreach Committee Priorities

The Public Participation and Outreach Committee’s priorities, which were developed in 2005, were retained and upheld in 2008:

1. Public Participation in DEP Decision-making
 - a. Seek continued improvement in DEP’s decision-making at all levels
2. Environmental Education and Stewardship
 - a. Elevate the role of environmental education within the Department and improve cooperation among resource agencies
 - b. Increase community/grass roots awareness, knowledge, skill and involvement in achieving and maintaining desired environmental quality and quality of life utilizing environmental education as one of the primary tools.
3. Environmental Justice
 - a. Monitor and aid Environmental Justice staff and the Environmental Justice Advisory Board in improving how the Department addresses these issues.
4. Communication and Education
 - a. Seek continued improvement in DEP’s internal communication and interregional consistency
 - b. Seek continued improvement in external outreach regarding DEP activities (not to be confused with EE)
 - c. Maintain accountability for both

Advisory Committee Concerns

Council met with Policy Office staff in April to discuss the status of the implementation of the recommendations made in their joint report “*Increasing the Effectiveness of DEP’s Advisory Groups and Other Public Engagement.*”

In April at the Council meeting, a member of the department’s Sewage Advisory Committee addressed Council about concerns he had with the appearance of department resistance to public and advisory committee comment. He asked Council to consider forwarding a letter to the

House Environmental Resources and Energy Committee encouraging them to hold hearings to look into the allegation.

In May, the Committee reported that it did not recommend forwarding the requested letter, but that it was including the issue in a broader discussion on DEP's public participation strategy. The Policy Office and Council staff met with the department's advisory committee liaisons and program leadership the end of in May to review and discuss the enhancement of advisory committee coordination and engagement.

Wind Siting Criteria

In August Council staff attended a meeting regarding possible legislation outlining wind turbine siting criteria. In November, the committee received a presentation from the Western Pennsylvania Conservancy regarding the use of exclusionary siting criteria. Council's Public Participation and Outreach Committee will be discussing and further reviewing this matter to assist in the development of an informed recommendation.

Marcellus Shale (Joint Interagency Workgroup)

In October, Council representatives attended a meeting in the Governor's office with regard to Marcellus Shale public outreach and education. The department requested Council's assistance with a public outreach initiative. The Public Participation and Outreach Committee is further reviewing this matter.

WATER COMMITTEE

In 2008, Council's Water Committee reviewed and provided input on several initiatives and proposed regulatory revisions that focused on wastewater infrastructure upgrades, the Chesapeake Bay Tributary Strategy, and the Resource Enhancement and Protection Act of Pennsylvania (REAP).

Water Committee Priorities

The Water Committee's priorities, developed in 2005, were retained in 2008:

1. Quantity
 - a. Continue to advocate adoption of a comprehensive and integrated system of water resource management.
 - b. Ensure adequate flow to maintain designated uses and the integrity of the hydrologic cycle for watershed protection
2. Quality
 - a. Ensure that all Pennsylvanians have access to safe drinking water.
 - b. Ensure that all waters meet or exceed designated use and maintain integrity of the hydrologic cycle.
 - c. Minimize pollution entering the Commonwealth's waters and ensure that the pollution does not alter any water's designated use.

Chesapeake Bay

Nutrient Trading - Department staff attended Council's January 15 meeting to discuss nutrient trading and the Chesapeake Bay Tributary Strategy, particularly how it affects sewage treatment plants. Council staff continues to participate on DEP's Nutrient Trading Workgroup.

Resource Enhancement and Protection Act of PA (REAP) – On January 15, the Water Committee met with Karl Brown, Executive Secretary of the State Conservation Commission (SCC). He provided the committee with a REAP implementation update. Within the first 10 days of the initial application period (fiscal year 2007-2008), the SCC received applications in excess of the \$10 million allocated. In fiscal year 2008-09, applications for the \$10 million tax credit allotment exceeded \$13 million in the first day.

Chesapeake Bay Workgroup - Prior to the April Council meeting, a representative from the U.S. Geological Survey provided the workgroup a presentation on monitoring and water quality trends in the Susquehanna River Basin. The presentation indicated that the trend in total nitrogen in the Susquehanna River, as it leaves Pennsylvania, is being reduced. This is also true for phosphorus, with the exception being organic phosphorous.

