

## **Environmental Justice Advisory Board**

Rachel Carson State Office Building, Delaware Room, 400 Market Street, Harrisburg, PA  
May 7, 2013 Minutes

### **Members in attendance**

Laureen Boles, Dr. Arthur Frank, Hazem Hijazi, Dr. Clea Hollis, John Waffenschmidt (via phone), Eli Brill (via phone), Dr. Mark White (via phone), Adam Cutler, Marcia Hinton

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

Erlinda Aguiar, Rev. Horace Strand, Mary Vuccola

### **Non-Members**

Holly Cairns, Marjorie Hughes, Kimberly A. Morewood, Robert Reily, Alice Wright, Robert Altenburg

### **Call to Order**

Chair, Arthur Frank, welcomed everyone and called the meeting to order at 8:40 a.m.

### **Approval of Minutes**

Dr. Arthur Frank called for Motion for approval of the February 5, 2013, minutes. Adam Cutler moved to accept the minutes and Laureen Boles seconded the Motion to approve the minutes. The motion passed.

### **Regional Staff Reports**

#### **Kimberly A. Morewood, Environmental Advocate, Southwest Regional Report:**

Canestrале/LaBelle Coal Refuse Facility, Luzerne Township, Fayette County: On March 7, 2013, OEA staff conducted a conference call with Mining staff to discuss the progress of the pending Refuse Disposal Permit Renewal/NPDES Coal Mine renewal permits which was approved on March 8, 2013, conditional of Dam Safety approval. Ms. Morewood has been working with Lisa Marcucci of Environmental Integrity Project (EIP) to answer question regarding the public participation requirements and EJ policy pertaining to these permits. The anticipated informal conference, if requested by April 21, 2013, will be held prior to June 20, 2013. An EJ public outreach strategy is currently being developed. The permits pertain to current operations only. EIP has also inquired about shallow gas wells on the Canestrале property, as well as, seismic testing being done in the area. EA Morewood, LGL Schimmel and CRC Poister visited the LaBelle area to observe the Canestrале site and local community in preparation for the public outreach plan currently being developed.

Almono Hazelwood Community Meeting, Allegheny County: On Wednesday, March 19, 2013, Kim Morewood attended the 20th community meeting regarding the Almono site and project update was presented by RIDC and their consultants. Approximately 100 members of the community and local elected officials attended. Contact information for all elected officials including Governor Corbett was provided to attendees and the community was encouraged to

contact all the officials in support of this project. Additionally, the project received a unanimous vote by both city and county council approving TIF funding for this project.

Trivita Landfill, Rostraver Township, Westmoreland County: On April 3, 2013, EA Morewood provided results of the DEP Mobil Lab air testing related to the community concern of odors and potential health hazards associated with the Trivita Landfill in Rostraver Township (near Monessen) to Health Specialist Perry Fox, PA Department of Health, had requested.

Monsour Hospital, Jeanette, Westmoreland County: EA Morewood provided background information requested by the PA Department of Community and Economic Development Executive Deputy Secretary regarding Monsour Hospital clean-up which she obtained from CRC Poister.

**Alice Wright-Baily, Environmental Advocate, Southeast Regional Report:**

Ardmore Plaza Shopping Center, Montgomery County: Ardmore Shopping Center is still in limbo. The community is not comfortable with the company doing the testing, however, they would agree to an independent tester coming in to sample homes. Ardmore Plaza (AP) is undergoing Act 2 remediation. Various chlorinated solvents have been identified in the groundwater beneath the sites property. Contamination extends offsite under homes and the church. The release is old and was not caused by AP. The responsible parties (Autocar and others) are no longer in business. AP, as property owner, is undertaking the remediation. Rev. Pollard had community meetings to gather questions about the site, sampling and property access. The Department is awaiting a response from the attorney. Concerns expressed by the community included, “why is there a need to test properties,” “who benefits from the testing,” “what are the Act 2 requirements,” and “how could their property be affected if the plaza expands.” Additional concerns are “was the township aware of some of the issues” and “are the vegetable gardens and playground safe.” Dr. Levin, Environmental Consultant, is concerned about the “... pool of contaminants in soil and groundwater beneath the Plaza Building and believes that represents a present and future threat to the citizens in the community, the... presentation of data in tables does not tell the entire story.” DEP continues to work with the situation. Dr. Frank suggested EJAB may want to invite the community to an EJAB meeting and invite the attorney’s for AP to have a conference call to gather background information.

