

**MINUTES OF MEETING OF THE
ENVIRONMENTAL JUSTICE ADVISORY BOARD
MAY 16, 2023**

MEMBERS PRESENT VIA PHONE:

Dr. Jennifer Baka
Dr. Heather Bedi
Adam Cutler, Chairman
Anthony David
Dr. Lisa DePaoli
Dr. Arthur Frank
Hazem Hijazi
Bobby Hughes
Rashida Lovely
Rafiyqa Muhammad
Joylette Portlock
Jerome Shabazz
Dr. Horace Strand
Tom Torres

DEP STAFF PRESENT IN-PERSON:

Ricardo Almodovar, Office of Environmental Justice
Justin Dula, Office of Environmental Justice
Andrea Fields, Office of Environmental Justice
Louie Krak, Infrastructure Coordinator
Jennifer McLuckie, Office of Environmental Justice
Winnie Okello, Office of Environmental Justice

MEMBERS NOT PRESENT

Gary Horton

DEP STAFF PRESENT VIA PHONE:

Abbey Cadden, DEP Infrastructure Coordinator
Ann Devine – Water Programs Specialist
Andrew Foley Ian
Harlow
James Horton
Sarah Pinter, DEP Energy Programs Office
Lisa Meade, Local Government Liaison Northcentral region
Amani Reid, Office of Environmental Justice
Domenic Rocco
Juan Serrat, Office of Environmental Justice
Jamar Thrasher, Deputy Director of Communications for Community Outreach
Fernando Trevino, Office of Environmental Justice
Kimberly Yeakle, Local Government Liaison Northwest Region

NON-MEMBERS PRESENT VIA PHONE:

Carrie Gabel, Garnet Valley, PA Resident (in person)
Art Leopold

Jade Williams
Mark Onesky
Matt Rucci
Rachel Gleason
Josie Gaskey
Ben Dannels
Andrew Ritter, Jr.
Grant R. Gulibon
Meghan Emes
Maya
Pam Witmer
Jenny Wolfe - PDP

CALL TO ORDER:

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

APPROVAL OF MINUTES:

Chairman Cutler solicited additions or corrections to the Minutes of the February 14, 2023 meeting. Hearing none, Chairman Cutler requested a motion to approve the Minutes.

Dr. Arthur Frank made a motion to approve the Minutes of the February 14, 2023 meeting. Dr. Heather Bedi seconded the motion. With no abstentions, all were in favor, and the motion was unanimously approved.

REVIEW OF ACTION ITEMS FROM February 14, 2023:

Transition Memo

Chairman Cutler is working on and reviewing the transition memo. Once finalized, will be circulated to members and sent to Acting Secretary Negrin.

Outreach to Environmental Justice offices neighboring states: NJ, DE, OH, WV, NY, MD Office of Environmental Justice (OEJ) has been in contact, looking to organize meeting around the quarterly Environmental Justice Advisory Board (EJAB) meetings and asked for feedback on how EJAB would like to proceed.

Dr. Strand asked to consider Region 3 Committee as they have a standing committee of EJAB members in their states. EJAB members could potentially attend.

Introduction of Fernando Treviño

Fernando Treviño gave an introduction as the new Special Deputy to the OEJ. He will be continuing improvement efforts of the great working relationship between DEP and EJAB.

Chester Water Authority (CWA) Representatives

DEP received a letter from CWA inquiring to revisit the issue of the affordability of public water being considered an environmental justice concern. CWA is in the middle of financial issues, while a private company has made a bid to purchase the CWA to make it private. Secretary Negrin responded to CWA's letter requesting EJAB's assistance convening statewide hearings, around the issue of affordability of public water.

Dr. Strand explained Chester City is not in bankruptcy, the receiver has filed for bankruptcy and the city is in disagreement. CWA's concern is not whether to sell the water authority, but the community members, who may be affected by the rising rates, creating an additional financial distress to those already in such distress.

Rafiyqa Muhammad encouraged contacting Harrisburg's Water Authority, Capital Region Water, as the City of Harrisburg went through issues when having to sell the water authority. EJAB could be a watch dog and monitor these situations. Rafiyqa also addressed the Borough of Steelton's water issues. She noted that the water is undrinkable, and residents are breaking out in rashes.

