

MINUTES
ENVIRONMENTAL QUALITY BOARD MEETING
May 21, 2014

VOTING MEMBERS OR ALTERNATES PRESENT

E. Christopher Abruzzo, Chairman, Secretary, Department of Environmental Protection
Eric Kratz, alternate for Julia Hearthway, Secretary, Department of Labor and Industry
Kathryn Tartaglia, alternate for Barry Schoch, Secretary, Department of Transportation
Patrick McDonnell, alternate for Robert Powelson, Chairman, PA Utility Commission
Representative Greg Vitali, Pennsylvania House of Representatives
Representative Ron Miller, Pennsylvania House of Representatives
Richard Fox, alternate for Senator John Yudichak
Adam Pankake, alternate for Senator Gene Yaw
Michael Dimatteo, alternate for Matthew Hough, Executive Director, PA Game Commission
Seth Mendelsohn, alternate for Burt Waite, Citizens Advisory Council
David Spotts, alternate for John Arway, Executive Director, PA Fish and Boat Commission
Doug McLearn, alternate for James Vaughan, Executive Director, Pennsylvania Historical and
Museum Commission
Matthew O'Donnell, alternate for Jennifer Branstetter, Director, Governor's Office of Policy &
Planning
Cynthia Carrow, Citizens Advisory Council
William Fink, Citizens Advisory Council
John Walliser, Citizens Advisory Council
Paul Opiyo, alternate for C. Alan Walker, Secretary, Department of Community and Economic
Development
Ben Junkin, alternate for George Greig, Secretary, Department of Agriculture
Dr. James Logue, alternate for Michael Wolf, Secretary, Department of Health

DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF PRESENT

Hayley Book, Director, Policy Office
Doug Brennan, Director, Bureau of Regulatory Counsel
Laura Edinger, Regulatory Coordinator

CALL TO ORDER AND APPROVAL OF MINUTES

The meeting was called to order at 9:03 a.m. in Room 105, Rachel Carson State Office Building, 400 Market Street, Harrisburg, PA. The Board considered its first item of business – the March 18, 2014, EQB meeting minutes.

Patrick McDonnell moved to adopt the March 18, 2014, EQB meeting minutes.
Adam Pankake seconded the motion, which was unanimously approved by the Board.

CONSIDERATION OF PROPOSED RULEMAKING: CONTROL OF VOC EMISSIONS FROM FIBERGLASS BOAT MANUFACTURING MATERIALS (25 Pa Code Chapter 129)

Vince Brisini, Deputy Secretary for Waste, Air, Radiation and Remediation provided an overview of the proposed rulemaking. Joyce Epps, Director, Bureau of Air Quality, and Kristen Furlan, Assistant Director and Mediation Coordinator, Bureau of Regulatory Counsel, assisted with the presentation.

Following the presentation, Richard Fox inquired as to how much credit can be claimed with regard to emissions reductions if this rulemaking becomes part of the state implementation plan.

Bureau Director Joyce Epps answered that the information is not currently available, as the total number of potentially affected facilities is unknown. This regulation has a low applicability threshold but there could potentially be additional impacted facilities. Director Epps continued that this particular rulemaking is required to be submitted as part of DEP's Reasonably Available Control Technology (RACT) requirements for Volatile Organic Compounds (VOCs) and additionally is part of DEP's grant deliverable for the Federal 105 grant that is provided to DEP by the EPA. DEP should get additional information as the total number of available sources is determined.

Mr. Fox commented that this rulemaking appears to be fairly benign. He questioned the need for three public hearings to be held given the low impact on the regulated community.

Kristen Furlan responded that the Pennsylvania Air Pollution Control Act has requirements for public hearings and the Act additionally specifies that if an air quality rulemaking would apply in just one region of the state, public hearings must be held in that region. If the rulemaking is applicable in more regions, more hearings are required to cover the regions. This rulemaking will apply statewide, so three hearing will be held; one in the center, one in the east, and one in the western part of the state. She continued that that the Act does not allow for cancelation if no one has pre-registered to speak. Sometimes people attend hearings without signing up in advance.

Richard Fox made a motion to adopt the proposed rulemaking.

William Fink seconded the motion, which was unanimously approved by the Board.

CONSIDERATION OF RULEMAKING PETITIONS: KILLBUCK RUN, WYEROUGH RUN, AND BEAVERDAM RUN (25 Pa Code § 93.9)

Kelly Heffner, Deputy Secretary for Water Management provided an overview of the rulemaking petitions. Tony Shaw, Chief of Monitoring Section, Bureau of Point and Nonpoint Source Management, and Michelle Moses, Assistant Counsel, Bureau of Regulatory Counsel, assisted with the presentation.

