

**MINUTES**  
**ENVIRONMENTAL QUALITY BOARD MEETING**  
**July 12, 2022**

**VOTING MEMBERS AND/OR ALTERNATES PRESENT**

Ramez Ziadeh, Chair, Acting Secretary, Department of Environmental Protection  
*Aimee Wechsler, alternate for Allison Jones, Secretary, Governor's Office of Policy and Planning*  
*Cheryl Cook, alternate for Russell Redding, Secretary, Department of Agriculture*  
*Adam Walters, alternate for Neil Weaver, Acting Secretary, Department of Community & Economic Development*  
*Peter Blank, alternate for Dr. Denise Johnson, Acting Secretary, Department of Health*  
*Patrick McKenna, alternate for Jennifer Berrier, Secretary, Department of Labor and Industry*  
*Nathan Walker, 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*  
*Joseph Lauver, alternate for Andrea Lowery, Executive Director, Pennsylvania Historical and Museum Commission*  
Gladys Dutrieuille, Chair, 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  
Rep. Daryl Metcalfe, House Environmental Resources & Energy Committee  
*Representative Greg Vitali, House Environmental Resources and Energy Committee*  
*Bob Barkanic, Citizens Advisory Council*  
*James Schmid, Citizens Advisory Council*  
*John St. Clair, Citizens Advisory Council*  
*John Walliser, Citizens Advisory Council*  
Jim Welty, Citizens Advisory Council

**DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF PRESENT**

Laura Griffin, Regulatory Coordinator  
Brian Chalfant, Acting 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 Ziadeh at 9:00 a.m. The Board considered its first item of business: approval of the June 14, 2022, EQB meeting minutes.

**Representative Vitali made a motion to adopt the June 14, 2022, EQB meeting minutes. James Schmid seconded the motion, which was unanimously approved by the Board. (19-0)**

## **FINAL RULEMAKING: MUNICIPAL WASTE RURAL TRANSFER FACILITY PERMIT-BY-RULE (25 Pa. Code Chapters 271 and 279)**

Krishnan Ramamurthy (Deputy Secretary for Office of Waste, Air, Radiation, and Remediation) provided an overview of the final rulemaking. Ali Tarquino Morris (Director for Bureau of Waste Management) and Nikolina Smith (Assistant Counsel for Bureau of Regulatory Counsel) assisted with the presentation.

Following the Department's presentation, Jim Welty thanked Deputy Secretary Ramamurthy for the presentation and noted when the rulemaking was presented to the Solid Waste Advisory Committee (SWAC) at its June 14, 2022, meeting, SWAC members had several comments and recommendations regarding implementation of the rulemaking that he wanted to ensure would be addressed. Ali Tarquino Morris confirmed that the waste program reviewed and discussed the comments from SWAC members and intends to address them through technical guidance documents and fact sheets.

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

## **PRESENTATION OF REGULATORY FEE REPORT: EROSION AND SEDIMENT CONTROL PROGRAM (25 Pa. Code Chapter 102)**

Lisa Daniels (Acting Deputy Secretary for Water Programs) provided an overview of the fee report. Manyi Liu (Director for Bureau of Clean Water) and Susan Despot (Assistant Counsel for Bureau of Regulatory Counsel) assisted with the presentation.

After the presentation, Representative Metcalfe asked the Department if the last time fees were increased was in 2010, which Acting Deputy Secretary Daniels confirmed. Representative Metcalfe then asked why the Department was using funds from the well plugging account to cover the costs of the Chapter 102 erosion and sediment control program. Daniels responded that Chapter 102 permit fees are deposited into the Clean Water Fund and explained that only a portion of the Oil and Gas program staff's time is spent on Chapter 102 activities so the well plugging fund is used to cover all of the Oil and Gas program staff costs.

Representative Metcalfe asked why the report did not capture all costs for the Chapter 102 program and how the Department came up with a 53% multiplier for the conservation districts. Daniels explained that the report captured the cost for current employees but did not include vacant positions that the Department would need to fill to more fully staff the program. Daniels also explained that the Department included the 53% multiplier to account for salaries and overhead costs for the conservation districts as well as other costs that conservation districts incur in administering the Chapter 102 program that are not reported to the Department, like the costs for training and management staff. Manyi Liu explained that the multiplier percentage for conservation district program costs was based on a detailed analysis of the reports from 14 county conservation districts. Representative Metcalfe then asked which 14 counties' reports were used in the analysis. Liu did not have the information readily available and said the Department would get back to Representative Metcalfe with that information.