DEP's Bureau of Safe Drinking Water manages the federal and state Safe Drinking Water Act and associated regulations. EJAB can be of service by lifting up statewide issues to the Secretary. This may also help to raise public awareness of broader question of what happens when private industry takes over public utility role and what may be the EJ implications of this.

DEP UPDATES:

Fernando Treviño, Special Deputy, OEJ

Fernando discussed Acting Secretary Negrin's vision for DEP, which entails four buckets to be pillars of new vision.

1. Center of Environmental Excellence, which will move DEP from a process focused management to an outcome-based strategy. Moving to a process where, every 3 months, public and stakeholders will be able to look at performance measurements that DEP will be incorporating.
2. The second pillar is to focus on Climate Leadership. DEP will serve as a thought leader on proactive climate action and analyze impact of our programming on climate issues. This is being led by Jessica Shirley.
3. Third pillar is Cultural Competency. The Secretary of DEP would like to change the culture of DEP, going beyond the definitions of good cultural awareness and to include agency interaction with both internal and external partners. Including empowering our DEI committee to be more influential in decisions and in hiring within DEP. This pillar is being led by Ian Harlow.
4. The fourth pillar is Environmental Justice. The Secretary has identified EJ as one of his top 4 priorities, to develop DEP into the agency that Pennsylvanian's need and deserve.

Ian Harlow, Deputy Secretary of Administration, Secretary's Office

DEP's proposed budget is \$2.3 billion, an increase from last year. With this year's budget, the agency expects to get 47 positions: 30 for permitting, 15 for water quality, 15 for air quality, and a subset of 17 additional positions for Regional Greenhouse Gas Initiative (RGGI). DEP's complement was increased by 25 positions. Of the 2,718 positions within DEP's complement, 275 positions are vacant. Of those, 204 are in hiring process and DEP continues moving forward to fill pending positions and accelerate the hiring process.

Ian discussed the IT modernization project within DEP. Systems have aged and DEP is making things more efficient for staff and for the public, to provide a better user experience. The Secretary is bringing in a customer experience position to engage internal and external stakeholders and help with operational excellence. DEP will be working to modernize over 300 IT software applications. Chairman Cutler noted that EJAB would be a good resource for feedback.

Federal Funding Update

Louie Krak, Infrastructure Coordinator, Policy Office

Louie is joined by Abbey Cadden whose role is now an infrastructure coordinator. Working with funds offered by the Biden Administration, to get dollars into PA.

Infrastructure Investment and Jobs Act funding opportunities

Pennsylvania is getting money to address legacy pollution issues from long standing history of mining and oil and gas development. The Bureau of Abandoned Mine Reclamation will be receiving \$3.7 billion dollars, over the next 20 years, to reclaim abandoned mine land. Commonwealth submitted a concept paper as the lead applicant for Department of Energy Program, Clean Energy on Former Mine Lands Competitive Grant, a \$450 Million funding opportunity. DEP is partnering with private companies looking to create a green energy campus on a closed coal mine in southwestern Pennsylvania. The bureau is currently waiting to receive feedback from Department of Energy.

Legacy Pollution

DEP's Office of Oil and Gas is receiving over \$300 million of formula funding to plug orphaned and abandoned wells. This work will take place over next decade with \$25 million dollars in initial grant money received. DEP will plug over 226 wells with this initial grant money with 24 having already been plugged to date. This is one of the Governor's priorities; to plug as many wells as possible, as quickly as possible with this funding. The program is waiting for final guidance from the Department of Interior (DOI) about how the next phase of funding will roll out. The next phase is the Formula Funding in which DEP anticipates \$79 million a year for four years. DEP submitted a letter of intent for opportunities to apply for classics primacy, which would allow DEP to permit Class VI underground control wells, which are needed to sequester carbon dioxide.

PENNVEST is receiving \$1.3 billion through 2027, to address drinking water and clean water infrastructure. Money targeted for lead service line replacement and addressing emerging contaminants, like PFAS.

DEP is receiving \$7.1 million of funding over the next five years for the Chesapeake Bay, to reduce nitrogen, phosphorus, and sediment pollution. \$500,000 for Solid Waste Infrastructure for Recycling Grants and \$1.5 million for State Brownfields Response Program.

