

ENVIRONMENTAL JUSTICE ADVISORY BOARD
CONFERENCE CALL
April 3, 2018

Voting Members Present Via Phone:

Eli Brill	Allison Robinson
Adam Cutler	Jerome Shabazz
Arthur Frank	Horace Strand
Hazem Hijazi	Tom Torres
Clea Hollis	Brian Twyman
Gary Horton	John Waffenschmidt
Carol Parenzan	

DEP Staff Present:

John Brakeall	Katie Hetherington Cunfer
Abbey Cadden	Lee Ann Murray
Glenda Davidson	Jessica Shirley

Call to Order:

Chairman Adam Cutler called the meeting to order at 2:00 P.M.

Approval of Minutes:

Chairman Cutler requested one addition to New/Unfinished Business of the February 13, 2018 Minutes; adding the Board discussion of key planning initiatives developed from the Delphi process that was undertaken in 2017. Additionally, Dr. Frank noted a typographical error in the last paragraph of New/Unfinished Business. With the changes, Chairman Cutler requested a motion to approve the Minutes of February 13, 2018.

Arthur Frank moved to approve the February 13, 2018 meeting Minutes. Clea Hollis seconded the motion, which was unanimously approved.

Draft EJ Policy Overview

Office of Environmental Justice (OEJ) regional coordinator, John Brakeall, provided a brief overview of the three main revisions to the draft Environmental Justice Public Participation Policy (EJ Policy): 1) identification of environmental justice areas; 2) trigger permits; and 3) document readability.

The draft EJ Policy proposes to identify environmental justice areas by census block groups, replacing the current use of census tracts. Under the proposed change, the number of individuals living within EJ areas would go from approximately 3.7 million people to approximately 4.1 million, a 12% increase. With the proposed change, nearly 33% of Pennsylvania's 12 million people would be living in EJ areas.

Appendix A of the draft EJ Policy describes trigger permits by authorization type, application type, and permit type, which allows applicants to better understand which permit applications

qualify as EJ trigger permits. The two major additions to the list of trigger permit applications include Municipal Waste Compost Facilities and Major Sewage Facilities.

Regarding document flow and readability, the draft EJ Policy is structured to outline the steps for permit applicants during the trigger permitting process followed by direction for EJ communities regarding community participation in the trigger permitting process.

After speaking extensively with the Oil & Gas Program, the next draft of the EJ policy, which is expected to be presented to the EJAB members in May, will include Class 2-D disposal wells for oil and gas (wastewater injection wells).

EJAB members offered the following comments to the draft EJ policy:

- Draft policy is unclear at times who is doing what; switching from passive to active voice could be helpful in clarifying who has what responsibility. Place greater responsibility on the permit applicant to reach out to the community.
- State that upon receipt of the permit application, an informational meeting with the community should take place.
- Consideration should be given to early knowledge/meaningful involvement.
- The first priority is that communities have an opportunity to provide input prior to applicants being permitted.
- EJ communities are not always as connected with local government as they could be.
- For legal purposes, the Permit Decision Guarantee (PDG) should be mentioned in the policy.
- First determine if a community is an EJ area, then figure out if there is a trigger permit.
- Language of trigger permits may be a little too broad.
- Distinguish the difference between minor modifications and major modifications.
- Make sure the Department is doing everything possible to ensure a full review of projects so that people in EJ areas have an equal opportunity to engage in public participation related to projects in their communities.
- Emphasize the applicant and community should work together.
- No one size fits all in communicating and engaging with EJ communities. Elaborate on techniques and process for communicating with EJ communities.
- Regional coordinators must be out in communities engaging the public.
- Appendix A-Trigger Permits is not helpful to laypersons; narrative should be included with trigger permit list.
- Communities want validation that their participation is valued.

Policy Director Jessica Shirley stated that this draft is the first of several. The goal is to make the policy much more readable and valuable to the public. Additional written comments on the draft policy should be provided to DEP via email by Monday, April 16. Comments will be collated and distributed internally to Department staff for review. The next iteration will be provided to the EJAB members prior to the May meeting.

OEJ Updates

Nora Alwine is expected to return mid-May in time for the next EJAB meeting.

Policy Director Jessica Shirley stated that the first candidates were interviewed for the Director of Environmental Justice position. The final three candidates will undergo an additional round of interviews. Electronic resumes will be sent to the EJAB subcommittee formed to assist with the Director hiring process. The Board may submit questions they would like DEP to consider when interviewing the candidates. The meet-and-greet will be followed by one-on-one interviews with the Secretary. Jessica will meet with the Secretary to discuss the final selection process.

New/Old Business

DEP will request that a representative from the Department of Health attend the May meeting, but there is no guarantee that the individual will be a toxicologist.

The Board inquired if the EQT case being struck down would affect the budget. Jessica Shirley offered that possibly the Chief Counsel's Office would be able to provide an answer.

DEP will be sending public comments on the EPA's repeal of emission standards, and the Policy Office will provide an overview at the May EJAB meeting.

In May, individuals will be coming in from PennFuture and Earthjustice to talk about community solar. The EJAB members will be asked to provide feedback regarding DEP's solar future project.

DEP is designing a program for distributing Volkswagen settlement monies to the citizens and businesses of Pennsylvania.

May Meeting Agenda

May 29 is the date of the next EJAB meeting. The meeting was rescheduled from May 22 as several Board members were unable to make the meeting.

- Invite Franklin Kury, to speak about authoring the Environmental Rights Amendment.
- Invite Alice Wright to attend (or to participate by phone).
- Discuss developing a tracking log of recommendations made to Secretary and responses.
- Discuss when it would be appropriate for EJAB to write letters taking a position on issues.
- Discuss developing a Communications subcommittee to assist with formulating letters and developing parameters and processes around when to take a position.
- Discuss how demolition of the McBride Viaduct in Erie may affect an EJ community.

Adjournment

Chairman Adam Cutler requested a motion to adjourn the conference call. Arthur Frank made a motion that the meeting be adjourned, which was seconded by Hazem Hijazi. The call was adjourned at 4:00 P.M.