

MINUTES
ENVIRONMENTAL QUALITY BOARD MEETING
March 12, 2024

VOTING MEMBERS AND/OR ALTERNATES PRESENT

John Stefanko, Acting Chairperson, Deputy Secretary for Active and Abandoned Mine Operations,
Department of Environmental Protection
Jacob Finkel, alternate for Akbar Hossain, Secretary, Governor’s Office of Policy and Planning
Greg Hostetter, alternate for Russell Redding, Secretary, Department of Agriculture
Adam Walters, alternate for Frederick Siger, Secretary, Department of Community & Economic Development
Kabir Hossain, alternate for Nancy Walker, Secretary, Department of Labor and Industry
Shane Rice, alternate for Michael Carroll, Secretary, Department of Transportation
Heather Smiles, alternate for Tim Schaeffer, Executive Director, Pennsylvania Fish and Boat Commission
Tim Haydt, alternate for Bryan Burhans, Executive Director, Pennsylvania Game Commission
Andrea Lowery, Executive Director, Pennsylvania Historical & Museum Commission
Kathryn Zerfuss, alternate for Stephen DeFrank, Chair, Public Utility Commission
Matt Osenbach, 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. 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
John Walliser, Citizens Advisory Council

DEPARTMENT OF ENVIRONMENTAL PROTECTION STAFF PRESENT

Laura Griffin, Regulatory Coordinator
Laura Campbell, 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 Acting Chairperson Stefanko at 9:02 a.m. The Board considered its first item of business: approval of the July 11, 2023, EQB meeting minutes.

Kathryn Zerfuss made a motion to adopt the July 11, 2023, EQB meeting minutes. Robert Barkanic seconded the motion, which was approved by the Board by a vote of 16-0.

(Adam Walters was not present for voting on the approval of minutes.)

PROPOSED RULEMAKING: ADMINISTRATION OF THE LAND RECYCLING PROGRAM
(25 Pa. Code Chapter 250)

Ali Tarquino Morris (Deputy Secretary for Waste, Air, Radiation and Remediation) provided an overview of the proposed rulemaking. Troy Conrad (Director, Bureau of Environmental Cleanup and Brownfields), Mike Maddigan (Program Manager, Bureau of Environmental Cleanup and Brownfields), and Adam Duh (Assistant Counsel, Bureau of Regulatory Counsel) assisted with the presentation.

Following the Department's presentation, Robert Barkanic asked what an owner of a property that previously met the Land Recycling Program's remediation standards would need to do if a standard is raised and, as a result, an engineering or administrative control that was put in place to meet the older standard may no longer be needed. Mike Maddigan explained that the remediator may contact the Department to re-enter the property into the Land Recycling Program to use the new Statewide health standard. If the property is then approved for demonstration of attainment, the activity and use limitations required under the previous demonstration may be modified or removed.

Robert Barkanic made a motion to adopt the proposed rulemaking. Jacob Finkel seconded the motion, which was approved by the Board (15-2). Matt Osenbach (alternate for Senator Gene Yaw) and Glendon King (alternate for Representative Martin Causer) voted in opposition.

CONSIDERATION OF RULEMAKING PETITION: FLETCHER RUN, GREENE COUNTY
(25 Pa. Code § 93.9v)

Bevin Buchheister (Deputy Secretary for Water Programs) provided an overview of the petition. Manyi Liu (Director for Bureau of Clean Water), Josh Lookenbill (Program Manager for Bureau of Clean Water), and Michelle Moses (Assistant Director for Bureau of Regulatory Counsel) assisted with the presentation.

Following the Department's presentation, Trisha Salvia asked when the review would be completed for the petition to redesignate Grinnage Run, which is adjacent to Fletcher Run. Josh Lookenbill replied that data has been collected and the evaluation is ongoing, although there is not a definitive timeline for completion. He added that that if the Fletcher Run petition is accepted, the entire or majority of the South Fork Tenmile Creek Basin will be reviewed for efficiency.

Adam Walters asked if the site north of Fletcher Run is an active mining operation. Manyi Liu confirmed that the mine is active.

Jaculyn Duke, Michael Shema, and Michael Davison provided a presentation on behalf of the petitioner, Consol Pennsylvania Coal Company. There was no discussion following the petitioner's presentation.

Adam Walters made a motion to accept the petition for further evaluation by the Department. Matt Osenbach seconded the motion, which was approved by the Board (17-0).

OTHER BUSINESS

Laura Griffin provided the following regulatory updates.

The Board adopted three regulations at its July 11, 2023 meeting.

The Administration of the Land Recycling Program Vanadium MSC Rule final rulemaking was deemed-approved by the Independent Regulatory Review Commission on September 20, 2023, and published in the *Pennsylvania Bulletin* on November 11, 2023.

The Triennial Review of Water Quality Standards proposed rulemaking was published in the *Pennsylvania Bulletin* on October 7, 2023, for a 45-day public comment period that closed on November 21, 2023. Nineteen witnesses provided testimony during the public hearing on November 14, 2023.

The Water Quality Standards for Site-Specific Criteria proposed rulemaking was published in the *Pennsylvania Bulletin* on November 4, 2023, for a 45-day public comment period that closed on December 19, 2023. No witnesses provided testimony during the public hearing on December 5, 2023.

Ezra Thrush introduced the newest member of the Policy Office regulatory team, Laura Campbell, to the Board, noting her regulatory experience working at the Pennsylvania Code and Bulletin Office in the Legislative Reference Bureau and at the Independent Regulatory Review Commission.

NEXT MEETING

Acting Chairperson Stefanko announced the next meeting of the EQB is tentatively scheduled for Tuesday, April 9, 2024.

ADJOURN

With no further business before the Board, Adam Walters moved to adjourn the meeting. Kathryn Zerfuss seconded the motion, which was unanimously approved by the Board. The March 12, 2024, meeting of the Board was adjourned at 9:54 a.m.