

**MINUTES OF MEETING OF THE
ENVIRONMENTAL JUSTICE ADVISORY BOARD
May 14, 2024**

MEMBERS PRESENT in-person:

Adam Cutler, Chairman
Sophia Lee
Rashida Lovely

MEMBERS PRESENT via phone:

Jenn Baka, Ph.D. Joylette Portlock, Ph.D.
Heather Bedi, Ph.D. Tom Torres
Lisa DePaoli, Ph.D.

MEMBERS absent:

Gary Horton
Bobby Hughes
Rafiyqa Muhammad
Jackie Omotalade

Mia Ray
Jerome Shabazz, Parliamentarian
Horace Strand, Ph.D., Vice Chair

Call to Order:

Chairman Adam Cutler called the meeting to order at 1:10 PM

Approval of Minutes:

Chairman Cutler solicited additions or corrections to the Minutes of the February 21, 2024 meeting. A request was made to correctly reflect Joylette Portlock's title to include Ph.D. Chairman Cutler requested a motion to approve the Minutes.

With the correction of Joylette Portlock's title, Sophia Lee made a motion to approve the Minutes of the February 21, 2024 meeting. Dr. Joylette Portlock seconded the motion. With no abstentions, all were in favor, and the motion was unanimously approved.

Sophia Lee made a motion to correct the Minutes of November 14, 2023, to correctly reflect one abstention, instead of none. Sophia Lee abstained.

Approval of Amended Minutes:

With the correction of one abstention, Dr. Joylette Portlock made a motion to approve the Amended Minutes of the November 14, 2023 meeting. Dr. Jenn Baka and Tom Torres seconded the motion. With no abstentions, all were in favor, and the motion was unanimously approved.

DEP Updates:

Ramez Ziadeh, Executive Deputy Secretary, Secretary's Office

Executive Deputy Secretary (EDS) Ziadeh provided updates on the following:

Solar for All Program

EPA announced the Pennsylvania Energy Development Authority (PEDA) as the recipient of \$156 million award for statewide Solar for All Program. This program aims to develop and expand low-income solar programs throughout the state, making this the largest investment, focused on low income solar, in the state's history. The goal is to install 70 megawatts of solar in over 14,000 low-income disadvantaged community households, over a five-year period.

DEP Modernization

DEP is modernizing permitting and compliance programs, working with the Commonwealth Office of Digital Experience (CODE PA) and identifying a platform to use. Integrators will map out the requirements and integrating existing databases and permitting programs into the new platform. This will be a comprehensive overhaul and will also focus on improving the user experience.

Payback Program

The PAYback Program was implemented to improve the efficiency of permitting programs and allows residents to check their eligibility for a refund for a permit, license, or application fee. Since the implementation of this program, in November 2023, DEP has not received any refund requests. The DEP has been able to improve the planning process of authorization requests and improved reporting tools to meet time frames.

Q&A centered around the permit reviewing process.

Board Membership Status Updates:

- Chairman – Adam Cutler
- Vice Chair – Horace Strand, Ph.D.
- Parliamentarian – Jerome Shabazz

EJAB is up for election every two years. Solicitations were made for Adam Cutler for Chairman; Dr. Horace Strand for Vice Chair; and Jerome Shabazz for Parliamentarian.

Sophia Lee made a motion to affirm the elections. Dr. Heather Bedi seconded the motion. With no abstentions, all were in favor, and the motion was unanimously approved.

Presentations:

Mathy V. Stanislaus, Esq., Drexel University

This presentation centered around climate emergency preparedness and resilient recovery. According to The Environmental Collaboratory, 2023 was the hottest year on record. There were twenty-five confirmed U.S. weather and climate disaster events, with losses exceeding \$1 billion each.

With the frequency of events, states in the South have more of a whole approach of protection for communities, which the Northeast states seem to be lacking. States should have focused attention on building capacity, budget and resources for community-based organizations to

build the capacity to protect themselves. Other states, for example, have comprehensive extreme heat plans and plans on how to protect people and provide the resources to protect themselves.

Q&A centered around the sense of urgency of the need of preparedness.

Stuart Clarke, Program Director, William Penn Foundation

This presentation provided regional updates from the William Penn Foundation. Over the past ten years, work has been focused on helping improve water quality in the Delaware River. This includes supporting work to conserve and restore land, build pathways for residents of the Delaware River Watershed, and moving policy.

