

ENVIRONMENTAL JUSTICE ADVISORY BOARD
RCSOB, 16th FLOOR, DELAWARE ROOM
HARRISBURG, PA
May 14, 2019

VOTING MEMBERS PRESENT:

Eli Brill
Adam Cutler
Arthur Frank
Carol Parenzan
Allison Robinson
Jerome Shabazz
Tom Torres

VOTING MEMBERS PRESENT VIA PHONE:

Gary Horton

NON-MEMBERS PRESENT:

Allison Acevedo – DEP
Nora Alwine – DEP
John Brakeall – DEP
Abbey Cadden – DEP
Glenda Davidson – DEP
Justin Dula – DEP
Farhad Ahmed - DOH

NON-MEMBERS PRESENT VIA PHONE:

Alice Wright (for Horace Strand)

CALL TO ORDER:

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

DEP UPDATES:

Climate Change Action Plan - The action plan was released with 19 strategies and over 100 leadership actions within it. This is the first time the Department has looked at adaptation as part of the strategy, as opposed to simply mitigation. There is also a longer term energy assessment in the report that shows what the status quo looks like in terms of energy usage and emissions, as well as different policy options for impact going forward.

PFAS Action Team - The Department of Health has hired a toxicologist and is looking to fill at least one other toxicology position. DEP is also moving forward with its own contract toxicologist specifically focused on setting the Perfluoroalkyl substances (PFAS) maximum contaminant level (MCL) for the state. The sampling of phase 1 sites began in May. The goal is to collect and analyze 400 total samples, 360 of which will be taken where PFAS chemicals are expected to be found, which is about 90% of the total number of sites sampled. The other 40 samples will be taken where the Department does not expect to find the chemicals to understand its prevalence in the environment.

Assessment of Streams and Lakes - Every couple of years the Department releases an assessment of streams and lake water quality in the state. Previously in paper format, the Department has received EPA permission to present this assessment in an electronic format. The

electronic version, found on DEP's website, allows for drilling down into individual streams and lakes, and presents the data in a clear and thorough way.

Staffing Changes - Joe Adams has been named Field Operations Deputy Secretary, Aneca Atkinson, previously DEP's Office of Program Integration Director, has been named as the Water Programs Deputy Secretary, and Bob DiGilarimo has been named as Deputy Secretary for the Office of Program Integration.

APPROVAL OF MINUTES:

Chairman Cutler solicited additions or corrections to the Minutes of the April 9, 2019 meeting. Arthur Frank proposed that Alice Wright (for Horace Strand) be moved to the list of Non-Members Present to eliminate any possible confusion about a non-voting member representing a voting member since the By-Laws do not allow for proxy voting. With this proposed amendment, the Chairman requested a motion to approve the Minutes of April 9, 2019.

**Arthur Frank moved to approve the Minutes of the April 9, 2019 meeting.
Carol Parenzan seconded the motion, which was unanimously approved.**

REVIEW OF ACTION ITEMS FROM MAY 9, 2019 MEETING:

Boards and Commissions Openings - A list of all DEP boards and commission was previously distributed to EJAB members. The Office of Environmental Justice (OEJ) is in the process of working with the Policy Office to determine where vacancies exist. EJAB members expressed interest in recommending individuals to fill vacancies on the following Boards and Commissions: Climate Change Advisory Board, Air Quality Technical Advisory Board, Cleanup Standards Scientific Advisory Board, Storage Tank Advisory Committee, Solid Waste Advisory Committee, Storage Tank Advisory Committee, Environmental Quality Board, Sewage Advisory Committee, Oil and Gas Technical Advisory Committee, and the Mining and Reclamation Advisory Board. The OEJ will compile a list of vacancies and requirements for those committees and distribute to the EJAB members prior to the next meeting.

Bloomsburg Presentation - Carol Parenzan reminded the members that the afternoon presentation by Bloomsburg University will be given by undergraduates. The students have enthusiastically made some connections between opioid use and EJ Areas throughout the state, which she sees as an open door for continued studies and conversations.