Before Kelly Heffner began her presentation, she let the Board know that this is Tony Shaw's last Board meeting as he is retiring in mid-June. She thanked him for all of his hard work. She pointed out that every time DEP would receive a petition or a stream designation package, Tony would lead the effort and worked hard to collect the information and provide solid science behind the many recommendations that came to the Board during his career.

There were no questions or comments following the presentation.

**David Spotts moved to accept the rulemaking petitions for further study by DEP.
Cynthia Carrow seconded the motion, which was unanimously approved by the Board.**

OTHER BUSINESS:

Laura Edinger provided an update regarding the Ashley Funk petition. Ms. Edinger let the Board know that DEP completed its review of the Ashley Funk petition, which requests the establishment of a rule in Pennsylvania to regulate fossil fuels, CO₂ emissions and to establish an emission reduction strategy that will achieve safe atmospheric concentrations in CO₂ by 2100. DEP prepared a report in response to the petition and the report was subsequently mailed to the petitioner on April 16, 2014. As per petition policy, the petitioner was offered thirty days from the date the report was sent, to respond as desired. The initial due date was May 15, 2014. However, the petitioner requested additional time to prepare a response. DEP agreed to a two-week extension. The petitioner is preparing a response to the report, and the response is due by May 30, 2014. Once the response is received, DEP will prepare a recommendation to the Board based on the report and comments received. DEP anticipates this recommendation will be presented at the July 15, 2014, Board meeting.

Hayley Book provided an update on the proposed Chapter 78 Oil & Gas Surface Activities regulation. Ms. Book notified the Board that DEP is currently reviewing the comments received for this regulation. All comments have been submitted to the Independent Regulatory Review Commission (IRRC) and DEP has received IRRC's comments. The next part of the process for this rulemaking will take place at the Oil & Gas Technical Advisory Board (TAB) meeting which will be held on June 26, 2014. DEP plans to summarize the comments provided by IRRC and the main themes and topics presented by the commentators for discussion at that TAB meeting. DEP will cover the comments overall and will also cover some specific comments that were received that may require more research or technical discussion by TAB or some of the subcommittees that TAB has established. As there is great public interest regarding these regulations, DEP is looking into what technology to use to allow for greater public participation in the meeting. At this point, DEP anticipates employing either livestream or offering a webinar that will be held in room 105 and will be made available online. DEP is talking with PCN to see if there would be interest or opportunity to have the meeting televised, but the primary goal is to stream the meeting so those who are interested, and would not be able to travel to Harrisburg, are able to access the discussion on this regulation. Ms. Book encouraged Board members to share ideas or guidance as to how DEP may best achieve this goal. Everyone who submitted comments on the regulation will get a notice from Chairman Abruzzo about the meeting, thanking them for their participation and providing the details as to how to listen in and participate in the TAB meeting.

Chairman Abruzzo again commended everyone who served as chairpersons of the EQB public hearings. He remarked that an unprecedented number of public hearings were held around the state. DEP greatly appreciates all of the efforts and hard work that it took to make these hearings happen. Chairman Abruzzo further stated that DEP received 24,000 written comments, but nothing can take the place of interested members of the public having the opportunity to present their testimony in person at a public hearing. Chairman Abruzzo extended his gratitude to all who helped facilitate this important part of public participation in the rulemaking process.

Chairman Abruzzo notified the Board that there will be no June meeting for EQB. The next meeting of the Board is scheduled for Tuesday, July 15, 2014. The meeting will convene at 9:00 a.m. in Room 105 of the Rachel Carson State Office Building, Harrisburg. He asked Board members to let Laura Edinger know if they will be unable to attend the July meeting.

Chairman Abruzzo asked if there was any other business the Board would like to discuss. David Spotts, referencing the meeting minutes of April 16, 2013, informed the Board that, at last April's meeting, the Board considered a final rulemaking on triennial review of water quality. He continued that the Board adopted the final rulemaking although some of the Board members expressed concern pertaining to certain aspects of the final rule. Mr. Spotts made a motion at that meeting requesting that DEP report back to the Board within one year regarding the scientific progress and related research associated with the water quality criteria for sulfates, chlorides, molybdenum and 1,4-dioxane. This motion passed. Mr. Spotts requested that DEP present on this at the July Board meeting if possible.

Chairman Abruzzo stated that DEP will look into this further. If possible, this will certainly be an agenda item in July.

Mr. Spotts reaffirmed the importance of this topic and expressed appreciation for reporting back in a timely manner.

ADJOURN:

With no further business before the Board, Richard Fox moved to adjourn the meeting. Patrick McDonnell seconded the motion, which was unanimously approved by the Board. The May 21, 2014, meeting of the Board was adjourned at 9:33 a.m.