In May, Jeff Sweeney, a nutrient specialist with the Chesapeake Bay Program, provided a presentation on Chesapeake Bay modeling. In September, Council forwarded a letter to Pennsylvania's Congressional Delegation addressing the need to identify adequate funding sources to assist with addressing the Commonwealth's aging infrastructure needs.

State Water Plan

At the May meeting Council received a State Water Plan progress report. There was discussion on atlas development, public input, and the water budget screening tool. Meetings to garner public input were held throughout the state. Funding for this project remains an issue.

Sewage Management

Council's finalized white paper "*Pennsylvania's Approach to Integrated Wastewater Management: A New Paradigm*", an executive summary and a letter addressing both the white paper and Act 537 issues were provided to the department in February. The Department provided the white paper to the SWITF for their information and consideration. In follow-up Department staff provided a Power Point presentation at the November meeting.

In February, Council approved and released its *Position Statement Re: Sewage Infrastructure Needs*. In September a letter was sent to Pennsylvania's Congressional Delegation expressing concern with regard to availability of dedicated funding for the Commonwealth's aging water and wastewater infrastructure needs.

Sustainable Water Infrastructure Task Force (SWITF)

At the February council meeting, the department reported that Governor Rendell, in response to federal cuts in water quality improvement programs, will sign an executive order establishing the Sustainable Water Infrastructure Task Force. The task force is to develop a report by October 1 that analyzes cost-effective, sustainable investment in the Commonwealth's water and wastewater infrastructure. The report is also to provide recommendations on financing options to support water-related services in the Commonwealth's 2009-10 budget.

In May, staff from the Office of Water Management provided Council a SWITF update. Five SWITF workgroups were created: Needs Assessment; Innovative Measures; Financial Resources; Financial Sustainability; and Legislative and Regulatory Issues. Seven public meetings were held throughout the state to gather input. A Water Committee call was held the end of May to afford members the opportunity to provide input to the SWITF; comments were then summarized and submitted to the department along with Council's white paper "*Pennsylvania's Approach to Integrated Wastewater Management: A New Paradigm.*"

Marcus Kohl reported in July that the various workgroups were expected to present their draft reports at the July meeting of the task force. The task force met again in August and produced a "straw-man" report. A draft final report was then prepared and provided to Council in September for review and comment. Marcus attended the November Council meeting and provided an overview of the final report.

Council member **Joyce Hatala** served as a member of the SWITF's Innovative Measures Workgroup.

CAC CURRENT WORKGROUPS

CAC/CNRAC JOINT WORKGROUP

The Conservation and Natural Resources Advisory Council (CNRAC) and the Citizens Advisory Council (CAC) formed a joint work group to analyze how the councils could promote and enhance interagency cooperation.

In January the workgroup held a conference call to discuss and review an analysis of the information gathered from 40 plus interviews that were conducted. Following the conference call, CAC and CNRAC staff formulated a draft report containing the key findings from the interviews and joint recommendations from the Councils. The resulting draft was circulated to the interagency joint workgroup. Several conference calls were held to review, discuss and refine the draft report. In June the workgroups presented the final draft report to both Councils for review; both CAC and CNRAC adopted the report at their respective June meetings. The report was then presented to Secretary McGinty and to Secretary DiBerardinis of DCNR. At the July Council meeting the DEP thanked Council for the work done on the report and indicated that the report was being shared with executive staff.

STRATEGIC PLANNING WORKGROUP

Following CAC's regularly scheduled March meeting, the annual Strategic Planning meeting was held. Council reviewed and discussed its charge, effectiveness, and core responsibilities. A Strategic Planning Workgroup was created to further evaluate and consider several key areas. The workgroup continues to meet and address these areas.

CAC SPECIAL MEETINGS

CAC REGIONAL MEETING

Council holds an annual regional meeting to hear and learn from local citizens, environmental groups, and organizations about different environmental issues in their region of the Commonwealth and also to hear about the work of the department. Council held its 2008 regional meeting in Sayre, Bradford County, September 8-10. Monday evening, Council met informally with local government, industry, academia, and DEP staff to hear first-hand of the challenges involved with the recent Marcellus Shale gas drilling boom. Council also visited several environmental sites of interest, held two sessions of public testimony, and convened a brief business meeting. Topics of testimony received included concerns related to the drilling for natural gas in the Marcellus shale, water degradation and contamination, the proposed regulatory revisions to Pennsylvania's Sewage Facilities Act, the depletion of the Recycling Fund, the proposed bonding requirements of the bluestone industry, and concerns about the work of the Department. During Council's abbreviated business meeting DEP Northcentral Regional Office Director Robert Yowell provided a report on DEP's activities in the region. A report summarizing the regional meeting will be prepared and provided to the department. This report will include Council's recommendations.