Act 2 Follow-Up/Municipalities Engagement - Justin Dula met with the Environmental Cleanup and Brownfields program regarding the requirements of municipalities at the various stages of the Act 2 process. A site-specific standard is the only standard where a municipality is allowed to call for a public involvement plan from the redeveloper. Public participation by municipalities may be optional if state-wide health standards are being met and remediating the land meets local zoning requirements. The OEJ will work to put together an information sheet regarding the rights and responsibilities of municipalities that can be given to municipalities, and which will be posted on the OEJ website. The program repeatedly stressed that this is a voluntary program so additional requirements cannot be added. Outreach to share the information sheet will be discussed later.

A recommendation was made regarding the revision of DEP's site-specific standard form letter that would help municipalities understand the environmental justice issue and promote public involvement and education. The OEJ recently went through the pre-application process in order to include EJ considerations early on in permitting. On the form, 'Notice of Intent to Remediate for Sites Remediated to a Site-Specific Standard', a proposal was made by Eli Brill to add the language, "This site is located within an EJ area" or "This site is located within a half mile of an EJ area."

LEGISLATIVE AND BUDGET UPDATES:

Legislative Director Greg Kauffman was unable to attend. John Brakeall provided the following updates.

Greg Kauffman was named the permanent Director of Legislative Affairs for DEP. Greg stood in as Acting Director since the departure of Sarah Clark in January 2019. The local government liaison in the Northeastern Regional Office in Wilkes-Barre, Bob Pitcavage, retired in April so there is a vacancy to fill in that office.

As far as the reconfirmation hearings for Secretary McDonnell, the Senate Environmental Resources and Energy Committee public hearing for reconfirmation was held on May 8. The nomination was reported to be favorable, which means it will move on to the Senate for a vote. Under Senate rules, the deadline for a vote is June 10. If no vote is held before June 10, Secretary McDonnell will automatically be reconfirmed. The Senate is back in session in early June.

Budget discussions regarding fiscal year 2019-2020 have begun but are largely among the House and Senate Republican Caucus at this point. As of the March report, fiscal year 2018-2019 revenue collections were above the official estimates which should relieve some pressure as far as negotiations for the upcoming 2019-2020 budget year. The Governor and Senate Republicans have expressed interest in transferring some of the money to the Rainy Day Fund, which helps to balance the budget when revenues are down.

With the phase out of the Capital Stock and Franchise Tax, the Hazardous Sites Cleanup Fund (HSCA) needs a new funding source to maintain the current levels of activity. This is the funding source for DEP's site remediation grant recycling program, also known as brownfields, and the Storage Tanks program. There is currently discussion about a new revenue source, but no proposed bills yet.

POLICY UPDATE:

Regarding PFAS, Abbey Cadden stated that work groups have been formed with other agencies. DEP meets every month with those agencies to talk specifically about where PFAS may be located, how to get it out of stock, and discuss ideas for obtaining accurate information. DEP is working with the Department of Agriculture to address biosolids, which is now showing up in cows' milk through land application of biosolids, and to determine treatment options.

There was discussion of looking at modern strategies for funding DEP's work. During the Corbett Administration there was a pilot looking at outsourcing permits, which didn't prove to be

cost effective. There were questions on the real time and costs that go into permitting and a suggestion that a university's business class look at calculating the costs and benefits of the Department's permitting programs as a semester project. It was mentioned that some programs have three-year fee reports they give to the Legislature which could be a starting point in looking at actual cost and benefit.

OEJ UPDATES:

EJ Policy - Allison Acevedo stated that the new EJ policy is being finalized substantively. The new policy will confirm what was written in the existing policy with a few changes, focusing on program areas relating to permits. Community engagement will be included. The basic focus of the policy is pretty much as it was written. For the future, EJAB should think about developing a policy that includes broader pieces. The Department realizes the policy must go a bit further toward capturing meaningful participation. The policy is expected to be finalized this summer.

