

**MINUTES**  
**ENVIRONMENTAL QUALITY BOARD MEETING**  
**October 19, 2021**

**VOTING MEMBERS AND/OR ALTERNATES PRESENT**

Patrick McDonnell, Chair, Secretary, Department of Environmental Protection  
*Katy Spehar, alternate for Allison Jones, Secretary, Governor's Office of Policy and Planning*  
Michael Hanna, alternate for Russell Redding, Secretary, Department of Agriculture  
*Adam Walters, alternate for Dennis Davin, Secretary, Department of Community & Economic Development*  
*Peter Blank, alternate for Alison Beam, Acting Secretary, Department of Health*  
Patrick McKenna, alternate for Jennifer Berrier, Secretary, Department of Labor and Industry  
Emily Watts, alternate for Yassmin Gramian, Secretary, Department of Transportation  
*Heather Smiles, alternate for Tim Schaeffer, Executive Director, Pennsylvania Fish and Boat Commission*  
*Donald Wandling, alternate for Bryan Burhans, Executive Director, Pennsylvania Game Commission*  
*Andrea Lowery, Executive Director, Pennsylvania Historical and Museum Commission*  
*Regi Sam, alternate for Gladys Dutrieuille, Chairman, Public Utility Commission*  
Nick Troutman, alternate for Senator Gene Yaw, Senate Environmental Resources & Energy Committee  
Emily Eyster, alternate for Senator Carolyn Comitta, Senate Environmental Resources & Energy Committee  
Glendon King, alternate for Rep. Daryl Metcalfe, House Environmental Resources & Energy Committee  
*Representative Greg Vitali, House Environmental Resources and Energy Committee*  
*Robert Barkanic, Citizens Advisory Council*  
*Cynthia Carrow, Citizens Advisory Council*  
John St. Clair, Citizens Advisory Council  
Jim Welty, Citizens Advisory Council  
*John Walliser, 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 hybrid meeting of the Environmental Quality Board (EQB or Board) was called to order by Chairperson McDonnell at 9:01 a.m. The Board considered its first item of business: approval of the September 21, 2021, EQB meeting minutes.

Glendon King requested revisions to the changes to the July 13, 2021 EQB meeting minutes that he had requested during the September 2021 EQB meeting. These revisions would reflect the language used by Representative Metcalfe in making a number of motions at that July meeting, but also indicate that the conclusions asserted in those motions were Representative Metcalfe's opinions as requested by Chairperson McDonnell. Mr. King also asked for the September meeting minutes to reflect that Chairperson McDonnell had requested the language indicating that the conclusions were based on opinion and were not statements of fact. After some discussion among Mr. King, Chairperson McDonnell, Policy

Director Jessica Shirley and Regulatory Counsel Bo Reiley to clarify the requests, they came to an agreement on the requested changes.

**Michael Hanna made a motion to adopt the September 21, 2021, EQB meeting minutes. Representative Vitali seconded the motion, which was unanimously approved by the Board. (19-0)**

**CONSIDERATION OF RULEMAKING PETITION: SALTICK RUN, CLEARFIELD COUNTY (25 Pa. Code § 93.91)**

Aneca Atkinson (Deputy Secretary for Office of Water Programs) provided an overview of the petition. Manyi Liu (Director for Bureau of Clean Water), Josh Lookenbill (Monitoring Section Chief for Bureau of Clean Water) and Michelle Moses (Assistant Counsel for Bureau of Regulatory Counsel) assisted with the presentation.

After the Department's presentation, Representative Vitali asked if the Department received any objections to lowering the water quality designation, specifically from local watershed groups and environmental groups. Josh Lookenbill stated at this point the Department has not received any objections but there will be an opportunity to receive public input and additional data moving forward.

Michael Smith provided a presentation on behalf of the petitioner, RES Coal LLC. After the presentation, Representative Vitali asked if he was aware of any objections or concerns from environmental groups regarding the redesignation. Mr. Smith answered that he was not aware of any. He went on to add that the stream is a dead stream and it has no uses at this time.

**Nick Troutman made a motion to accept the petition for further evaluation by the Department. Michael Hanna seconded the motion, which was unanimously approved by the Board. (19-0)**

**CONSIDERATION OF PROPOSED RULEMAKING: NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) SCHEDULES OF COMPLIANCE (25 Pa. Code § 92a.51)**

Aneca Atkinson (Deputy Secretary for Office of Water Programs) provided an overview of the proposed rulemaking. Manyi Liu (Director for Bureau of Clean Water), Sean Furjanic (Environmental Program Manager for Bureau of Clean Water) and Adam Duh (Assistant Counsel for Bureau of Regulatory Counsel) assisted with the presentation.

There was no discussion following the Department's presentation.

**Michael Hanna made a motion to adopt the proposed rulemaking. Katy Spehar seconded the motion, which was unanimously approved by the Board. (19-0)**

**OTHER BUSINESS:**

Laura Griffin provided a regulatory update.

- On September 23, 2021, the Independent Regulatory Review Commission (IRRC) unanimously approved the Administration of the Land Recycling Program final rulemaking.
- On June 16, 2021, the Board adopted the Coal Refuse Disposal Revisions proposed rulemaking. The rulemaking is scheduled for delivery to IRRC and legislative committees on October 20, 2021 and scheduled to be published in the *Pennsylvania Bulletin* on November 6, 2021.

Glendon King asked for an update on the ZEV Rulemaking timeline. Policy Director Shirley replied that the rulemaking is scheduled for the December Air Quality Technical Advisory Committee meeting and the earliest it would be with EQB for consideration is January 2022.

Representative Vitali asked for an update on the VOC regulation for existing oil and gas operations. Jessica Shirley responded that the Department is continuing to work through comments and technical decision-making. She also noted the earliest the rulemaking might be considered by EQB would be January or February 2022.

Jim Welty asked for the status of the cap and trade petition. Policy Director Shirley answered the petition is still under review and indicated she would follow up with the reviewer. The petition report must then be sent to the petitioner for thirty days for the opportunity to respond, so she noted the earliest it might be considered at EQB would be the beginning of 2022.

#### **NEXT MEETING:**

The next meeting of the EQB is scheduled for Tuesday, November 16, 2021.

#### **ADJOURN:**

With no further business before the Board, Michael Hanna moved to adjourn the meeting. Patrick McKenna seconded the motion, which was unanimously approved by the Board. The October 19, 2021, meeting of the Board was adjourned at 9:37 a.m.