OCTOBER CAC/CNRAC JOINT MEETING

In October CAC and CNRAC held three combined sessions in conjunction with their regularly scheduled business meetings. Department staff from both DEP and DCNR staff attended and provided presentations with regard to: acid mine drainage on and reclamation of AML on Commonwealth owned lands; energy and climate change; and the recent Marcellus Shale gas boom and gas drilling on state lands. At the November meeting Council discussed ways to move forward with these initiatives and is working with CNRAC in facilitating inter-departmental cooperation and coordination. Cynthia Carrow was named CAC's liaison to work with CNRAC.

COUNCIL NEWS/UPDATES

Member News & Updates

Resignations - At the January meeting, it was reported that **DeEtta Antoun** had resigned from Council. **Brian Hill** resigned from Council in April, as he accepted employment with the Richard King Mellon Foundation in Pittsburgh. **Jack LeBeau** also resigned from Council to return to practicing medicine. **Margaret Urban** resigned from Council in August to pursue other commitments.

Appointments - In February, Governor Rendell reappointed both **Gail Conner** and **Richard Manfredi** to serve another term on Council. Speaker O'Brien reappointed **Thaddeus Stevens** to serve another three year term on Council. Council member **Pat Lupo** was appointed, by the Governor, to serve on the Commonwealth's Climate Change Task Force. In September, Senator Scarnati reappointed **Curtis Kratz** to another three year term. **John J. Walliser, Esquire** and **Peter R. Wilshusen, Ph.D.** were appointed to Council by the Governor in October.

Elections - In February both **Walter Heine** and **Bruce Tetkoskie** were re-elected to represent Council on the Mining and Reclamation Advisory Board. Council leadership and EQB elections were held in June. The results of the leadership elections were: **Richard Manfredi**, chair and **Joyce Hatala** to vice chair. The following individuals were elected to represent Council on the EQB: **Jolene Chinchilli, Walter Heine, Bernie Hoffnar, Richard Manfredi, and David Strong**. Council's EQB alternates are **Cynthia Carrow, Gail Conner, Pat Lupo, and Bruce Tetkoskie**.

COMMITTEES AND BOARDS

(as of December 2008)

Chair: Richard J. Manfredi

Vice Chair: Joyce Hatala

STANDING COMMITTEES

Administrative Oversight

Thaddeus Stevens, Chair
Cynthia Carrow
Jolene Chinchilli
Richard Manfredi
Janet Keim
Bruce Tetkoskie

Air

Gail M. Conner, Esquire, Chair
Walter Heine, P.E.
Bruce Tetkoskie

Integrated Projects

Jolene Chinchilli, Chair
Gail M. Conner, Esquire
Joyce Hatala
Bernie Hoffnar, Ph.D.
Pat Lupo, O.S.B.
David Strong
Bruce Tetkoskie
Burt Waite

Environmental Standards

David Strong, Chair
Joyce Hatala
Walter Heine, P.E.
Bernie Hoffnar, Ph. D.
Curtis Kratz
Thaddeus Stevens
John Walliser, Esquire

Public Participation and Outreach

Cynthia Carrow, Chair
Gail M. Conner, Esquire
Curtis Kratz
Pat Lupo, O.S.B.
Bruce Tetkoskie

Water

Burt Waite, Chair
Cynthia Carrow
Jolene Chinchilli
Joyce Hatala
Walter Heine, P.E.
Bernie Hoffnar, Ph.D.
Janet Keim
Curtis Kratz
Pat Lupo, O.S.B.
Richard Manfredi
Thaddeus Stevens
Bruce Tetkoskie

OTHER BOARDS & COMMITTEES (as of December 2008)

Environmental Quality Board

Members:

Jolene Chinchilli
Walter Heine, P.E.
Bernie Hoffnar, Ph.D.
Richard Manfredi
David Strong

Alternates:

Cynthia Carrow
Gail M. Conner, Esquire
Pat Lupo, O.S.B.
Bruce Tetkoskie

Mining and Reclamation Advisory Board

Members:

