

## Minutes of EJAB

**Meeting Date:** August 14, 2007

**Call to order:** The quarterly meeting of the Environmental Justice Advisory Board was held in the Rachel Carson State Office Building, 400 Market St, Harrisburg, PA on August 14, 2007.

The meeting convened at 8:30 am, Arthur Frank presiding.

### **Members in attendance:**

Erlinda Aguiar	Lauren Boles
Eli Brill	Rocky Brown
Mario Browne	Arthur Frank
Clea Hollis	C Nolan Howell
Ayanna King	Patrick O'Neill
Mary Vuccola	Mark White

### **Members absent (excused):**

Robbie Ali	Ann Morrison
Monica Fisher	Luvennise Gamble
KV Singh	

### **Members absent (unexcused):**

Michael Walker	Jerry Balter
Rocky Boone	

### **Non-members:**

Marylou Barton	Holly Cairns
Nora Carreras	Kelly Heffner
John Kennedy	Marcus Kohl
Janis Dean (CAC)	Doan Barefield
Christina Simeone	Jill Gaito
Joyce Epps	Ken Reisinger
Scott Roberts	

## Welcome and Introductions

Dr. Arthur Frank, Chair asked everyone to introduce themselves.

## Approval of Minutes

- A motion was made by Dr. Clea Patrick Hollis to approve the minutes from the June 5, 2007 meeting.
- Seconded by: Reverend Rocky Brown
  - All in favor: motion carried

## OEA Staff Reports

Dr. Arthur Frank asked for a brief overview of the OEA Staff reports.

- Ayanna King, Director of OEA: Ms. King spoke briefly about the Environmental Health Tracking meeting. Dr. Jayanth Devasundaram at DOH has made impressive progress in the three months at the helm and we hope that this project will bear some fruits for environmental justice communities.
- Ms. King and Nora Carreras, SC Advocate visited NC Region, the trip was very enlightening and it brought forth the need to revisit that fact that some environmental justice communities are not picked up by census data, because it is only at the county level.
- Holly Cairns, SW Advocate: Ms. Cairns highlighted on several public meetings she has attended, specifically with the Mining office.
- Allegheny Energy will be adding a scrubber to their plant in Pittsburgh. Their proposed landfill gave OEA an opportunity to be engaged in a public meeting whereas that the Harms Vs. Benefit analysis was used in an environmental justice community
- The Ohio Valley General Hospital contacted Ms. Cairns. She has been working with them and their CDC person from McKees Rock to do a revitalization project.
- Nora Carreras, SC Advocate: Ms. Carreras spoke about her challenge to make community contacts with organization in her area, to create awareness of what EJ is and how they can work with SCRO to do special projects to bring awareness to the communities.
- Ms. Carreras has been working with the Community Action Commission, the Weed and Seed Program. They have a special interest in the brownfields project in the Alison Hill area.
- She met with Ally Hoover, American Civil Liberty of PA. The organization has focused their efforts on Civil Rights and she would like to have them take a better interest in EJ. Their counterparts in other states are working with EJ issues.

**Briefing from the Deputy Secretary for the Office of Community Revitalization and Local Government Support**

Arthur Frank introduced Deputy Secretary Jill Gaito. She mentioned that Governor Rendell and Secretary McGinty revitalized her office to become an Economic Office within DEP. PA is the only DEP Agency in the nation to have an Economic Development group within the agency.

The Office focus is to revitalize old industrial properties primarily in urban areas as well as rural. Work with communities and developers to get the site(s) cleaned up and back into productive use.

Ms. Gaito mentioned that during this year budget negotiation funding that supported the voluntary cleanup program in the Brownfields Action Team funding was lost for Hazardous Cleanup Fund.

**Briefing from the Director for the Bureau of Air Quality**

Arthur Frank introduced Joyce Epps, Director. Ms. Epps gave a PowerPoint presentation on the Bureau of Air Quality.

She gave an overview presentation on each program within her Bureau.

- Air Quality / Ozone Standards
- Revisions to the 5 Particulate / 24 hour Standards (health based standard)
- PA Clean Vehicle Program
- Non-attainment NSR
- Clean Air Interstate Rule

**Briefing from the Director for the Bureau of Waste Management**

Arthur Frank introduced Kenneth Reisinger, Director. Mr. Reisinger thanked the Board for having him and wanted to have an informal type of dialog.

The Bureau of Waste Management covers:

- Hazardous Clean-up
- Storage Tank Program
- Municipal and Residual Waste Program
- Recycling Program
- Waste Minimization and Planning Program

He mentioned that there is roughly 130 staff in Harrisburg's Central Office this does not include the six Regional Offices.

### **Briefing from the Secretary McGinty**

Due to the unexpected fire drill the Secretary was unable to attend the meeting.

The Executive Board will reschedule a meeting with the Secretary.

### **Briefing from Executive Assistant for the Office of Water Management**

Arthur Frank introduced Marcus Kohl, Executive Assistant. Mr. Kohl mentioned Deputy Secretary Cathleen Myers and John Hines, Executive Director had prior commitments and both apologized about not being able to make the meeting.