Echo Alford, Delaware County Advocacy Coordinator, Clean Air Council; Marcus Hook Area Neighbors for Public Health, and,

Kearni Warren, Delaware County Outreach Coordinator, Clean Air Council; Marcus Hook Area Neighbors for Public Health

This presentation centered around partnerships between Clean Air Council and Marcus Hook Area Neighbors for Public Health and the environmental justice work that has been done within Chester. Mission to educate ourselves and others about pollution, impacts to public health and to advocate for health and safety measure to protect the community.

Clean Air Council's programs are centered around the community and residents. Programs are based upon feedback and concerns heard, issues needing addressed and projects residents would like to see happen within their community. The four areas of focus are: Environmental Health; Air Quality; Climate Resilience; and Watershed Protection.

The Community and Environmental Health Survey is a collaboration with Johns Hopkins School of Public Health and Community Co-investigators. This resident led survey helped to better understand the impacts of pollution, on the community's health. In addition, the survey led the exploration of environmental impacts on public health, along with the cumulative impact of multiple burdens in an environmental justice community. The survey's final report will include a summary of key findings, detailed description of data and analysis and recommendations moving forward. The final report is due to be published mid-late 2024.

EPA is funding a two-year program to install outdoor air monitors throughout southern Delaware County. Residents can use the results as a form of advocacy for themselves, by checking air quality, as one would check the weather. In addition to empowering residents to track pollution, this will also aid in advocacy for long-term change.

The Climate Resilient Communities Project is a two-year program to address potential climate impacts in communities along the Delaware River. Working with Olin Studios, a landscape design firm, resident advisory board, and the community to develop local green infrastructure projects, to mitigate climate impacts. In addition to advocating for policy changes.

Watershed Protection is the ongoing work to monitor local watershed. Naamans, Marcus Hook, Stoney Creek (NMS) Watershed has formed an advisory board, to establish the mission and vision for the NMS watershed and to empower residents to have their voice heard to protect the waterways. The NMS Watershed has a long-term goal of becoming an independent 501(c)(3) watershed conservation and advocacy group.

Q&A centered around the survey results being widely shared and where the air monitoring is taking place.

Felicia Fred, Senior Educator, Overbrook Environmental Education Center

This presentation centered around the Environmental Justice Thriving Communities Technical Assistance Centers (EJ TCTAC). This program was established to aid underserved and overburdened communities in the United States. These communities may not have had the opportunity to receive funding or technical assistance. EJ TCTAC was created through the Environmental and Climate Justice (ECJ) Program and funded through the Inflation Reduction Act. \$2.8 billion was allocated for financial assistance and \$200 million allocated towards technical assistance for implementation. Awards for grants are eligible through Summer of 2026. Strategies of this program are to integrate health outcomes and health access into all projects, making sure projects are connected to a resource and/or resilience hub. This program also aims to invest in people, as infrastructure and getting them involved in the process to develop the networks needed. Programs are geared towards climate resilience, mitigating indoor and outdoor pollution and workforce development.

Q&A centered around the grant process.

Dan Hackenberg, Air Quality Specialist, Bureau of Air Quality, DEP

Sean Nolan, Bureau of Air Quality, DEP

This presentation centered around updates on the Delaware County Air Monitoring Grant. DEP received the American Recovery Plan (ARP) Competitive Grant, in conjunction with other organizations. This will help build on a project started at Johns Hopkins to understand the pollution profile in environmental justice communities. Data collected will be used to assist the Delaware County's planning group. Mid-Cost air sensors will be used to collect data and Johns Hopkins will perform the data analysis, with DEP issuing the final report.

Brittani Hales, Community Engagement Specialist for Delaware County Planning Department (DELCO)

Ms. Hales shared that DELCO's focus is on engaging in communities and getting the reactions of what the needs are, before monitors are placed in the community. After data is collected and there is a collaboration with community partners, easy to understand reports and visualizations are created about the data. Community events are then organized, to present the data.

Q&A centered around the design and infrastructure, and how the data collected will be shared, and what steps are made, if enforceable actions are discovered.

Funding Update:

Abbey Cadden, Infrastructure Implementation Coordinator, Office of the Budget

Abbey provided updates on the following programs:

Solar for All Program

Pennsylvania has been awarded \$156 million for the Solar for All Program. This program is for residential solar storage and enabling upgrades, for low-income Pennsylvanians. With this award amount, it is projected that just over 14,000 homes in Pennsylvania will benefit. DEP is working on finalizing the agreement and working on program design.

