

ENVIRONMENTAL JUSTICE ADVISORY BOARD
CONFERENCE CALL
October 9, 2018

Voting Members Present Via Phone:

Eli Brill
Adam Cutler
Arthur Frank
Clea Hollis
Carol Parenzan
Allison Robinson
Jerome Shabazz
Tom Torres
John Waffenschmidt

Non-Members Present:

Allison Acevedo
John Brakeall
Abbey Cadden
Glenda Davidson

Call to Order:

The conference call was called to order at 1:00 P.M. with a quorum.

Approval of Minutes:

The Chairman requested one correction on Page 3 of the Minutes to reflect that the inaudible speaker in the Public Comment section was Robbie Cross from the Responsible Drilling Alliance. The Chairman then solicited additional comments or corrections to the August 28, 2018 Minutes. Hearing none, the Chairman requested a motion to approve the Minutes of August 28, 2018 with the stated correction.

John Waffenschmidt moved to approve the August 28, 2018 meeting Minutes. Arthur Frank seconded the motion.

Eli Brill abstained. The motion was unanimously approved.

Note: A review of the documents forwarded to the EJAB members prior the conference call showed that the name of Robbie Cross was already in the August 28, 2018 minutes so no correction was necessary.

Allison Acevedo:

By Executive Order on September 18, Governor Wolf created a PFAS Action Team to consider the environmental hazards of these chemicals. The team will focus on ensuring safe drinking water, managing PFAS contamination, developing site plans, developing an information and data clearinghouse for PFAS, developing a method of information sharing between members of the task force and broad exchange of information, and obtaining additional funding for remediation efforts. The first meeting will be October 18 and OEJ will provide EJAB periodic updates

EJ Policy Comments:

Allison Acevedo indicated that the Department has begun to look at the scope of data involved in trigger permits. Another review of the Environmental Justice Public Participation Policy is being taken considering the 206 comments that were received, many of which were from industry groups. The Office of Environmental Justice (OEJ) will poll the Bureau Directors and Deputies to make certain that the list of permits is accurate and then will meet next month with the Environmental Justice Work Group, which consists of 33 DEP staff across program areas and management levels, to discuss the comments received and seek additional recommendations on

the policy. The final draft policy will be provided to the EJAB for input prior to finalization. The Department also wants to consider its capacity to address the number of permits, which may involve looking at the IT process for generating permits. The process will likely take several months. The Board expressed an interest in getting a sense of where the Department stands on the list of outstanding issues and request that the Department stay in contact with the Board regarding policy comments and findings.

OEJ Initiatives and Priorities:

- **EJ Policy** – Review and revise Environmental Justice Policy.
- **EJ Coordination/Integration** - Integrate environmental justice policies and practices within the Department. The Department plans to work with the EPA for state process support and guidance. A meeting with EPA will likely be held in November or December.
- **Collaboration and Partnerships**- OEJ strategic outreach and establishing relationships with external partners.,
- **Environmental Education** - John Brakeall stated that the Office of Environmental Justice hopes to facilitate the work of DEP’s existing environmental education program and act as a liaison to connect DEP’s in-house education program to organizations in EJ Areas.
- **OEJ Initiatives** - Discussion of a workforce development initiative to build workforce credentials for Pennsylvanians, especially in EJ Areas, through water and wastewater certification. The Department plans to work with communities and perhaps even school districts. OEJ is beginning to gather demographics and data about communities impacted and the drinking water/wastewater operator workforce.
- **Hiring** - Interviews have been completed for the third coordinator for the OEJ and a recommendation has been made, but the individual must be approved internally. The process should be completed by the end of the year.

EJAB/CAC Joint Meeting on November 13, 2018

A combined meeting of EJAB and the Citizens Advisory Council (CAC) will be held on November 13. Agenda items will include: the workforce development initiative, an update on the EJ policy, the current workflow process when a permit application is received, and how it is determined whether the application is a trigger permit and what happens from there. Short presentations will be given by DEP’s Small Business Ombudsman and DEP program staff regarding environmental education. Time will be allowed for collaboration between EJAB and the CAC. The CAC members expressed interest in discussing energy development, Marcellus Shale, and the Chesapeake Bay revitalization. Allison hopes to get reports from and have ongoing engagement with the CAC.

Board Strategic Planning:

Chairman Cutler posed the question whether meeting time is being spent efficiently. Specific organizational planning items were identified and discussed:

- Using EJAB’s time more productively – members generally agreed that the 5-hour meeting time should stand and said we should not cut the meeting shorter if EJAB has topics to discuss.
- Responses from the Department that are still outstanding – EJAB members will identify outstanding action items from DEP at EJAB meetings.
- EJAB meetings are impacted by members not showing up and/or time lost re-educating new members.