Walter N. Heine, P.E.
David L. Strong
Bruce M. Tetkoskie
Burt A. Waite

Alternates:

Susan Wilson
Janis Dean
Patricia Davenport

Air Quality Technical Advisory Committee (AQTAC)

Appointee: VACANT

Environmental Hearing Board Rules Committee (EHB)

Appointee: Thomas Scott

Low-Level Radioactive Waste Advisory Committee (LLWAC)

Member: Susan Wilson

Alternate: Janis Dean

Oil and Gas Technical Advisory Board (OGTAB)

Appointee: Burt Waite

Radiation Protection Advisory Committee (RPAC)

Appointee: Susan Wilson

Solid Waste Advisory Committee (SWAC)

Member: David Strong

Alternate: Susan Wilson

Council Staff

Executive Director – Susan Wilson

Program Analyst – Janis Dean

Administrative Assistant – Patricia Davenport

REPORTS, STATEMENTS, AND RESOLUTIONS
(January – December 2008)

Water Issues	Date
Letter to Deputy Secretary Myers regarding proposed revisions to the Act 537 regulations, Executive Summary, and Council's white paper, <i>"Pennsylvania's Approach to Integrated Wastewater Infrastructure Needs: A New Paradigm"</i> .	February 7
<i>"Position Statement Re: Sewage Infrastructure Needs"</i>	February 19
Letter to PA Congressional Delegation in regard to the establishment of adequate funding sources to assist with aging infrastructure needs.	September 23
Air Issues	Date
Letter to Secretary McGinty, Chairperson, Environmental Quality Board, expressing Council's support for the proposed Diesel Vehicle Idling; and Auxiliary Power Systems proposed rulemaking.	February 19
Letter to Director, Bureau of Air Quality, Joyce Epps, supporting the final rulemaking for Chapter 130 Sub Chapter B: Consumer Products.	April 4
Letter to Director, Bureau of Air Quality, Joyce Epps, supporting moving forward with the draft proposed rulemaking for Adhesives, Sealants and Primers to the Environmental Quality Board.	June 13
Letter to Director, Bureau of Air Quality, Joyce Epps, supporting moving forward with the Diesel Vehicle Idling; and Auxiliary Powers Systems final rulemaking to the Environmental Quality Board.	June 13
Letter to Director, Bureau of Air Quality, Joyce Epps, supporting moving forward with the final Cement Kiln rulemaking	November 21
Waste	Date
Letter to Deputy Secretary Fidler with regard to proposed regulatory changes to the Department's waste program.	February 19
Letter to Acting Secretary Hanger expressing Council's concern with regard to the depletion of the Recycling Fund and extending/increasing the recycling fee.	November 26
Mineral Resources	Date
Letter to the PA Congressional Delegation with regard to reauthorization of SMCRA and the elimination of Federal funding of AML related emergencies.	September 23
Integrated Projects	Date
Letter to EPA opposing the de-listing of lead as a regulated air pollutant	January 15
Reports/Newsletters	Date
2007 Annual Report	January 15
2007 Regional Field Trip Report (Bedford, PA)	February 19
Joint Interagency Workgroup report <i>"A Review of Interagency Coordination and Grant Program Administration and Implementation Between the PA Department of Environmental Protection and the PA Department of Conservation and Natural Resources."</i>	June 26
CAC Advisory	Spring
CAC Advisory	Fall

LEGISLATIVE MANDATE

ACT 275 OF 1971

Section 448. Advisory Boards and Commissions

(p) The Citizens Advisory Council shall consist of the Secretary of Environmental Protection, six members who shall be appointed by the Governor, no more than three of whom shall be of the same political party, and six members who shall be appointed by the President Pro Tempore of the Senate, no more than three of whom shall be of the same political party, and six members who shall be appointed by the Speaker of the House of Representatives, no more than three of whom shall be of the same political party. The appointed members of the Council shall be citizens of the State who, during their respective terms, shall hold no other state office to which any salary is attached except that of membership of the Environmental Quality Board.

The term of office of each appointed member shall be three years, measured from the third Tuesday of January of the year in which he takes office or until his successor has been appointed.

The Citizens Advisory Council shall include persons knowledgeable in fields related to the work of the Department of Environmental Protection such as, but not limited to, ecology, limnology, toxicology, pharmacology, organiculture, and industrial technology.