Keystone Energy Efficiency Program (KEEP)

KEEP is administered through the Energy Development Authority, through DEP's Energy Programs Office and was developed to help Pennsylvania homeowners afford energy efficiency upgrades and reduce energy costs around their home. These loan interest rates are below market interest rates, in order to make it affordable to access low-cost loans for home upgrades.

Municipal Opportunities for Retrofits and Energy Efficiency (MORE)

This program is dedicated to municipal organizations with a goal to improve energy efficiency for local government buildings and facilities. MORE reduces the barriers to get low or zero interest loans to accomplish the larger more energy efficient projects. There are two components: part one is a grant of up to \$50,000, which can be used to support the identification, planning and financing of the energy efficiency project; and part two is a MORE loan, to do a renewable energy project.

Q&A centered around applications and writing the program to be compatible with any potential solar opportunities.

Louie Krak, Infrastructure Implementation Coordinator, Office of the Budget

DEP's Office of Oil and Gas has plugged 76 wells to date, with all available sources of funding. Of those 76 wells, 52 were plugged using Infrastructure Investment and Jobs Act (IIJA) funds.

Well Plugging Funding:

Formula Grant

DEP is eligible to receive just over \$305 million, which will be awarded at \$76 million per year, over next four years. Once DEP receives the first award, an Orphan Well Plugging Grant Program will be offered. This will offer \$40,000-\$70,000 grants, per well, to qualified well pluggers.

The Matching Grant

DEP is eligible to apply for up to an additional \$30 million in funding for well plugging. The Matching Grant is offered under the IIJA. The Federal Government will announce final program guidance before DEP applies.

Environmental Protection Agency (EPA), Methane Emissions Reduction Program (MERP)

DEP is eligible to receive \$44.4 million to plug marginal conventional wells. These are wells that are low producing and towards the end of their use. DEP aims to open this program soon and is working to develop a Well Prioritization Process and Methodology.

EPA, Community Change Grant

This grant offers \$2 billion on a rolling basis for a wide range of projects. Broadly, projects must improve environmental climate and resilience conditions affecting vulnerable communities. EPA expects to fund 150 projects nationally. Projects must be submitted by a partnership of at least two organizations, with one being a community-based organization.

EPA, Climate Pollution Reduction Grants Program

This is a two-stage program, with formula allocation, for planning, grant money and implementation. DEP submitted its first deliverable, which was to complete a Priority Climate Action Plan.

DEP submitted a \$475 million proposal to create a statewide industrial decarbonization grant program called Reducing Industrial Sector Emissions in PA (RISE PA). If awarded, RISE PA has the potential to reduce over five million metric tons of CO₂ equivalent from 2025 to 2030. In addition, this program also has the potential to reduce over nine million metric tons from 2025 to 2050, all while creating up to 6,000 new jobs and leveraging up to \$973 million of private capital.

OEJ Updates:

Fernando Treviño, Special Deputy Secretary, Office of Environmental Justice (OEJ)

Fernando provided an update on staffing changes within the OEJ. Winnie Okello has departed from DEP, Juan Serrat will be taking the lead as the Programs Coordinator, and Amani Reid will be dedicated to the Southeast Regional Office. OEJ is hiring a regional coordinator, dedicated to the Northeast Regional Office, and Amelia Benson, OEJ's Southwest Regional Coordinator, will be departing from DEP soon.

Justin Dula, Director, OEJ

OEJ continues to work through the comment-response document for the EJ Policy revision. EPA has awarded the Government-to-Government Grant, OEJ is working with the CBOs to finalize documents, with further information forthcoming.

Q&A centered around what kind of feedback was received from the public comment meetings and around moving forward with the new policy.

Public Comment:

Emily Little, Energy Equity and Inclusion Regional Associate for the Heartland Region, Solar United Neighbors

Ms. Little is attending this EJAB meeting to speak about community solar in Pennsylvania. Ms. Little stated she represents West Virginia, Pennsylvania, Ohio, and Indiana. On March 26, House Bill 1842, Community Solar Bill, was passed in the Pennsylvania House and is moving to the

Senate. Ms. Little is reaching out to ask for signatures for a support letter for community solar in Pennsylvania. By having Community Solar in Pennsylvania, all residents, regardless of income or housing, could benefit from solar. Residents would be enabled to purchase a share in a nearby solar installation and earn credits on their electric bill each month, based on their share, lowering energy bills.