Eddystone Rail Company (ERC): Dan Arrison, Eddystone Residents 4 Positive Change (ER4PC), notified the regional director (RD) they were rescinding the public hearing request. Since meeting with the company and learning their willingness to work with and contribute to the Borough’s quality of life; ER4PC is comfortable. Mr. Arrison will be attending the Borough Council meeting and hopes to speak about an ERC scholarship proposal for Eddystone and Chester Environmental Partnership (CEP). ERC and Enridge agreed to a meeting and to respond to unanswered CEP questions. CEP members Penn CEET, Dr. Marilyn Howarth and Richard Pepino have expressed concerns about air quality, stormwater discharge into the river and adequate safeguards. They drafted a letter to the RD along with CEP concerns and recommendations.

EPA 2013 Brownfield Conference, Atlanta: EA Alice Wright received a request for assistance from Chester residents, John Shelton and John Johnson, Chester Environmental Partnership

(CEP) Volunteer Host Municipality Inspectors (HMI), in applying for scholarships and preparing a write-up about their community work which is required to apply for a scholarship, for the 2013 EPA Brownfields Conference in Atlanta. Ms. Wright provided the assistance and Dr. Horace Strand provided travel expenses. The CEP members are scholarship contenders.

EPA Brownfield Award to Norristown, Montgomery County: The Environmental Protection Agency (EPA) has awarded Norristown a \$400,000 Brownfields Grant to assess the former industrial sites. Norristown plans to use the grant funding to create an inventory of parcels, conduct site assessments and develop an active community involvement plan to revitalize Norristown. EA Wright contacted the Municipality about the 2013 Brownfield Conference and forwarded EPA's scholarship application, agenda, and a sample write-up to the grant coordinator if they were interested in attending the conference.

**Holly Cairns, Acting Director, Office of Environmental Advocate:**

Potter County: Melissa Troutman from Mountain Watershed Association contacted Cairns and CAC Executive Director Hughes regarding a permit in Potter County for an Industrial Waste Facility in an EJ area. Ms. Troutman thought since eMap is now based on 2010 census tract data this permit application qualified as an "EJ zone." Although the permit had come in before the update to eMap, the general permit associated with the proposed activity, GP 123, would not be flagged to initiate the policy even if it had come in after the update because it's not a trigger permit. Cairns and North Central Regional Office (NCRO) staff had a conference call to discuss outreach options. Staff agreed to hold a public meeting. Before the request could be fulfilled, the request for information was asked to be moved up to coincide with a township meeting. NCRO staff discussed the project with a few interested stakeholders and answered questions. Ms. Troutman also inquired about presenting before EJAB at the May meeting. Cairns offered to include her on the agenda if she contacted her by the agenda deadline, or she could go under the public comment portion of the meeting.

Early Childhood Education Healthy and Green Initiative: PA Department of Health (DOH) met with Acting Director Cairns and Rob Altenburg, Policy Office, regarding a collaborative they are working on with the Department of Public Welfare, Office of Child Development and Early Learning (OCDEL) for setting Guidelines for Licensed Child Care Centers. The collaborative is working to create an environmental screening process designed to help reduce the likelihood that environmental contamination will be discovered after the child care center is operating. The intent is to reduce potential adverse public health effects on children and their caretakers. This would look at a 1/8 mile radius around the intended location of the childcare facility. OCDEL is the licensing agency for child care centers in PA. DEP's role in the collaborative with DOH Environmental Health Tracking Network (EHTN) is to help them identify sites such as landfills, sewage treatment plants and Brownfield sites. The database will also designate EJ areas in order to prioritize activities for possible exposure to low-income areas and/or minorities, as well as, promote environmental education and resources to these areas.