DEP's Energy Programs Office is receiving \$14 million for state energy program. \$6 million dollars for energy efficiency and \$8 million a year for next 5 years for grid resiliency projects.

Environmental Justice Funding Opportunities Pollution Prevention Grant Environmental Justice in Communities

The Environmental Protection Agency (EPA) has established this program which offers \$8 million for state colleges or universities to provide technical assistance to businesses for pollution prevention. To improve human health and the environment in vulnerable communities by implementing pollution prevention measures.

Environmental Justice Government-2-Government Grant

OEJ submitted an application to EPA for a \$1 million dollar grant. If awarded, OEJ will be creating a commonwealth wide education and outreach program around illegal dumping.

Environmental Justice Thriving Communities Grantmaking Program

This program facilitates a competition to select grantmaking organizations around the country to help reduce barriers for the environmental justice grant application process. \$550 million awarded to select eleven eligible entities to become Grantmakers.

Technical Assistance Environmental Justice Thriving Communities Technical Assistance Centers

This program will receive \$177 million to create centers to help underserved and overburdened communities across the county. Each center will receive an estimated \$10 million to remove barriers and improve accessibility for communities with environmental justice concerns. Pennsylvania's regional Technical Assistance center is led by the National Wildlife Federation, with the national Technical Assistance center being led by the International City/County Management Association.

EPA's Technical Assistance Services for Communities Program

EPA is providing independent assistance through a contract to help communities better understand the science, regulations and policies of environmental issues and EPA actions.

Inflation Reduction Act (IRA)

The largest federal investment in clean energy in the nation's history with just shy of \$370 billion direct appropriations. The bulk of the income is from tax credits, not direct investments. DOE has tax credits available for doing clean energy projects in former coal communities or "Energy Communities" and has a map that includes about 2/3 of PA that is included in the EJ Communities.

DEP is receiving formula funding under the IRA. DEP's Energy Programs Office getting \$260 million over the next 10 years for energy rebate programs.

Climate Pollution Reduction Grant

DEP submitted an application for \$3 million to do climate action planning that will prepare to apply for a complete pot of \$4.6 billion.

Following up to Arthur Frank, who discussed a recent Philadelphia Inquirer article, asked what the State is doing in its effort to go after more entities to cap the thousands of uncapped mines. Louie explained that DEP doesn't know how many abandoned wells there are but gave an estimate 300,000-700,000. The cost to plug a single well is estimated between \$90,000-\$100,000 dollars. There needs to be compliance measurements in place, to reduce the abandonment rate.

OEJ UPDATES:

Justin Dula, Director, OEJ

The OEJ welcomed three new team members. Ricardo Almodovar, Southcentral Regional Coordinator, based in Southcentral Regional Office; Amani Reid, Southeastern Regional Coordinator, based in Southeast Regional Office; and Andrea Fields, Deputy Director, based in the Rachel Carson State Office Building.

Fernando Treviño, Special Deputy, Office of Environmental Justice

Fernando introduced Jamar Thrasher as DEP's Deputy Communications Director for community outreach, specifically for Environmental Justice and Language Access.

DEP's vision including the four new pillars, is a clear indication of where the Secretary envisions the office. OEJ is working on the permitting process, EJ Policy, the implementation of the new enhanced public participation and having one regional coordinator per region. The OEJ has been elevated to having a Special Deputy and Deputy Director and will be hiring a Special Projects Coordinator.

Grants Winnie Okello, Strategic Community Relations Coordinator, OEJ

Subscribe to EJ Newsletter by clicking this [link](#). Keep up with the latest OEJ updates, including grant availability.

Ann Devine, Water Programs Specialist, Watershed Support Grants
available include:

Nonpoint Source, Section 319 Nonpoint Source Management Grants

Growing Greener

\$18 million funding available between both grants to apply for. Funding for watershed restoration and protection projects, along with county stormwater management planning grants and technical grants.

For any questions about 319 or Growing Greener grants, please email
RAEP319GrantFunding@pa.gov

PRESENTATIONS:

State Water Plan Overview and Workplan

James Horton, Environmental Group Manager, Water Use and Planning

The State Water Plan was created out of concern for water quantity. In early 2000s, Pennsylvania faced issues with droughts. Act 220 was passed in 2002 and takes inventory of water to the state, including water quality. Pennsylvania is divided into 6 regions for the state water plan, which was formed in 2003-2009. This plan is a non-regulatory document, it is a plan to address problems and make suggestions.