Marcus gave an overview of what the Office of Water Management does:

- One of the largest Deputate within the Department;
  - Water Planning Office
    - State Water plan will be finished in March of 2008
      - The plan in place is 25 years old
    - Coastal Zones
    - Chesapeake Bay Program
  - Bureau of Water Standards and Facility Regulation
    - In the process of revising Chapter 71,72 & 73
    - Revisions are being done to Chapter 92
    - Revisions are being done to Chapter 94
    - Drinking water regulations are under review
  - Bureau of Waterways Engineering
    - Dam Safety
    - Flood Litigation Projects
    - Dam Inspections
  - Bureau of Watershed Management
    - 102 Program / NPDES Erosion and Sediment Control Program
    - 105 Program / Wetlands Program
    - Total Maximum Daily Limits on Streams (TMDL)
    - Water Quality
    - Looking into the integrative water resources management

### **Public Comment Period**

No discussion

## Supreme Court Review

Arthur Frank introduced Marylou Barton, ESQ, from the Office of Chief Counsel. She mentioned that on June 27, 2007 the Supreme Court came down with an opinion that dealt with two school districts. The two districts, instead of placing kids in neighborhood schools they mixed them up so the school in the whole districts would be racially balanced.

The Supreme Court said one couldn't use a racial classification to solve a societal problem that happened by chance.

What it comes back to is the Department not using the 30/20 classification regulations or in statute because it's unconstitutional. It's unconstitutional because Justice Roberts said, "it's unfair to all the other children".

The decision was five to four, Roberts wrote the decision, Thomas agreed with Roberts but he had a concurring opinion "Although presently observed racial imbalance may result from past de jure segregation, racial imbalance can also result from any number of innocent private decisions. Because racial imbalance is not inevitably linked to unconstitutional segregation, it is not unconstitutional in and of itself.

Justice Breyer was extremely outraged at the decision; he thought this is how you use racial classification in order to solve racial discrimination that occurred over the last 200 hundred years.

## Follow up on EJAB Strategic Planning Session

Part of Supreme Court Review discussion.

### Briefing from the Deputy Secretary for the Office of Mineral Resources Management

Arthur Frank introduced Deputy Secretary J Scott Roberts to the members. Mr. Roberts mentioned that his Deputate does interact with EJ communities and have to deal with their issues.

There are five Bureaus within his Deputate.

- Mine Safety Program
  - Offices and rescue units across the State
  - 65 people who work to keep PA mines the safest mines in the US
- Abandoned Mine Reclamation
  - Find ways to reclaim

- Mining and Reclamation
  - Establish policy
  - Administrative functions
  - 6 offices across the State
  - 4-5 thousand mines in PA at any given time
- Oil and Gas Management
  - 60-80 thousand operating oil and gas wells
  - Third in the nation with new gas wells drilled every year
- District Mining Operations
  - Anthracite Mine Subsidence Insurance Sales Office
  - California District Mining Office
  - Cambria District Office
  - Greensburg District Office
  - Knox District Office
  - Moshannon District Office
  - Pottsville District Office

#### **New/Unfinished Business, Questions, and Comment Period**

- Ms. King asked members to review the resume of Hazem Hijazi for Board consideration. She will then send the recommendation to Secretary McGinty for approval.
  - Reverend Rocky Brown made a motion to move Mr. Hijazi's resume forward.
  - Seconded by: Clea Hollis
  - All in favor: motion carried
- Arthur Frank asked members to review the stationary that has been drafted for the Board.
- Arthur Frank asked members to review and make a motion on the revised mission statement.
  - Clea Hollis made a motion to approve the revised mission
  - Seconded by: Reverend Rocky Brown
  - All in favor: motion carried, with 1 abstention
- Eli Brill volunteered to chair a group to revise the "Working Group Report", along with Mario Brown, Erlinda Aguiar and Marylou Barton.
- 2008 meeting date change: August 12, '08 to August 5, '08

- Arthur Frank asked the Board for approval to draft a letter to Secretary McGinty.
    - Reverend Rocky Brown made a motion to have the letter written
    - Seconded by: Patrick O'Neill
    - All in favor: motion carried
      - Arthur Frank mentioned that there are several things he wanted to bring to the Secretary's attention.
        - The Board would like to organize a Statewide Conference on the issue of EJ.
          - Suggested by John Kennedy (DEP) for the Statewide Conference on environmental justice to collaborate with the Department of Health and Transportation.
        - Grants for environmental justice activities that will build capacity for environmental justice communities and the Board can have input in the evaluation process. Also assistance with resources (legislators or foundations) to secure funding for the conference.
        - Input on interacting with the Legislature or legislative process. To assist the EJAB with identifying an EJ Champion in legislature.
        - Utilize the 53-55 PCIEP Universities and how we can formally look to these group and link them to citizens groups around the State.
        - Providing support through resources and technical support for these two projects in environmental justice communities: ITSI Bioscience Facility in Johnstown into a Smart Building and Overbrook Environmental Science Center Facility
        - Arthur Frank suggested that the OEA contact Don Brown to see if EJAB members who are free to attend the October 4th meeting could do so. Possibly give a presentation on EJ.
- Eli Brill asked if the Board could get a presentation from DEP regarding the Environmental Collaboration and Dispute Resolution Program.
  - The person who was in charge of that Program is no longer with the Department and has not been replaced, according to Ms. King.

- November Agenda:
  - Secretary to attend EJAB meeting
  - DEP presentations
    - Fewer presentations with more time allotted
  - Report from Ann Morrison regarding Rosemary Browne
  - Presentation from Department of Education
    - Is there something on EJ in their curriculum
  - Report from Eli Brill regarding the progress on the revision to the Work Group Report
  - Resolve the issues Marylou Barton brought up on what EJAB can use to identify a EJ community; health, poverty, etc
  - Inviting the Governor's Commission on Latino Affairs and the Department of Health to the February 2008 meeting.

Motion to adjourn meeting by: Arthur Frank

Seconded by: Mary Vuccola

All in favor: motion carried

Adjourned at 2:55 pm