Transportation and Climate Initiative (TCI) - OEJ is involved in the Transportation and Climate Initiative, a regional collaboration of 12 Northeast and Mid-Atlantic states and the District of Columbia. There is an upcoming workshop focusing on equity investments and systems to reduce greenhouse gas emissions, cap and trade being the one TCI is focused on, and how these investments and the process will impact environmental justice communities. The Georgetown Climate Center is spearheading the administration of TCI. Pennsylvania has been involved as a participant and is trying to bring a rural perspective.

EPA Small Communities Grant - John Brakeall offered that the community of Shamokin will be awarded an EPA small communities grant to help with brownfields and community revitalization.

17 Miles = 17 Years - Carol Parenzan called attention to a [recent article](#) in the *Daily Item* titled '17 Miles = 17 Years' looking at the life of someone from Shamokin versus someone in Selinsgrove. The towns are 17 miles apart and the life expectancy is 17 years different. The article discussed clean water, Penns Creek versus Shamokin Creek, and economic development.

Workforce Development - Justin Dula has been working with the Delaware County Community College and the William Penn School District to create workforce development opportunities for high school students in the drinking water and wastewater operator field. The program is anticipated to begin with the start of the 2020 school year, but we are hoping to work over the coming year to promote existing classes to students.

Environmental Education - John Brakeall is working with the Pennsylvania Department of Education focusing on support of teachers and state standards around environmental literacy. The Department of Education is interested in working with municipalities to discuss environmental education and environmental justice. The Board suggested that OEJ also work with the Pennsylvania Science Teachers Association (PSTA) to include environmental subjects in their work, which may be a quicker path to improving environmental literacy than revising curriculum at the state level.

Erie Coke - Nora Alwine has been continuing to keep community members apprised of the Department's actions with regards to Erie Coke. The internal workgroup will be discussing ways to engage in and develop standard operating procedures around public participation outside the EJ policy.

Department of Health (DOH) - Related to PFAS, Farhad Admed from DOH stated that the agency randomly collected samples from people living in the Horsham area for many years. Individuals living close to the military base had PFAS in their blood. Men had higher levels than woman and those who lived there longer had higher levels. The studies and the results are available on the [DOH website](#). There is a correlation between living near a site where firefighting foam has been used for many years and having PFAS appear in a blood sample. The DOH is continuing to collect data in order to conduct a cancer study in the city of Erie, around the Erie Coke facility. Arthur Frank will chair, and Allison Robinson will participate on a subcommittee to look at the data from the DOH and develop criteria for conducting future health assessments.

EPA Grants - EPA grants include \$87 million for the clean water program; \$43.7 million for testing in schools and/or childcare programs nationwide and \$42 million for assisting small and disadvantaged communities meet compliance with the Safe Drinking Water Act. Out of that, Pennsylvania will get \$1.4 million for schools and childcare and \$1.3 million for small disadvantaged communities.

2019 ROUNDTABLES AND SUMMIT:

Johnstown Roundtable - Nora Alwine offered that the April 23 Roundtable in Johnstown was paired with a community cleanup. The discussion centered around lead exposure in water, soil, and homes and lead prevention. An individual representing the Army Corps of Engineers discussed upcoming stream remediation activities to assist with flood prevention and repairs to flood walls. Mine reclamation activities in the community were discussed. Resources were provided to attendees and a survey was distributed to determine next steps. Responses have been minimal thus far, but it appears folks are interested in having a larger community event to bring resources to the community at large and discuss environmental issues, locally, regionally, nationally.

Philadelphia Roundtable - Justin Dula discussed the Philadelphia Roundtable held on April 12. A meeting with the City of Philadelphia will be held on May 23 to discuss environmental justice and the role of the City. Plans are being made to hold a roundtable in the northeast, probably in Bethlehem, in late summer or early fall regarding concerns about lead, air quality, and illegal dumping.

Shamokin Roundtable - John Brakeall provided details of the roundtable held in Shamokin in October of 2018. Follow-up conversations are leading to fruitful ideas. Attendees took a tour of Shamokin Creek with the DEP Secretary. Shamokin Restoration Alliance attended the roundtable and expressed concerns about the condition of the creek. Shamokin Creek does quality for a DEP abandoned mine reclamation grant. For the first time a pilot grant is being offered by the EPA geared toward training, education, and developing a plan around brownfields

in Shamokin. A summit was recently held in Shamokin, which the Lehigh Valley Development Corporation attended and provided the presentation that was very well received.