The Digital Water Atlas - Educational document about PA's water resources

Committees

Advisory Committees and Commissions page

PUBLIC COMMENT:

None

CONTINUATION OF PRESENTATIONS:

Climate Action for Environmental Justice (CAEJC)

Sarah Pinter, Energy

Programs Specialist, Energy Programs Office (EPO)

The CAEJC program conducted seven meetings throughout the state to discuss climate change and develop the Climate Action Plan. Transportation was a major concern voiced, including the need for more robust and direct transportation opportunities and improvements in bike lanes along with grid resiliency. Other raised issues were home upgrades and weatherization. Folks emphasized that up front financial burdens are the primary barrier to implementation for low to moderate income individuals. It will be important to build connections to skilled contractors to do home upgrades and to invest in creating a skilled workforce for weatherization and energy efficiency. There is a need to motivate property owners to update properties by potentially creating regulations or having financial incentives. Proper code enforcement was discussed as a climate challenge, but that also acts as a barrier to adequate housing for low-income individuals. DEP must reduce barriers to intercommunity collaboration efforts and get deeper into communities and have discussions.

Outreach was discussed as it isn't primarily just the OEJ office that does community outreach, everyone needs to be involved and information needs recorded.

Interagency Updates

None

CONTINUATION OF PRESENTATIONS:

Bike Infrastructure Roy Gothie, Policy Specialist, PennDOT

PennDOT connects process and development, planning, design, installation and maintenance of bicycle infrastructure in Pennsylvania. In advance of funding a project, PennDOT and planning partners meet with local communities to discuss details for the project, including cost estimates. A Contextual Roadway Design Publication is being updated including the Bicycle Facilities Section. The purpose of this is to provide access to resources for community members, safety and safe access.

Discussions arose about parking within a community to accommodate for bicycles and how PennDOT communicates with community residents. Residents in Harrisburg have expressed issues to EJAB members with PennDOT's communication on bike lanes and the upkeep of the highways. Folks in other area's affected by this aren't able to participate in meetings.

PennDOT's focus is on maintenance of roadways and safety improvements, especially to those resulting in injuries. Safety and access to community services in certain areas require folks to have a car to get to these services. Adding bike lanes could reduce car trips and give folks more access to community services. PennDOT is also working on its Strategic Equity Plan.

Natural Gas Pipelines Drew Foley, Water Programs Specialist, DEP

This presentation discussed the Department's role in the pipeline permitting process and the different types of pipelines: gathering, transmission and distribution pipelines. All of these are classified, permitted and regulated differently. Folks fill out a pre-application as permits are issued based on the projects. DEP regulates disturbed areas for erosion and sediment control, water obstruction and encroachments. Area's underground are not regulated. For larger permits, DEP allows public comments, these projects are published in the PA Bulletin. DEP works with County Conservation Districts who aid in compliance and enforcement of permits.

Township of Marple v. PUC Meg Murphy, Office of Chief Counsel, DEP

DEP was not involved with this case involving PECO, an energy company proposing to build a gas reliability station in Marple Township, Delaware County. During the process the Public Utility Commission (PUC) allowed PECO to be exempt from local zoning after PECO had already tried to get exemption from the township which was denied. Marple Township appealed the decision of the PUC to the Commonwealth Court (CC). CC agreed with Marple Township in that the PUC erred in deeming environmental concerns to be outside the purview of Section 619.

The CC vacated the decision of the PUC and sent the case back to re-evaluate the 619 petition and incorporate the results of a constitutionally sound environmental impact review.

SUBCOMMITTEE UPDATES

Wrap Up and Next Steps

Share map of how many wells there are within EJ communities within Commonwealth

Scranton meeting planning

Subscribe to EJ Newsletter link

Potential follow-up Penndot discussions

Share Township of Marple document once approved

Review Rashida's document and share w/ EJAB and attendees

Arthur Frank made a motion to adjourn the meeting. Dr. Strand seconded the motion, and all were in favor.

The May 16, 2023 EJAB meeting adjourned at 3:01 PM.