Citizens Advisory Council (CAC): Cairns represents DEP at CAC meetings. Cairns has been working with council to provide them with information regarding DEP initiatives and the public participation webinar outline for the public participation the permit review policy for when it goes public. CAC has taken an interest in reviewing and working on DEP's public participation.

Allison Hill, South Central Regional Office: Holly Cairns and Jeff Whalen have been working on finding avenues to assist a concerned community member and the efforts they are trying to do to address dumping issues in Allison Hill, in the City of Harrisburg. The group has been videotaping individuals and then submitting them to Harrisburg authorities. Ms. Cairns provided Sandra Reid, Harrisburg City Council, the information about the Allison Hill group having concerns about dumping. Ms. Reid held a town hall meeting about trash and illegal dumping and has been doing a lot of work to address issues in the City.

Carpenter Tech, Reading: An air quality permit has been submitted to the Department of Environmental Protection (DEP) in an EJ area in Reading. It appears the company is looking to expand the output of a boiler for the company's steel making operation. DEP has initiated contact with the company to discuss enhanced public participation and to schedule an informational meeting for the community since NOx emissions will now exceed 40 tons per year. The plain language summary for this community will also be provided in Spanish.

### **EJAB Monitoring Matrix**

Adam Cutler presented a draft report for the Monitoring Matrix. Mr. Cutler brought up discussion of, "how can the board assess the outcome of the recommendations that were made in our advisory role to the secretary." The general sense at the time was that there really isn't a mechanism in place that allowed the group to objectively measure, not only what recommendations have been, but also how those recommendations have been handled by DEP. Also proposed was to include space in EJAB quarterly meeting agendas to discuss what recommendations the board might want to make on this topic. We also would suggest that we schedule it as a regular agenda item for status updates from the secretary or secretary's designee to tell us where we stand and response on the subject. This would allow it to be included in the meeting minutes and become part of public record. The other item that is related is that it would be important for the board and the department to increase efforts to inform EJ communities. To increase public input gives EJAB more information to base recommendations and it also may give strength to those recommendations as carried forward to the secretary's office to show that it is an important issue to be addressed. The other thing talked about is it would be great that when program area presentations are scheduled for our board meetings that we, if possible, get those materials in advance so that we can have time to develop any questions that we might have and be prepared to really discuss those issues. The last point is the public understanding of the permitting process. A lot of time has been spent on developing the materials like the plain language guide. We think that it is important to recommend to the secretary that current policy be reexamined on availability of permit applications. Possibly asking the Policy Office to look at a multi-state basis, like what are other state environmental agencies doing about putting permitting material online and making them available to the general public. For example, being able to submit every permit application online and being able to look up what other companies are doing at their sites. That we fill builds consistency in results and helps build predictability in the system for communities and industry.

### **Covanta Rx4Safety Prescription for Safety**

John Waffenschmidt, via conference call, spoke on a program by Covanta that uses safe and sustainable disposal of medications. Launched in 2010 as a direct response to mounting

evidence of pollution in our waterways and drinking water, and prescription drug abuse among our nation's youth, Covanta's Prescription for Safety program, also known as Rx4Safety, provides for the safe disposal and ultimate destruction of medications. Rx4Safety is free of charge for community drug take-back programs utilizing Covanta's Energy-from-Waste facilities for disposal.

Whether flushed down the toilet, washed down the sink or thrown into the garbage, medications can and do contaminate surface and groundwater supplies. Wastewater treatment plants are incapable of filtering out pharmaceuticals from the water supply, passing it along to communities and families in their drinking water. And the medications that wind up in landfills leach into the surrounding surface and groundwater. Although the effects on human health have not yet been fully determined, a study conducted by the U.S. Geological Survey (USGS) last year revealed that nearly 80% of the rivers tested contained traces of pharmaceuticals, including antibiotics, steroids, hormones and contraceptives.

