

**MINUTES OF COMBINED MEETING OF THE
ENVIRONMENTAL JUSTICE ADVISORY BOARD
AND THE CITIZENS ADVISORY COUNCIL
NOVEMBER 13, 2018**

VOTING MEMBERS PRESENT:

Adam Cutler
Arthur Frank
Clea Hollis
Carol Parenzan
Allison Robinson
Jerome Shabazz
Tom Torres
John Waffenschmidt
Alice Wright (for Horace Strand)

NON-MEMBERS PRESENT:

Allison Acevedo
Nora Alwine
John Brakeall
Abbey Cadden
Glenda Davidson
Robert “Bo” Reiley

MEMBERS OF THE PUBLIC:

Andrew Ritter – Range Resources

CALL TO ORDER:

Chairman Adam Cutler called the meeting to order at 9:00 A.M.

OFFICE OF ENVIRONMENTAL JUSTICE (OEJ) UPDATE:

Trigger permit review - OEJ is evaluating the number of existing and proposed trigger permits to assess the office’s capacity to address Trigger Permits as a result of expanding Environmental Justice Areas from 28% to a nearly a third of Pennsylvania’s population and adding new permits to the Trigger Permit list.

Environmental Justice Internal Work Group Meeting - OEJ held a meeting of the Environmental Justice Internal Work Group (EJIWG) on November 8, 2018. The group consists of DEP staff across management levels and regions. At a recent Environmental Justice Internal Work Group meeting the group reviewed the draft Environmental Justice Public Participation Policy (EJ Policy) and the environmental justice work generally. The group expressed general support for the EJ Policy and the list of Trigger Permits and determined that reference to the Environmental Rights Amendment and its authority was important for the EJ Policy. Prior to the meeting, the OEJ staff met with program Bureau Directors/Deputy Directors to review the Trigger Permit list. There will be another internal look at the policy and then EJAB will be given another

opportunity to look at it before it is published as final. The next step is to prepare a response document to directly respond to the 206 comments. The EJIWG members also confirmed that EJ Viewer should be maintained as a separate tool from eMap as the EJ Viewer is more user friendly than eMap. Also, at the EJIWG meeting, the members agreed that following finalization of the current EJ Policy, the OEJ would like to develop an expansive environmental justice policy which includes more than public participation. Participants were encouraged to think about how OEJ should address cumulative impacts on communities. In 2019, OEJ will focus on integrating principles and practices of environmental justice into DEP throughout all aspects of the Department's work, including funding opportunities, educational offerings, and compliance processes.

EPA Meeting - The OEJ will be meeting with the EPA to talk about environmental justice integration and will report key action items from that meeting.

Industry Groups - The OEJ's engagement with industry groups provided an excellent opportunity to hear concerns about the public participation process and how it impacts industry. The industry groups included the Aggregate Advisory Board, the Agricultural Advisory Board, the PA Chamber of Business and Industry, and the Marcellus Shale Coalition. While some groups had a clear community engagement strategy and considered environmental justice practices at some level, some had not even heard of environmental justice.

Regional Updates - The OEJ staff attended a roundtable and guided tour of Shamokin by Carol Parenzan. OEJ staff is working with Clea Hollis to schedule a roundtable in Johnstown and with Jerome Shabazz on a roundtable in Philadelphia.

Nora Alwine has been engaged with the Braddock community in Western PA connecting them to information about the office and meeting with folks about gas drilling, permits, and broad concerns. She recently met with the President of the City Council and with neighbors and will continue to meet in Erie with community partners around Erie Coke.

John Brakeall has been leading the environmental education work and is coordinating an effort to survey all the OEJ community groups determine what they want to see in environmental education.

Newsletter- OEJ's Newsletter *EJ News: Your Environment, Your Voice* has been recently released. OEJ is asking EJAB members to review and comment on the newsletter.

APPROVAL OF MINUTES:

Chairman Adam Cutler solicited additions or corrections to the Minutes of the October 9, 2018 conference call. Hearing none, Chairman Cutler requested a motion to approve the Minutes of October 9, 2018.

Arthur Frank moved to approve the Minutes of the October 9, 2018 conference call. John Waffenschmidt seconded the motion, which was unanimously approved.