The Council shall annually elect one of its appointed members as Chairman and shall elect a Secretary who need not be a member of the Council. Meetings of the Council shall be held at least quarterly or at the call of the Chairman.

The Council shall have the power to employ and fix the compensation of such experts, stenographers, and assistants as may be deemed necessary to carry out the work of the Council, but due diligence shall be exercised by the Council to enlist such voluntary assistance as may be available from citizens, research organizations, and other agencies in Pennsylvania or elsewhere, generally recognized as qualified to aid the Council.

Section 1922-A. Citizens Advisory Council

(a) The Citizens Advisory Council shall review all environmental laws of the Commonwealth and make appropriate suggestions for the revision, modification and codification thereof.

(b) The Council shall consider, study, and review the work of the Department of Environmental Protection and for this purpose, the Council shall have access to all books, papers, documents and records pertaining or belonging to the Department.

(c) The Council shall advise the Department on request, and shall make recommendations upon its initiative, for the improvement of the work of the Department.

(d) The Council shall report annually to the Governor and to the General Assembly and may make such interim reports as are deemed advisable.

ACT 95 OF 1992, THE AIR POLLUTION CONTROL ACT

Section 7.6. Advice to Department

(a) The Department shall consult with the Citizens Advisory Council established under Section 448 of the Act of April 9, 1929 (P.L. 177, No. 175), known as “The Administrative Code of 1929,” as appropriate, in the consideration of State implementation plans and regulations developed by the Department and needed for the implementation of the Clean Air Act. Nothing in this section shall limit the Council’s ability to consider, study and review Department policies and other activities related to the Clean Air Act implementation as provided under Section 1922-A of “The Administrative Code of 1929.” This section shall not apply to state implementation plans or portions thereof comprised of permit emission offset or reasonably available control technology requirements for individual sources; consent orders and agreements; or regulations. The requirements of this section shall not apply to State implementation plans submitted by a local air pollution control agency.

Section 4.3. Evaluation

Beginning five (5) years after the effective date of this section and every five (5) years thereafter, the Department shall conduct and submit to the General Assembly an evaluation of the effectiveness of the programs adopted to implement the Clean Air Act. The evaluation shall include:

(6) A summary of the activities undertaken by the Citizens Advisory Council and the air technical advisory committee under Section 7.6.

INFORMATION REQUEST FORM

Pennsylvania Constitution Article I, Section 27

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

If after reading this report you would like to receive more information about the Council *or* would like to be added to our electronic mailing list, please use the form provided below and send it (i.e. mail, fax or electronic mail) to:

Citizens Advisory Council
P.O. Box 8459
Harrisburg, PA 17105-8459
Phone No. (717) 787-4527
Fax No. (717) 787-2878
Email: epcontactcac@state.pa.us

-
- YES, I would like to be added to the CAC's **electronic** mailing list.
 - YES, I would like to receive more information about the Council or a particular issue.

I am interested in _____

Name _____ Organization _____

Address _____

City _____ State _____ Zip Code _____

Phone No. (____) _____ Fax No. (____) _____

Internet/other electronic mail address _____



MISSION STATEMENT OF THE CITIZENS ADVISORY COUNCIL

It is the mission of the Citizens Advisory Council to strive to ensure that all people of the Commonwealth enjoy the benefits included in Article I, Section 27 of the Pennsylvania Constitution.

This mission specifically states that the Council is to carry out the mandates of Act 275 of 1971 and Act 95 of 1992, by:

- *Performing non-partisan, independent oversight of the operations, management and policy of the Department of Environmental Protection;*
- *Evaluating environmental issues and laws;*
- *Participating in the development of environmental regulations; and*
- *Providing advice concerning environmental matters to the Department, the Governor, the General Assembly, and the Commonwealth's federal representatives.*

The council strives to represent all people of the Commonwealth and endeavors to bring a collective view of the public interest in environmental protection and natural resources, forged from the Council's own diversity of personal experiences and perspectives.

(Unanimously Adopted: November 20, 1989; Amended: November 12, 1996;
Reaffirmed: March 15, 2005; Amended: April 17, 2007)

CITIZENS ADVISORY COUNCIL

to the Department of Environmental Protection
13th Floor, Rachel Carson State Office Building
P.O. Box 8459
Harrisburg, PA 17105-8459