

MINUTES
ENVIRONMENTAL QUALITY BOARD MEETING
April 11, 2023

VOTING MEMBERS AND/OR ALTERNATES PRESENT

Richard Negrin, Chair, Acting Secretary, Department of Environmental Protection
Jacob Finkel, alternate for Akbar Hossain, Secretary, Governor’s Office of Policy and Planning
Greg Hostetter, alternate for Russell Redding, Acting Secretary, Department of Agriculture
Adam Walters, alternate for Frederick Siger, Acting Secretary, Dept. of Community & Economic Development
Kristen Rodack, alternate for Dr. Debra Bogen, Acting Secretary, Department of Health
Kabir Hossain, alternate for Nancy Walker, Acting Secretary, Department of Labor and Industry
Nathan Walker, alternate for Michael Carroll, Acting 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
Lauren Stark, alternate for Andrea Lowery, Executive Director, Pennsylvania Historical & Museum Commission
Gladys Dutrieuille, Chair, Public Utility Commission
Matt Osenbach, alternate for Senator Gene Yaw, Senate Environmental Resources & Energy Committee
Senator Carolyn Comitta, Senate Environmental Resources & Energy Committee
Glendon King, alternate for Rep. Martin Causer, House Environmental Resources Energy Committee
Representative Greg Vitali, House Environmental Resources & Energy Committee
Robert Barkanic, Citizens Advisory Council
Cynthia Carrow, Citizens Advisory Council
Trisha Salvia, Citizens Advisory Council
James Schmid, Citizens Advisory Council
John St. Clair, alternate for Citizens Advisory Council

DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF PRESENT

Laura Griffin, Regulatory Coordinator
Ezra Thrush, 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 Negrin at 9:03 a.m. The Board considered its first item of business: approval of the November 30, 2022, EQB meeting minutes.

**Representative Vitali made a motion to adopt the November 30, 2022, EQB meeting minutes.
James Schmid seconded the motion, which was approved by the Board by a vote of 19-0.**

FINAL RULEMAKING: WATER QUALITY STANDARDS – DUNBAR CREEK *et al.* STREAM REDESIGNATIONS (25 Pa. Code Chapter 93)

Lisa Daniels (Acting Deputy Secretary for Water Programs) provided an overview of the final rulemaking. Manyi Liu (Director, Bureau of Clean Water), Josh Lookenbill (Program Manager, Bureau of

Clean Water) and Michelle Moses (Assistant Director, Bureau of Regulatory Counsel) assisted with the presentation.

Following the Department's presentation, Chairperson Negrin asked how many people attended the public hearing on the proposed regulation, in addition to the three people who provided testimony, and was the minor change to the proposed regulation made in response to public comment. Josh Lookenbill responded that around 12-15 other people attended the public hearing and the minor addition to the final regulation was made to clearly delineate where the exceptional value designation ends. Jacob Finkel asked how far the radius extends from a stream segment that is considered for redesignation to determine who receives the mail notification of that proposed action. Josh Lookenbill replied that if a municipality overlaps with the basin that is being evaluated for redesignation, it will receive a notification, but others who participate in the redesignation process or express interest will also be added to the distribution list.

Representative Vitali made a motion to adopt the final rulemaking. James Schmid seconded the motion, which was approved by the Board (17-2). Matt Osenbach (alternate for Senator Gene Yaw) and Glendon King (alternate for Representative Martin Causer) voted in opposition.

FINAL RULEMAKING: RADIOLOGICAL HEALTH FEES (25 Pa. Code Chapter 218)

Ali Tarquino Morris (Acting Deputy Secretary for the Office of Waste, Air, Radiation and Remediation) provided an overview of the final rulemaking. Dwight Shearer (Director, Bureau of Radiation Protection), John Chippo (Program Manager, Bureau of Radiation Protection) and Nicholas Pistory (Assistant Counsel, Bureau of Regulatory Counsel) assisted with the presentation.

Following the Department's presentation, Glendon King thanked the Department for taking the comment on the nuclear laundry fee seriously and for freezing the fee to ensure the facility is not at a competitive disadvantage.

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

FINAL RULEMAKING: NONCOAL CLARIFICATIONS AND CORRECTIONS (25 Pa. Code Chapter 77)

John Stefanko (Acting Deputy Secretary for the Office of Active and Abandoned Mine Operations) provided an overview of the final rulemaking. Nathan Houtz (Director, Bureau of Mining Programs), and Richard Marcil (Assistant Counsel, Bureau of Regulatory Counsel) assisted with the presentation.

There were no questions or discussion following the Department's presentation.

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

Before moving on to the next agenda item, Chairperson Negrin noted that John Stefanko will be retiring in July after 37 years with the Department and thanked him for his service to both the agency and the people of Pennsylvania.

OTHER BUSINESS

Laura Griffin provided the following regulatory updates.

- Two final rules were published in the *Pennsylvania Bulletin* in January:
 - The Safe Drinking Water PFAS MCL Rule was published on January 14, 2023.
 - The VOC RACT Requirements for Shipbuilding and Ship Repair Surface Coating Operations, SOCFI Processes and Large Petroleum Dry Cleaners for the 2015 Ozone NAAQS final rule was published on January 21, 2023.
- The Board adopted two final rulemakings on November 15, 2022: Radiation Safety Requirements for Non-Healing Arts Radiation Producing Devices and National Pollutant Discharge Elimination System (NPDES) Schedules of Compliance. Both rulemakings were delivered to the Independent Regulatory Review Commission (IRRC) and the House and Senate Environmental Resources and Energy Committees on March 21, 2023 and are scheduled for consideration at IRRC's May 18th public meeting.
- The Board adopted the Control of VOC Emissions from Conventional Oil and Natural Gas Sources emergency certified final-omitted rulemaking on November 30, 2022. The rulemaking was published in the December 10, 2022 issue of the *Pennsylvania Bulletin*. The rulemaking was redelivered to IRRC and the ERE Committees on March 21, 2023 and is scheduled for consideration at IRRC's April 20th public meeting.

Glendon King asked for clarification on the status of the Control of VOC Emissions from Conventional Oil and Natural Gas Sources regulations. King noted that there are two final-omitted rulemakings still in process, one emergency certified and the other not emergency certified, and asked which one will be not be promulgated. Laura Griffin responded that the emergency certified rulemaking was published and is effective but currently is being challenged in Commonwealth Court. Griffin added that the non-emergency final-omitted rulemaking, adopted by the Board in October 2022, was redelivered to the ERE Committees on March 21, 2023, and is still alive in the rulemaking process as a possible "back up" regulation, pending the disposition of the lawsuit on the emergency regulation.

NEXT MEETING

Before adjourning, Chairperson Negrin noted that Michael DiMatteo, alternate for the Pennsylvania Game Commission, was retiring on April 14th and thanked DiMatteo for his service at the Game Commission and his years serving as an alternate to the EQB as well.

Chairperson Negrin announced the next meeting of the EQB is tentatively scheduled for Tuesday, May 9, 2023.

ADJOURN

With no further business before the Board, Gladys Dutrieuille moved to adjourn the meeting. Glendon King seconded the motion, which was unanimously approved by the Board. The April 11, 2023, meeting of the Board was adjourned at 9:53 a.m.