ACTION ITEMS:

Chairman Cutler reviewed the action items from the October 9, 2018 call:

- Eli Brill's proposal recommendation to modify the guidelines around Act 2 brownfield sites to incorporate additional public notice and input opportunities.
- The Management of Fill Policy was released on November 10, 2018, and the 60-day comment period ends on January 8, 2019. Members were asked to review the policy to determine if a group comment is appropriate.
- A new PFAS Action Team was convened by Executive Order of the Governor to investigate and evaluate ways of addressing contamination that may exist in groundwater and drinking water supplies frequently found near air bases or any place where firefighting foams are used and at some manufacturing operations. Chairman Cutler recommended that the Board review the PFAS Action Team and consider attending the upcoming PFAS hearing later in November 2018. Questions or comments can be discussed at future EJAB meetings.

COMBINED MEETING WITH CAC (See CAC Meeting Notes)

EJAB AFTERNOON SESSION:

Following up on Eli Brill's proposal to recommend changes to the Act 2 policies that would allow for additional avenues for public input, Bobby Schena from DEP's Regulatory Counsel discussed the existing laws of public participation within Act 2 and the Hazardous Sites Cleanup Act. He explained that the Act 2 process itself does not trigger the current EJ Public Participation Policy. Public participation within Act 2 is at the will of the municipality. Unless the municipality requests a remediator to put together a plan, there is no obligation. Multiple opportunities exist for engagement, but municipalities must initiate engagement. Under current law, the onus is on the municipality to engage with the remediator. Short of a change in the statute, an approach for EJAB and OEJ might be to focus on educating municipalities about the participation right that is available. Discussion was held regarding the appropriateness of the EJAB to educate the municipalities or asking the environmental advocate to educate the governmental body in that area. The possibility was discussed of using an entity called the Local Governments Academy, which does have a DEP Roundtable.

COMMITTEE REPORTS:

The Communications Subcommittee continued its discussion around the possible formation of an EJAB repository for documents, ideas, and information sharing. Issues included ownership and maintenance of the website upon creation and limitation of access to certain platforms. The subcommittee determined that these are significant deterrents to the implementation of a support resource website or platform for EJAB to centralize communications. Lengthy discussion was held regarding amending the bylaws to update the duties of the Parliamentarian to include the authority and responsibility to maintain an information management database. The members discussed changing the webpage to make it more user friendly and were asked to make suggested changes to Nora Alwine before the next meeting. Nora will consolidate all the recommended changes and provide a report.

GENERAL DISCUSSION:

Members were asked to review their respective calendars for conflicts with the 2019 meeting dates and communicate any suggested changes to Allison Acevedo. Finalized dates must be provided to the Policy Office by November 30.

The board would like to suggest to DEP that a permanent Department of Health representative be available to attend EJAB meetings on an ongoing and regular basis to assist with such issues as cumulative exposure, PFAS, etc.

EJAB MEMBER INITIATIVES:

Each member provided information regarding items on which they are currently working.

ACTION ITEMS:

Members will communicate with Allison Acevedo on potential conflicts with the proposed 2019 meeting dates.

By January 15, EJAB members will review the webpage and make suggested changes to the Communications Subcommittee. Nora Alwine will compile the suggested changes and provide a report.

The Board will work on a primer for roundtables. John Waffenschmidt agreed to send a standard wording that was used previously.

Adam Cutler will draft proposed language for a resolution to amend the Parliamentary language in the bylaws to include the responsibility for some type of resource maintenance. Protocol should be contemplated by Board members.

Adam Cutler will draft language that the Board would like the DEP Secretary to suggest to his counterpart at the Department of Health that a permanent representative be assigned to attend EJAB meetings; someone at high enough level to be conversant about relevant resources and policy issues. Adam will send language to Arthur Frank for review, then send to Allison Acevedo for transmittal to the Secretary.

John Brakeall will figure out locations on the website and will work on the technology limitations.

ADJOURNMENT:

Chairman Adam Cutler requested a motion to adjourn the meeting. Arthur Frank made a motion that the meeting be adjourned, which was seconded by Jerome Shabazz. The meeting adjourned at 2:40 P.M.