Harrisburg Roundtable - A roundtable was held in Harrisburg on March 29. The City of Harrisburg was particularly interested in areas of illegal dumping and some of the green spaces that have been vandalized. This summer the City is hosting a paid work program for kids aged 13-15. Allison Acevedo is working with the Department of Education (PDE) to develop a train the trainer workshop.

EJ TRIGGER PERMIT PROCESS:

Joe Adams was recently named the Field Operations Deputy Secretary overseeing regional operations throughout the state. Joe has years of experience in central office, regional offices, and permitting. He discussed in detail what a permit looks like when it comes through the door at DEP and the steps the Department encourages to incur for projects that may be proposed or considered throughout the state; however, all these steps are optional and are not required to occur. Joe provided details of the Permit Application Consultation Tool (PACT), the [on-line tool](#) utilized by someone who has project at almost any level of development. A detailed 46 item questionnaire is then submitted to the Assistant Regional Director in the appropriate regional office upon completion, who will then work with the applicant to set up a pre-application meeting. Depending upon how far along the project is in conceptual design, there are two avenues: (1) a scoping meeting when a project is not fully formed and details are lacking where technical staff will provide input; or (2) a pre-application meeting where 80-90% of the upfront work is already done, but fine details are still needed.

Clarification was asked about how items are dated in the system. A permit that comes in the door gets a date stamp, which is the “Date Received” column on eFACTS. It is routed to the appropriate technical person in the appropriate program area to be the application manager and processing begins. There may be some time between when an item is received and when it is entered electronically into eFACTS and available online, depending on available staff time and resources. The date when an authorization is inputted into eFACTS is not posted, only the “Date Received.” This can cause confusion for people waiting for a permit to come in, or preparing comments during a public comment period.

The OEJ staff receive notification of a trigger permit only when a subfacility’s locational data is included in the eFACTS submittal. This information isn’t always included by clerical staff inputting the documents into eFACTS at the start of the process. Sometimes OEJ notifications happen much later, after it is too late to implement the enhanced public participation strategy. There is also no notification made to OEJ of permits that may qualify as opt-in permits.

REPORT ON OPIOIDS AND EJ AREAS:

Students from Bloomsburg University gave a presentation on the potential intersection between EJ communities and opioid use, which is available at <https://arcg.is/1DmSCf>. According to the National Institute on Drug Abuse, in 2017 Pennsylvania ranked 14th in the US for opioid related overdose deaths per 100,000 people. The students were asked to assist the Susquehanna River Keepers in acquiring and organizing data to understand geographic distribution of opioids in relationship to environmental justice communities and the severity of opioid prevalence and

addiction in the Susquehanna Watershed, EJ communities, and the state of Pennsylvania. The students were given several resources to build off and spent several weeks acquiring data to assemble. The group used GIS software to organize, visually represent, and prepare the data for spatial analysis by the River Keepers. The issues the group ran into dealt mainly with acquiring opioid and health-related data on a census block level. After contacting many groups in search of data, such as hospitals and governmental organization, the students determined that census block level data was not available for collection. They were able to determine alternative methods of data collection from local newspapers and obituaries to map the location of occurrences. A group of nine students each individually spent 10 hours per week on the project over a period of four weeks, tallying a collective 400 hours, working to collectively ensure the data and presentation were cohesive, organized, and prepared for use by the River Keepers. Due to time constraints, the group was unable to totally exhaust the legacy obituaries and make a complete point file of all those who met search criteria. The process can be continued to not only find and add all those that passed within the 2016-2018 studied time frame, but all those that continue to lose their battle to opioids and prescription drugs every day.

The Board suggested that the students work with an accredited health institution which would have access to data at the census block level.