Marilyn Howarth, MD, Occupational and Environmental Medicine Physician, Center of Excellence in Environmental Toxicology (CEET), Perelman School of Medicine, University of PA & Deputy Director, Philadelphia Regional Center for Children's Environmental Health

Dr. Howarth approached the EJAB to describe recommendations for advancing environmental justice in the Commonwealth. Dr. Howarth has been working with the Chester Environmental Partnership, working on EJ issues and shared that Chester residents experience health disparities at a much higher rate than surrounding communities. There has been no comprehensive method of quantifying to better regulate pollution. Dr. Howarth acknowledged the PennEnviroScreen as a tool that better protects the public. Most of Philadelphia and Chester County fall into the top 20% of Diesel particulate emissions, yet this is not considered in current permitting processes.

Dr. Howarth, with the CEET, urges the EJAB to encourage DEP to acknowledge the tremendous disparities laid out by the PennEnviroScreen tool and take action to remedy the disproportionate impact on environmental justice communities throughout the Commonwealth. Dr. Howarth offered quantifiable resolutions to remedy issues, including prohibiting any additional air permits in communities while in the top 20% and require all permit renewals in communities of the top 20% to include a 20% emission reduction, at the next renewal time. Dr. Howarth and CEET would like to EJAB to push DEP to promulgate regulation, based on the data within the PennEnviroScreen, to better protect residents of environmental justice communities.

Joan G. Broadfield, Lenapehocking

Ms. Broadfield approached the EJAB to discuss the City of Chester's long history of not having the ability to be able to do things. Ms. Broadfield stated it was nice to have all of these funds, but it seems like there is very little time and funds are competitive. She expressed concern on what this means to a city that has had little attention brought to the people and how this would work.

Chris Digiulio, Environmental Chemist, Physician's for Social Responsibility of Pennsylvania

Ms. Digiulio approached the EJAB to address air monitoring and wanting to know how the data and science collected is used. How would this change the programs when permits are going through without including impact studies such as trauma or health impacts.

Interagency Updates:

Michael Shorr, Southeast Regional Director, Department of Community & Economic Development (DCED)

The southeast office of DCED covers Philadelphia, Bucks, Chester, Delaware and Montgomery counties. DCED, in coordination with the Governor's Office, released the Economic Development

Strategy Goals. Five goals were established for investing in economic growth. These include Investing in Economic Growth to Compete; Making Government Work at the Speed of Business; Open Doors of Opportunity for all Pennsylvanians; Innovate to Win; and Building Vibrant and Resilient Regions.

DCED's budget request included funding for the Main Street Matters Program, funding to support small businesses and commercial corridors. Funding was requested for the Pennsylvania Regional Economic Competitiveness Challenge, which will incentivize regional growth, build vibrant and resilient regions and support communities in the development of comprehensive strategies.

Municipal Assistance Programs are exclusively available to 501(c)(3) Non-Profit Organizations that, if applicable, would receive a value of approved credits to be used against future tax liability. Contributions may be cash, equipment or supplies, real estate, technical assistance or on-the-job training and there may be multiple contributors. The intent of the program is to benefit low income or vulnerable populations, neighborhoods or communities.

Q&A centered around the specific funding programs and what they can fund. Having a legislative support letter helps application.

Subcommittee Updates:

None.

Discussion for Future Presentations:

Chairman Cutler opened the discussion for recommendations to the Secretary and what topics should be discussed for the remainder of the 2024 EJAB quarterly meetings.

Sophia Lee discussed applying the policy with the data received from communities through air monitoring.

Rashida Lovely shared that she has been receiving complaints, from residents in her community, about the results of the environmental justice map. Certain residents don't understand why their community isn't considered an environmental justice (EJ) area. Some areas were considered EJ areas, but with the updated map, are now not considered an EJ area. Residents fear losing the resources they have obtained and eligibility for new resources, when the area was considered an EJ area.

Chairman Cutler added that it would be good to think of the impact on the community from the updated map. This map should be inclusive and establish continuity, if an area is not considered an EJ area.

Chairman Cutler circled back to the discussion topics by adding that it would be good to hear from a community group about their well plugging efforts. Additional topics of interest included

addressing brownfields and abandoned mines and hearing the results from the Marcus Hook Group survey.

Sophia Lee suggested topics on human, physical health impacts, hearing more about the human and physical impact on Toxicology and Epidemiology and marrying the evidence with the policy.

