

**ENVIRONMENTAL JUSTICE ADVISORY BOARD  
MEETING MINUTES  
AUGUST 18, 2022**

**MEMBERS PRESENT VIA PHONE:**

Jenn Baka  
Heather Bedi  
Adam Cutler  
Arthur Frank  
Gary Horton  
Rashida Lovely  
Rafiyqa Muhammad  
Joylette Portlock  
Horace Strand  
Tom Torres  
Horace Strand

**DEP STAFF PRESENT VIA PHONE:**

Joe Adams, Acting Deputy Secretary for Programs  
Abbey Cadden, DEP Policy Office  
Justin Dula, Office of Environmental Justice  
Claire Kemick, Office of Environmental Justice  
Allen Landis, Energy Programs Office  
Ngani Ndimbie, Office of Environmental Justice  
Bo Reiley, Bureau of Reg Counsel  
Juan Serrat, Office of Environmental Justice  
Dawn Hissner, Bureau of Safe Drinking Water  
Jim Rebarchak, SERO Air Quality Program

**NON-MEMBERS PRESENT:**

Dr. Peter DeCarlo, Johns Hopkins Environmental Health & Engineering  
Lisa DePauley, Communications Manager for the Center for Coalfield Justice  
Jamil Bey, PhD, UrbanKind Institute  
Matthew Mehalik, Ph.D., Executive Director of the Breathe Project

**CALL TO ORDER:**

Chairman Adam Cutler called the meeting to order at 1:00 P.M.

**APPROVAL OF MINUTES:**

Chairman Adam Cutler solicited additions or corrections to the Minutes of the May 19, 2022 meeting. Hearing none, Chairman Cutler requested a motion to approve the Minutes.

**Arthur Frank made a motion to approve the Minutes of the May 19, 2022 meeting. Rafiyqa Muhammad seconded the motion. With no abstentions, all were in favor, and the motion was unanimously approved.**

**WELCOME AND DEP UPDATE**

**Joseph Adams, Acting Deputy Secretary for Programs**

Joe shared recent staff changes at DEP including the departure of Secretary McDonnell. Ramez Ziadeh is now the DEP Acting Secretary, with Joe being named Acting Deputy Secretary for Programs.

RACT III was recently adopted by the Environmental Quality Board. If finalized, this regulation would cover major sources of nitrous oxide and volatile organic compounds, including facilities that emit 100 tons a year of NO<sub>x</sub> or 50 tons a year of VOCs depending on the age of the facility and other conditions. There are approximately 425 of these facilities in Pennsylvania. As a result of public comment, DEP did set a lower presumption NO<sub>x</sub> limit from 150 ppm to 110 ppm for municipal waste combustors.

The newly reworked Alternative Fuel Rebate program is opening on September 1. The rebates have been increased from \$750 up to \$2,000 for electric vehicles (EVs) and \$1,500 on used plug-in hybrid vehicles with less than 75,000 miles. To date, DEP has awarded over 8,000 EV rebates.

A Q&A session followed. This discussion included the status of RGGI, the education strategy for the EV program, the accessibility of the EV rebate application process, and the geographic distribution of the EV rebate awards.

### **WEST VIRGINIA V. EPA**

#### **Bo Reiley, DEP Office of Regulatory Counsel**

Bo provided a summary of the recent decision in *West Virginia v. EPA*. By a 6-3 majority vote the Supreme Court said the U.S. Environmental Protection Agency (EPA) does not have the power to develop a regulation under the Clean Power Plan. Using the Major Questions Doctrine, the Court determined that the EPA wants to transform the energy industry, but the Clean Air Act does not provide such authority. A Q&A session followed with discussed about next steps and how industry might react to the decision.

### **RGGI UPDATE**

#### **Allen Landis, DEP Energy Programs Office**

The Regional Greenhouse Gas Initiative (RGGI) rule was published in April 2022 and was slated to become effective July 1, 2022, but the DEP is in litigation with the Pennsylvania Senate, coal company owners, labor unions, and others. Currently, DEP is awaiting a determination from the Supreme Court whether Pennsylvania can participate in the first auction on September 7, 2022. If Pennsylvania is not able to participate, then DEP will wait for the full merits of the case to be determined. A Q&A followed with discussion on the electric industry's position on the rule and how other states are responding to RGGI.

### **PFAS MCL RULEMAKING**

#### **Dawn Hissner, Bureau of Safe Drinking Water**

This presentation covered the background of per- and polyfluoroalkyl substances (PFAS), actions taken by the state under the Wolf Administration to address PFAS contamination. This presentation focused on DEP's proposed PFAS Maximum Contaminant Level (MCL) rule, the purpose of the rule, key provisions, benefits, and next steps. A Q&A session followed with discussion on possible legal challenges, lack of information to address the whole class of PFAS, incentives to not use products that contain PFAS chemicals, work with the EPA to advance the science in disposal methods, strategies for private wells not subject to public drinking water regulations, and educating communities about PFAS.

