

**MINUTES
ENVIRONMENTAL QUALITY BOARD MEETING
November 17, 2020**

VOTING MEMBERS AND/OR ALTERNATES PRESENT

Patrick McDonnell, Chair, Secretary, Department of Environmental Protection
Erin Smith Wachter, alternate for Meg Snead, Secretary, Governor's Office of Policy and Planning
Mike Hanna, alternate for Russell Redding, Secretary, Department of Agriculture
Denise Brinley, alternate for Dennis Davin, Secretary, Dept. of Community and Economic Development
Peter Blank, alternate for Dr. Rachel Levine, Secretary, Department of Health
Kristen Gardner, alternate for Jerry Oleksiak, Secretary, Department of Labor and Industry
Natasha Fackler, alternate for Yassmin Gramian, Secretary, Department of Transportation
Heather Smiles, alternate for Tim Schaeffer, Executive Director, Pennsylvania Fish and Boat Commission
Michael DiMatteo, alternate for Bryan Burhans, Executive Director, Pennsylvania Game Commission
Andrea Lowery, Executive Director, Pennsylvania Historical and Museum Commission
Gladys Brown Dutrieuille, Chairman, Public Utility Commission
Nick Troutman, alternate for Senator Gene Yaw, Senate Environmental Resources and Energy Committee
Senator Steven Santarsiero, Senate Environmental Resources and Energy Committee
Representative Daryl Metcalfe, House Environmental Resources and Energy Committee
Representative Greg Vitali, House Environmental Resources and Energy Committee
Cynthia Carrow, Citizens Advisory Council
Robert Barkanic, Citizens Advisory Council
John Walliser, Citizens Advisory Council
John St. Clair, Citizens Advisory Council
Jim Welty, Citizens Advisory Council

DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF PRESENT

Laura Griffin, Regulatory Coordinator
Jessica Shirley, Policy Director
Robert "Bo" Reiley, Bureau of Regulatory Counsel

CALL TO ORDER AND APPROVAL OF MINUTES

The virtual meeting of the Environmental Quality Board (EQB or Board) was called to order by Chairperson McDonnell at 9:04 a.m. via Webex. The Board considered its first item of business: approval of the September 15, 2020, EQB meeting minutes.

Representative Vitali made a motion to adopt the September 15, 2020, EQB meeting minutes. Senator Santarsiero seconded the motion.

Representative Metcalfe pointed out a typographical error on page 13 of the September EQB meeting minutes. In the next to last paragraph, first sentence, it should read, "Representative Metcalfe stressed the regulation should **not** move forward." Chairperson McDonnell confirmed that correction would be made to the meeting minutes.

The motion passed with a vote of 17-0. Robert Barkanic abstained from voting as he was not present for the September meeting. Erin Smith Wachter was not present during the vote.

CONSIDERATION OF FINAL RULEMAKING: WATER QUALITY STANDARDS – CLASS A STREAM REDESIGNATIONS (25 Pa. Code Chapter 93)

Aneca Atkinson (Deputy Secretary for Office of Water Programs) provided an overview of the final rulemaking. Josh Lookenbill (Acting Co-Director for Bureau of Clean Water) and Michelle Moses (Assistant Counsel for Bureau of Regulatory Counsel) assisted with the presentation.

There was no discussion following the Department’s presentation.

Representative Vitali made a motion to adopt the final rulemaking. Senator Santarsiero seconded the motion, which was approved by a majority of the Board. The motion passed with a vote of 16-2. Representative Metcalfe and Jim Welty voted in opposition. Erin Smith Wachter was not present during the vote.

CONSIDERATION OF FINAL RULEMAKING: WATER SUPPLY REPLACEMENT FOR SURFACE COAL MINING (25 Pa. Code Chapters 87-90)

John Stefanko (Deputy Secretary for Active and Abandoned Mine Operations) provided an overview of the final rulemaking. Bill Allen (Director for Bureau of Mining Programs) and Christopher Minott (Assistant Counsel for Bureau of Regulatory Counsel) assisted with the presentation.

There was no discussion following the Department’s presentation.

Senator Santarsiero made a motion to adopt the final rulemaking. Representative Vitali seconded the motion, which was unanimously approved by the Board. (19-0)

CONSIDERATION OF PROPOSED RULEMAKING: NONCOAL MINING CLARIFICATIONS AND CORRECTIONS (25 Pa. Code Chapter 77)

John Stefanko (Deputy Secretary for Active and Abandoned Mine Operations) provided an overview of the proposed rulemaking. Bill Allen (Director for Bureau of Mining Programs) and Christopher Minott (Assistant Counsel for Bureau of Regulatory Counsel) assisted with the presentation.

There was no discussion following the Department’s presentation.

Representative Vitali made a motion to adopt the proposed rulemaking. Senator Santarsiero seconded the motion, which was unanimously approved by the Board. (19-0)

OTHER BUSINESS:

Laura Griffin provided a regulatory update.

- On September 15, 2020, this Board adopted the CO₂ Budget Trading Program proposed rulemaking. The proposed rulemaking was published on November 7, 2020, opening a 69-day public comment period. Ten virtual public hearings will be held on December 8, 9, 10, 11, and 14, 2020. Information on how to sign up to provide testimony at the hearings is available on the EQB webpage. The public comment period for the rulemaking will end January 14, 2021.

- On July 21, 2020, this Board adopted the Dam Safety and Water Management proposed rulemaking. The proposed rulemaking will be published on December 5, 2020, opening a 60-day public comment period which will end February 3, 2021. No public hearings are scheduled at this time.

Jim Welty asked about the status of the statewide carbon cap and trade program petition. Jessica Shirley responded that the ICF modeling is complete and the Department is reviewing their report. The Department will prepare a report and recommendation to the EQB. It will be sent to the petitioner and the petitioner will have 30 days to review and provide a response back. At that time, the Department will send the petition out to EQB members for consideration. The report is anticipated to be complete for whenever the next EQB will be held. Mr. Welty went on to ask what plans the Department has in terms of telecommuting with the current pandemic. Chairperson McDonnell answered that the status remains the same. There has been a spike in cases, but as of right now, the Department is continuing to telecommute through the end of this year.

NEXT MEETING:

The next meeting of the EQB is tentatively scheduled for Tuesday, January 19, 2021. The December meeting is cancelled.

ADJOURN:

With no further business before the Board, Representative Vitali moved to adjourn the meeting. Denise Brinley seconded the motion, which was unanimously approved by the Board. The November 17, 2020, meeting of the Board was adjourned at 10:04 a.m.