Public Comment:

Kayla Miller, Student at Swarthmore College, Chester Residents Concerned for Quality Living (CRCQL), C4 Campus Coalition Concerning Chester

Ms. Miller stated she was here on behalf of C4 Campus Coalition Concerning Chester and CRCQL. Ms. Miller shared that when she heard of this board meeting occurring, she didn't feel CRCQL was made aware of the meeting. She felt it was negligible and disrespectful, as CRCQL has been doing environmental justice work in Chester Community for 30 years.

Thomas Nixon, Resident, CRCQL

Mr. Nixon approached the EJAB regarding their approach to the community and not including CRCQL in this meeting. Mr. Nixon shared that Chester community is a multi-generational, multi-diverse community and shared that his community is saturated with pollutants from petrochemical companies and waste management companies, that impact the residents health disparities. Mr. Nixon shared that as an agency that should be monitoring these statutes, he feels continually not heard and feels a disregard for the CRCQL organization.

Zulene Mayfield, Chairperson, CRCQL

Ms. Mayfield approached the board questioning the location for this board meeting. She felt the presence of the EJAB in Chester was offensive and rude. Ms. Mayfield shared that she is the Chairperson for CRCQL and gave the EJAB a welcome to the City of Chester. CRCQL was formed in 1992, in response to incinerator operations in Chester. CRCQL has battled many DEP permitted facilities in this community. Ms. Mayfield shared she has been the Chairperson since 1995, the same year CRCQL filed a lawsuit against DEP for discriminatory effects on Chester community. When Dr. Charles Lee, United Church of Christ and Dr. Robert Bullard visited Chester community, both stated that this was the worst case of environmental racism that they had seen.

Ms. Mayfield went on to share that the Office of Environmental Justice was formed as a result of the lawsuit, which then formed the Environmental Justice Advisory Board. Chester is a majority low wealth and minority community. Covanta (now Reworld), which is the largest incinerator in the country, along with companies such as Kimberly Clark, PQ Corporation, Delcora, are among the major polluters in Chester County. Over the years, air quality has decreased because of all the polluters. Ms. Mayfield shared that the community doesn't need any more studies or any other's gaining funds from studies of Chester. The EJAB provides a public forum to protect the health of communities, especially those with the greatest concentration of environmental risk. Ms. Mayfield feels the DEP fails each time. Ms. Mayfield feels the community and herself should be treated with respect but hasn't felt that.

Chairman Cutler followed up by suggesting having a larger discussion around community involvement going forward.

Joan G. Broadfield, Lenapehocking

Ms. Broadfield approached the board again to share that she appreciated Ms. Mayfield's comments, agreeing that it is very hard to get work done within the community. Ms. Broadfield also agreed that community groups should be a part of EJAB meetings within communities and hopes Ms. Mayfield's words will be taken seriously.

Mike Ewall

Mr. Ewall approached the board to discuss procedural issues. Specifically, the process with Covanta Plymouth Trash Incinerator's renewal of their air pollution permit. Mr. Ewall stated that Covanta's air permit expired a year and a half ago and they have been allowed to pollute the air, being the largest air polluter in Montgomery County. Mr. Ewall feels DEP fails to fully address this facility and is operating on an expired permit. Feedback should be coming from EJAB to the agency on how to handle expired permits. Mr. Ewall shared that the notice for the upcoming public hearing says folks need to register a week in advance to speak at these hearings. Folks think that's the process, but DEP allows those, who haven't registered, to speak. This needs to be the case all the time and let folks clearly know they can speak, even if not registered and equally for virtual hearings. Mr. Ewall shared that it was confusing when trying to find information on the upcoming Covanta public hearing, as the PA Bulletin website was not clear.

Mr. Ewall also addressed the public hearing is after the public comment period has closed two weeks prior to the hearing. He feels folks aren't being listened to and permits decisions are being made before hearing community feedback.

Chris Digiulio, Environmental Chemist, Physicians for Social Responsibility of Pennsylvania

Ms. Digiulio wanted to elevate Ms. Mayfield's voice and comments and suggests DEP listen to her. Physicians for Social Responsibility of Pennsylvania advocate for public health with health practitioners that can speak to what the community is going through.

Wrap Up and Next Steps:

Next meeting will be August 13, in Harrisburg, at the Rachel Carson State Office Building and will be held both virtual and in-person.

Adjournment:

Chairman Cutler requested a motion to adjourn the meeting.

Sophia Lee made a motion to adjourn the meeting. Rashida Lovely seconded the motion, and all were in favor.

The May 14, 2024 EJAB meeting adjourned at 6:37 PM.