- DEP's lack of quality conference call tools.
- The possibility of a team building event the night before quarterly meetings.
- Determine EJAB's authority to provide assistance to citizen groups.
- Identify assets around the state, such as university programs, where folks can go for assistance.

Further thoughts should be emailed to the Executive Director or the Chairman.

The Chairman recirculated Eli Brill's motion from the August 28 meeting. The motion read as follows:

The EJAB recommends to PA DEP that it modify the Act 2 brownfields process for public notice and public improvements plans discussed in 25 Pa. Code §250.6 to require enhanced public participation and notice, including a public improvement plan, for brownfield projects located within .5 miles of an environmental justice area (census block group method). The Notice of Intent to Remediate (NIR) applicant should be required to establish community outreach in advance of the application in cases where EJ areas are within .5 miles of the proposed project.

Eli Brill stated that the purpose of the motion was to make sure there is enhanced public participation for all brownfield cleanups that happen within a certain distance of an environmental justice area, which would not happen under the current practice. In addition, the applicant should have community outreach in advance if an environmental justice area is within a half mile of a proposed project. The motion asks the Department to consider changing the current regulation that governs how public notice is disseminated for voluntary cleanup projects. Allison Acevedo asked the EJAB members to think about recommending that similar language be incorporated into the EJ Public Participation Policy. Allison suggested adding language to the effect that EJAB is asking DEP to amend its policy versus the amending the Code. Adam Cutler suggested changing "discussed" to "referenced in."

Chairman Cutler requested a motion.

Eli Brill proposed the motion sent out on August 28, 2018 at 4:32 PM that the EJAB recommend modification of the Act 2 or to improve the Act 2 process for public notice and improvement plans referenced in §250.6 to require enhanced public participation for EJ communities within .5 miles of a project and that the brownfield applicant should be required to establish community outreach. Arthur Frank seconded the motion.

John Waffenschmidt requested additional time for members to discuss possible unintended consequences from this kind of process. Eli Brill indicated his willingness to table the motion if the Board would stand behind a recommendation that DEP explain why it cannot modify the public notice improvement plan process to cover remediation that are near Environmental Justice Areas or whether the Department thinks there may be unintended policy impacts.

The motion was tabled for the November meeting. In the interim, Eli Brill requested feedback from DEP regarding any negative impacts from the proposal. The OEJ will check on the status

of the current policy to see if it can be changed internally and whether there are any barriers to making this part of the policy that exists within DEP. The OEJ will provide an update at the November meeting.

Eli Brill moved to withdraw the motion. The topic will be picked up at the next meeting, allowing time for discussion and for feedback from the Department.

A conference call was held by the Communications subcommittee on October 5, and a meeting summary was sent out to the EJAB members. Allison Robinson invited others to join the subcommittee and indicated that the committee is open to comments.

Allison Acevedo stated that there should be a solid block of time, either at the quarterly meetings or at separate meetings, to discuss the goals and objectives of EJAB. The Chairman mentioned a possible retreat, previously suggested by John Waffenschmidt. The logistics would need to be worked out.

Allison Acevedo will circulate the 2019 proposed dates in advance of the next meeting.

Eli Brill stated that changes to DEP's Management of Fill Policy, also known as the Clean Fill Policy, has been voted out of the Solid Waste Advisory Committee (SWAC). The decisions about what amount of contamination in fill is considered clean and uncontaminated and when that can be used in urban projects is a big environmental justice issue. Because the SWAC has voted it out of committee, the policy will likely go out to the public in the next three months. The draft of the policy is on the SWAC website EJAB would like DEP program staff to explain the content and revisions to the policy.

Eli Brill stated that DEP is currently intensely involved in preparing its latest update to the Climate Change Action Plan, which comes out every five years. Eli encouraged the EJAB members to look at the Climate Change Advisory Committee's webpage and possibly request periodic progress updates from the Department. The Chairman suggested the perhaps the EJAB should weigh in with comments as a group, but certainly in individual capacities.

Chairman Cutler offered that the Environmental Law Institute is conducting a webinar on October 15 from 6:00-7:30 PM entitled Threats and Opportunities. The Chairman will circulate the email he received from the Environmental Law Institute.

Allison Acevedo sought clarification from the members regarding whether quarterly meetings are considered planning meetings. The Chairman stated that he believes that the intent of the in-between conference calls was strategy and planning between the quarterly meetings. The Chairman indicated that the board should consider the calls planning calls and possibly save motions and voting actions for in-person meetings to be consistent with the Sunshine Act and the Open Meetings Law.

Adjournment:

Chairman Adam Cutler requested a motion to adjourn the conference call.

Clea Hollis made a motion that the meeting be adjourned, which was seconded by Allison Robinson. The call was adjourned at 3:40 PM.