Representative Metcalfe asked what the Department has done to reduce costs and prevent the need to increase fees, such as improving efficiency by using technology to reduce time spent on correspondence. Lisa Daniels explained how the Department has spent several years identifying ways to streamline the process and contain costs. Daniels noted that the Department invested significantly in information

technology infrastructure to transition to e-permitting and e-inspections, which also helps staff to upload data into the data management system more efficiently. Manyi Liu added that the program created a general permit (PAG-01) specifically for smaller projects that expedites or shortens the review period. Liu noted that the Department is gradually rolling out each type of e-permit to eliminate the backlog.

Chairperson Ziadeh also commented that the recently passed budget allocates about \$8 million to the Act 167 stormwater management program, which has been unfunded for years, and hopefully some of those funds can be used to streamline the review process for some Chapter 102 permits, particularly the new PAG-01 general permit. Ziadeh also noted that in his nearly 30 years with the Department, he has witnessed the evolution of the Chapter 102 program. Ziadeh noted that, over a decade ago, the program had an army of engineers administering and implementing and training staff, but those positions are long gone. Ziadeh added that the Chapter 102 program is one of the Department's biggest programs but there are only two or three staff to implement it, which means the Department does not have enough staff to roll out new permits and to implement the new U.S. Environmental Protection Agency (EPA) requirements every couple of years. Ziadeh acknowledged that the Chapter 102 program is supplemented by the Clean Water Fund, but that fund is running out of money as well. Ziadeh further noted that the Department has been processing a lot of overtime with supervisors overseeing that effort to ensure everybody is completing assignments in a timely manner, and that Department staff are actively working and doing everything possible with the tools available to get work done more efficiently.

Representative Metcalfe voiced concerns about how costs were incurred by the central office and the regional offices and how they are run differently, stressing that offices should be operating similarly to maximize efficiency and not impose additional burdens on the regulated community.

James Schmid discussed his previous experience reviewing Chapter 102 permit approval files for a residential subdivision, citing this example to indicate the conservation districts may lack the technical capability and the staff time to fully process and review the applications. Lisa Daniels noted that the Department has been putting a lot of effort into training with central office, regional staff, and conservation districts to ensure all parties understand their roles and the processes involved and improve consistency. Manyi Liu also stated that Clean Water has an academy (the [Pennsylvania Clean Water Academy](#)) for training and the Department has weekly meetings to ensure all issues are addressed.

Jim Welty commented that the fee report was overdue and suggested the Department focus on prioritizing these reports, as the requirement to report every three years on program costs and funding from fees is intended to identify and resolve funding shortfalls before they get out of hand. Lisa Daniels agreed and reiterated that the fee report was delayed because of the reorganization of the program and then a considerable turnover of management staff.

**As this was a presentation to the Board, no formal action needed to be taken.**

## **OTHER BUSINESS**

Laura Griffin provided the following regulatory updates.

- The Coal Refuse Disposal Revisions final rulemaking, adopted at the Board's May 18, 2022 meeting and the Control of VOC Emissions from Unconventional Oil and Natural Gas Sources final rulemaking, adopted at the Board's June 14, 2022 meeting, were delivered to IRRC and the

Committees on June 16, 2022 and are scheduled for consideration at IRRC's July 21st public meeting.

- The Administration of the Land Recycling Program Vanadium MSC Rule proposed rulemaking is being delivered to IRRC and the Committees today. It is scheduled to be published in the *Pennsylvania Bulletin* on Saturday, July 30, 2022, opening a 30-day public comment period, which will end on August 29, 2022. No public hearings are scheduled at this time.

Griffin added that the Department is continuing to develop both the conventional and unconventional bonding petition reports and that the greenhouse gas petition is still under internal review.

Representative Vitali asked about the status of the regulations for the control of VOC emissions from conventional oil and natural gas sources, expressing concern over the delay. Chairperson Ziadeh advised that the Department is evaluating the best course of action and that the regulations would be brought to the Board as soon as possible. Ziadeh reiterated that the Department intends to submit the State Implementation Plan (SIP) to EPA before the deadline of December 16, 2022, acknowledged that federal highway funding sanctions will result from a late submission, and concluded that he would keep everyone posted.

Jim Welty asked if the Department had received any official communication from the Biden Administration on the withholding of transportation funding that will result if the federal requirements are not met. Representative Metcalfe also asked if the Department had received a letter from the EPA. Brian Chalfant and Bo Reiley confirmed that the Department received a letter from the Regional Administrator for EPA Region 3 outlining the Clean Air Act requirements and the sanctions that will apply in December if the VOC rulemakings are not finalized and submitted as a SIP to EPA in time. (A copy of the letter is attached to these meeting minutes.)

### **NEXT MEETING**

The next meeting of the EQB is scheduled for Tuesday, August 9, 2022.

### **ADJOURN**

With no further business before the Board, Representative Vitali moved to adjourn the meeting. James Schmid seconded the motion, which was unanimously approved by the Board. The July 12, 2022, meeting of the Board was adjourned at 10:20 a.m.