Working alongside leading organizations such as the Product Stewardship Institute (PSI) and the Prescription Pill and Drug Disposal Program (P2D2), Covanta developed Rx4Safety to provide a means of safe disposal, with no impact to the environment. Once collected, all medications are securely transported to a local Covanta Energy-from-Waste facility and deposited into a combustion chamber equipped with state-of-the-art air pollution control equipment where they are completely destroyed. Properly disposing of prescription medications protects precious resources, as well as people, plant life and animals. Proper disposal can also help prevent drug abuse and minimizes accidental poisonings and overdoses, directly contributing to the health and well-being of surrounding communities and collected drugs are used to create safe, renewable electricity for the surrounding communities.

Properly disposing of medications prevents contamination of water supplies and can also help prevent drug abuse. Also discussed was a letter from the New Jersey Department of Environmental Protection regarding the "Project Medicine Drop" Program undertaken by the NJ Division of Consumer Affairs, local police and Covanta Energy.

In order for Covanta to handle the pharmaceuticals at their plants in a way which appropriately covers their liabilities, they need to have a Household Hazardous Waste Exemption from the locally responsible jurisdiction. In Pennsylvania, municipalities who want to institute a take back program in their communities could not go to the 6 Pennsylvania waste combustors. Pennsylvania is unique in that they have declared such pharmaceuticals as hazardous waste. Prescription drugs are regulated under Act 190 of 1996 which lays out requirements for household hazardous waste collection programs. All HHW collections must be handled like hazardous waste and there is no mechanism for DEP to approve the disposal of prescription drugs in Energy-from-Waste facilities, because technically it's hazardous waste.

### **Oil & Gas Update**

Scott Perry, Deputy Secretary for Oil & Gas Management. Before presenting oil and gas updates to the board, Deputy Secretary Perry addressed the comments made in regards to the electronic documents, which is something that the Oil & Gas Office has been engaged in with the oil and gas program for the past several months. It is the Oil & Gas Office's goal to have every public



record that we collect be digitized and put on our website and searchable in multiple ways and in a format that you can run customized reports on, you can look at a GIS mapping system, click on a well and see its permit, etc. Some of this information is available now; however, it is the goal to be more user friendly.

Deputy Secretary Perry gave an overview of some of Oil & Gas issues that have been engaged in. The 2010 year was really the year that Shell Gas development commenced in PA. There were 1,609 wells drilled that year. Over that same time period their inspection numbers continuously climbed, but DEP did not inspect every well. In 2012, DEP's inspection numbers have more than doubled. Staff started to be increased in 2010. In 2007 the Oil & Gas Office had 60 to 70 people, now there is 202 Oil & Gas staff. Texas is the only state that has more inspectors than PA but they have 7 to 9 times the drilling activity. In 2010, the 1,609 wells had 1,282 violations, which is an 80% failure rate; however, if you look at 2012, with approximately the same number of wells, and more than double the inspections, we have found half the number of violations. Half the number of violations found and we are looking twice as hard. The industry, not wanting to be on DEP's radar has implemented some best practices to eliminate some common violations.

#### **Office of External Affairs Update**

Alisa Harris, Special Deputy Secretary (SDS) for External Affairs. Special Deputy Secretary Harris stated that the department is pretty quiet at this time, mainly because DEP is going through a transition of leadership. Secretary Michael Krancer left DEP several weeks ago and in the interim the Governor sent Chis Abruzzo who was DEP's liaison in the Governor's Office. Mr. Abruzzo was a Deputy Chief of Staff over in the Governor's Office. Among other things, Acting Secretary Abruzzo is meeting staff in the Central Office and has requested that all the Deputy Secretaries visit with each regional office and meet with the Regional Directors.