### **INTERAGENCY UPDATES**

#### **Tammie Peffer, Department of Education**

The Pennsylvania Academic Standards now have a section on environmental justice and all students will have to meet the standards related to that. The Department of Education has until 2025 to implement the standards. A Q&A session followed with a discussion on the need to form partnerships with local organizations for implementation of the standards.

## **CHESTER CITY JOHNS HOPKINS UNIVERSITY AIR QUALITY STUDY**

**Dr. Peter DeCarlo, Johns Hopkins Environmental Health & Engineering**

**Jim Rebarchak, DEP, Southeast Regional Office Environmental Program Manager**

This presentation discussed the framework of a pilot project between DEP and the Department of Environmental Health and Engineering at Johns Hopkins University in collaboration with Aerodyn Mobile Lab focusing on cancer risks and respiratory risks associated with air toxics in the Chester area using the CDC Social Vulnerability Index and EJScreen and provided initial results from the study. A Q&A session followed with a discussion of the study methodology, identifying sources of pollution, implications of additional monitoring or more strict control limits, the data of health risks, and managing with cumulative impacts.

## **SOUTHWEST EJ INITIATIVES**

**Lisa DePauley, Center for Coalfield Justice**

This presentation focused on the Center for Coalfield Justice's mission, the pollution burden of current and cumulative impacts, coal mining and shale fracking in Southwestern PA, fracking violations, and concerns about the EJ area mapping, lack of data, and investments into EJ communities. A Q&A session followed with a discussion on granularity of census tract level data, revisions the Center for Coalfield Justice would like to see in the EJ policy, and the hazard water loophole.

**Jamil Bey, Ph.D., UrbanKind Institute**

This presentation discussed the UrbanKind Institute's mission to eliminate barriers to families thriving in over-burdened and under-resourced communities. UrbanKind Institute focuses on educating folks with better advocacy tools around language that resonates with everyone. A network was started of Black Environmental Collective, driving the issue of barriers that are felt and seen. Work this year has been about educating community members on EJ impacts, environmental racism, social and political determinants of health. A Q&A session followed with a discussion about what population was questioned, how was it executed, and community outreach.

**Matthew Mehalik, Ph.D., The Breathe Project**

The Breathe Project is a coalition of 50 organizations working to improve air quality levels, including air pollution issues in EJ communities and those in close proximity to large scale industrial polluters. A Q&A session followed with a discussion of political determinants.

## **OEJ UPDATES**

Two positions were recently filled within DEP's Office of Environmental Justice and efforts are ongoing to fill the Central Regional Coordinator position.

DEP's Brownfields program is hosting a webinar event on August 25 to discuss the standard program and influx of funding from the Infrastructure and Investment Jobs Act (IIJA).

Environmental Education Grants application are now open.

Jessica Shirley, DEP's Infrastructure Investment Coordinator, is working with the Pennsylvania Utility Loss Center (PULC) law project seeking input from EJ communities on the Grid Infrastructure Act.

Metrics were developed to guide the DEI work internally and reviewed by Executive Staff.

### **EJ POLICY**

Justin Dula, DEP Office of Environmental Justice

The Office of Environmental Justice received 1,300 comments on the draft Environmental Justice Policy (Policy), which are being reviewed to make the policy is implementable. DEP projects to publish the Policy by the end of the year.

### **David Lawrence, Ph.D. Temple University**

This presentation outlined the data analysis side of mapping in EJ areas. The work included review of EJ area models of other states and researching how EJ areas are defined, data sources, and calculations. A Q&A session followed with a discussion on census tracts versus block groups. Concerns were expressed about the unavailability of cancer data for those under 18 years of age and the reduction in representation of rural counties.

### **SUBCOMMITTEE UPDATES**

There were no subcommittee updates.

Chairman Cutler attended a meeting of the University of Maryland Community Engagement in Environmental Justice and Health as part of the Atlantic State EJ advisory boards and commissions. Kandis Boyd, Director of EPA Chesapeake Bay Office, is interested in ways to partner with the EJ advisory boards and commissions that are a part of, border, or feed into the Chesapeake Bay. Chairman Cutler will extend an invitation to Kandis Boyd to attend the next EJAB meeting.

### **ADJOURNMENT**

**Arthur Frank made a motion to adjourn the meeting. Heather Bedi seconded the motion, and all were in favor.**

The August 18, 2022 EJAB meeting adjourned at 6:25 PM.