STRATEGY AND PLANNING:

Waffenschmidt Symposium – Justin Dula solicited ideas from the members about the scope of the proposed symposium, including organization, timing, size, length, sponsors, focus of the topics, venue, and funding of the event. A working group, consisting of Allison Robinson, Arthur Frank, and Jerome Shabazz, will work to formulate the details and make recommendations at a later meeting. Adam Cutler volunteered that Covanta outreach can be conducted by himself and Horace Strand.

Chairman Cutler requested a motion to establish a health subcommittee that will meet to discuss issues pertaining to the intersection of health effects and environmental justice.

Arthur Frank made a motion that a health subcommittee be established to discuss the intersection of health and environmental justice, which was seconded by Jerome Shabazz, which motion was unanimously approved.

Parliamentarian Rule - Regarding the proposal to amend the By-Laws to not only add the new responsibilities that were discussed for the position of Parliamentarian but to define the duties of the Parliamentarian, Adam Cutler previously circulated by email a proposed Resolution. After lengthy discussion ensued about options for an information/document sharing repository, the matter was tabled until clarification can be obtained from DEP counsel regarding Sunshine Act and Right-to-Know requirements. John Brakeall will talk with DEP's legal counsel for clarification.

EJAB Vacancies and Membership - There are currently two vacancies on the Board. Recommendations for the vacancies should include individuals from the northeast, northwest, and central regions, from the insurance world, industry sector, and grass roots groups, and expertise and life experience should be given consideration. It should be determined if the Secretary has candidates in mind or is open to suggestions from the Board.

Traveling Meeting in August - Following in the recent trend to hold one meeting per year at an alternate location, the consensus of the EJAB is that the August meeting should be held in Erie. The OEJ will work on the meeting details.

MEMBER UPDATES:

Jerome Shabazz - The Roundtable held in Philadelphia was well attended by a cross-section of folks from around the City. Two community groups, Frankfort and Eastwick, presented their challenges and solutions. Eastwick discussed Superfund issues. Benefits of the roundtable included cross-communication between stakeholders, community folks connecting with stakeholders who could further their work within communities, and next steps to continue the progress. Jerome also shared a video produced during the event by the Overbook Youth Environmental Stewards available at <https://youtu.be/C8H9lFnhYzI>.

Tom Torres - A Sierra Club staff member will be working on a transit equity related project for six months, as well as a staff member in Philadelphia coordinating a Climate Justice Coalition on full electrification of a diesel fleet. The Sierra Club has a fundraising goal to hire a full-time transportation person in Philadelphia to work on municipal transportation and TCI work on the state level.

Carol Parenzan – Carol has been working with 15 young authors at the West Branch School in Williamsport who are writing a book called the Young River Stewards. A sidebar on environmental justice will be included in the book, which should be released in the fall.

Carol noted that MSNBC was recently in the Wilkes-Barre/Scranton area visiting with the Eastern Pennsylvania Coalition for Abandoned Mine Reclamation and did a story on environmental justice communities, abandoned mines, and mine subsidence issues which was great publicity for the area about the challenges left behind when coal mining pulls out. Several new coal mines are being opened.

Arthur Frank - Recent activity included several days in Bogota, Columbia, working to get asbestos use banned in that country. He met with legislators while there, which seemed to have a

positive effect in short circuiting the laborious process of the bill and how many hearings it must go through.

Adam Cutler - Adam recently attended the Green Building United Sustainability Symposium at the old Navy Yard in Philadelphia, which has been completely refurbished, and was able to take a tour of the new sprawling corporate campus with walking trails and reclaimed wetlands. Additionally, he attended the Chester Environmental Partnership awards dinner. Honorees included Covanta. Delcora was awarded a new John Waffenschmidt award recognizing contributions to the community and the ways in which they have improved their facility and their environmental footprint in Chester.

WRAP UP AND NEXT STEPS:

Discussion was held regarding the timing of the August EJAB meeting in Erie. Nora Alwine will talk to Gary Horton to discuss potential speakers.

ADJOURNMENT:

Chairman Cutler requested a motion to adjourn the meeting.

Eli Brill made a motion that the meeting be adjourned, which was seconded by Arthur Frank. The meeting adjourned at 2:30 P.M.