Another item SDS Harris spoke of was the department preparing for a large exit of staff in preparation for some new policies that may be changed regarding pension reform in state government and there are predictions that the Commonwealth will lose a sizable number of staff. Because of the possibility of a large number of staff retiring, we are preparing to get our next level of leaders ready and to back fill any vacancies we have. SDS Alisa Harris also asked that if any board member knows of any talented individuals looking to get into public service, to please send them our way.

#### **Permit Review Process Public Participation Policy Update**

Rob Altenburg, Executive Policy Specialist for the Policy Office, spoke on the public participation and permit review process policy. CAC and EJAB both provided comments to policy. This was the first time advisory committees commented before a document went out to the public and were part of the internal review process. This seemed to work out real well. One of the comments we received were very detailed and when discussed with Secretary Abruzzo internally, we believe DEP is very prepared for what we will see when it goes out for public comment. We don't believe that there will be comments substantially different than what we have already heard. The status of the document is that the draft has just been received from DEP attorneys and is going through the executive staff for one last review. We don't believe that it will be published by the 18th, and don't expect it to be published before the 25th. Some changes

may include changing wording from “we strongly encourage this” to “we encourage this.” The reason for doing this is to try to separate the difference between the different types of documents, for example, what a technical guidance is from what a publication is. Another item that Mr. Altenburg presented was the idea of using web or teleconferencing for public participation. He announced that a webinar for this will be scheduled.

### **Citizens Advisory Council Update**

Marjorie Hughes, Executive Director, Citizens Advisory Council (CAC), reviewed Councils accomplishments for 2012, their interest in the Mining Act 54 Five Year Report, two newly appointed members to Council and a possible joint meeting with EJAB in September.

### **EJAB Letter Writing**

Robert Reiley, Attorney, Office of Chief Counsel, indicated that there is no legal prohibition to EJAB writing letters to third parties, but he noted the Board’s purpose as stated in the Bylaws is to make recommendations to the Secretary regarding “*the adoption, amendment, or repeal of such rules, regulations, standards, criteria, policies, guidance and procedures as it deems necessary and advisable for implementation of the agency's environmental programs and recommendations of the Environmental Justice Work Group.*”

### **EJAB By-Laws**

Dr. Arthur Frank, EJAB Chair. Changes to the following Article’s in the By-laws were voted on. Each article was voted on unanimously by the quorum of members present.

Article IV. Membership Bylaw: “every other year” to “for a two year term appointment”

Article IX. Standing Committees: ambiguous language of “board members may create committees” to “board members can create committees”

Article XII. Amendments Bylaw: replace the language of “members of the Board” to “quorum present”

### **EJAB Listening Session**

Dr. Arthur Frank, EJAB Chair and Holly Cairns, Director, Office of Environmental Advocate. Dr. Frank thinks we will be looking at May 2014 for the EJAB listening session. EJAB members expressed some concern that if a listening session is held in Jersey Shore, will community members from that area attend? Staff will check with some groups in the area to see how they respond, with the realization this doesn’t guarantee participation. However, if interest seems low, EJAB will look at another area to consider holding the listening session. If interest seems positive, plans for this area will continue to move forward. Originally the group was interested in going to a rural EJ area.

### **Working Group Report Discussion**

EJAB Chair, Dr. Arthur Frank, asked Director Cairns to provide EJAB members with a copy of the working group report. Adam looked through, the board decided to table discussion.

### **Public Comment Period**

The Chair opened the floor for public comments. There were no public comments presented.

**New/Unfinished Business**

Regarding the Ardmore Shopping Center, Dr. Frank suggested inviting the community and the attorneys for the company to the next EJAB meeting, either in person or via conference call, to discuss their concerns.

**Adjournment**

Dr. Frank called for Motion to adjourn the meeting at 1:45 p.m. Motion seconded by Adam Cutler. Motion passed.