

**MINUTES OF
CITIZENS ADVISORY COUNCIL
March 10, 2026**

CALL TO ORDER:

Robert Barkanic called the meeting to order at 12:32 PM.

CITIZENS ADVISORY COUNCIL (CAC) MEMBERS PRESENT:

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| ▪ Robert Barkanic, Chair, | ▪ John St. Clair |
| ▪ Trisha Salvia, Vice Chair | ▪ Jerome Shabazz |
| ▪ George Ambrose | ▪ Thaddeus Stevens |
| ▪ Jacquelyn Bonomo | ▪ John Walliser |
| ▪ Carol Collier | ▪ James Welty |
| ▪ Jason Foster | ▪ Timothy Weston |
| ▪ Katherine Hetherington Cunfer | ▪ Jessica Shirley |
| ▪ Duane Mowery | |

DEP STAFF PRESENT:

Ian Irvin, Executive Director

Casey Damicantonio, Policy Office

Laura Griffin- Regulatory Coordinator- Policy Office DEP

APPROVAL OF MEETING MINUTES:

Ian Irvin solicited additions or corrections to the January and February 2026 Meeting Minutes.

Tim Weston moved to approve the January 2026 minutes, amending to reflect that he had served as Acting Chairperson, and the February 2026 minutes as is. Jacquelyn Bonomo seconded the motion, which was unanimously approved.

DEP UPDATE:

Jessica Shirley - Secretary, Department of Environmental Protection

Appropriations Hearings – General Update

The Department has recently concluded its appropriations hearings with both chambers of the General Assembly, receiving positive feedback and substantive discussion. There are 13 active permits reviews in the SPEED Program (Streamlining Permits for Economic Expansion and Development Program) queue, and the Department has issued 3 SPEED permits to date. Notably, one applicant is a repeat customer, which is an indicator of a favorable permitting experience.

David Althoff, the Director of the Department's Energy Programs Office, participated in the hearings and offered comparative examples from states like Texas, where battery storage technology is being utilized to address energy demand peaks.

Looking ahead, the Department intends to prioritize legislative education on the Hazardous Sites Cleanup Act, with particular emphasis on clarifying that approximately 50 percent of incoming funds are obligated to flow back out through contracts, operations, and community distributions.

Organizational and Operational Updates

The Department is establishing a new position dedicated to overseeing and reviewing its grants and contracting programs to make them more accessible and user-friendly. Additionally, DEP hired a new Director of the Bureau of Permitting who will report to the Deputy Secretary for Field Operations, assuming oversight of what was formerly known as the Regional Permit Coordination Office (RPCO), which is known as the Major Projects Permitting Division (and will be in charge of the SPEED Program)

Permitting Modernization

In collaboration with CodePA, the Department is working to migrate its permitting, licensing, and certification programs to a modernized system. The initial phase will address radiation protection licensure and registration, encompassing x-ray machines, metal detectors, and wands that require DEP certification. Implementation was delayed due to the budget impasses. DEP is using this period of transition to simplifying processes, eliminated paper-based workflows, and allow applicants to initiate and complete registration online – like the approach that the Pennsylvania Department of Transportation uses for car registration.

The Department is also developing a Permitting Navigator, an online resource enabling members of the public to assess whether they need permitting assistance, answer basic questions, and identify the appropriate DEP contacts. The tool is expected to be released in a few weeks.

Data Centers

A topic of interest during appropriations hearings was the permitting and oversight of data centers. The Department holds authority, and has a robust process, for permitting water withdrawals and new sources of energy associated with data centers. Governor Shapiro has expressed interest in a tiered incentive model in which companies that voluntarily agree to higher environmental standards would receive supported benefits in return, such as expedited permitting. On the economic development side, this approach will attract jobs and encourage community engagement. Nevertheless, the Department does not have siting authority of data centers as those determinations are made by local municipalities.

Detention Centers

During the appropriations hearing, questions were raised regarding two detention facilities, one in Tremont Township in Schuylkill County and one in Upper Bern Township in Berks County. The Department issued these orders to direct the municipalities that water and sewage services

cannot be supplied to two buildings that were originally permitted and constructed for warehouse use, which involves substantially lower population densities than the detention centers these two buildings were being explored for.

Even if the municipalities received sufficient funding to upgrade infrastructure, the volume of sewage generated and the amount of drinking water that would be demanded would exceed what local systems would be able to accommodate. Another facility in Berks County was originally designed to be a nursing home; therefore, it successfully converted to a detention center as the original and amended plan would involve comparable population profiles. Under Pennsylvania law, DHS would be required to work through sewage planning process with local municipalities. The Department acknowledged that many residents in these communities have expressed concern about access to drinking water and the broader environmental impact these facilities could have on their neighborhoods.

Questions:

- How effective is the SPEED program and what feedback do you get from staff? Is it achieving the original goals of the program?

Yes, two permits were Air permits, and one was NPDES. A major aspect of SPEED comes down to the qualified professional whether it is a good process. Because the SPEED program is still relatively new, the Department is still learning and making corrections. However, overall, SPEED is working how it was intended. There was an incident where DEP felt the professional did not perform an appropriate job, but DEP was able to course correct and come up with an appropriate path forward.

- The department generally does not have siting process. However, the Department could use its resources to guide and advise developers about the location of, for example, water resources.

There are folks thinking about this, and DEP will be happy to assist. The Department has a solar on abandoned mine lands report; therefore, something similar may be helpful. The Department would need to identify the resources and pull it together.

- When offering accelerated approvals for higher compliance or going the extra mile, does this inevitably slow down the process for the small guy who is applying under the regular compliance?

SPEED was designed so that applicants can have an expedited process for permits, not having an expedited process was causing frustrations. In certain cases, yes, it is slowing down permitting for other folks, which is why we must be careful about which projects get prioritized and see that they meet a significant threshold of economic development or job creation. To address this, the Department created Major Projects Permitting Division to be a ramp off our regional offices so they are completed by a separate group and help the little guy.

PRESENTATIONS:

Glendon King - Executive Director: House Environmental Protection and Natural Resources Committee and House Energy Committee

Glendon King, the Executive Director of two House committees, provided updates from the House Environmental Protection and Natural Resources Committee and the House Energy Committee. The updates include discussing high priority issues, one of which the Secretary mentioned – energy, including affordability and reliability. Much of the Republican caucus feels the main solution additional energy, including all forms of energy, coming online quickly - mainly reliable, base load, thermal power like natural gas.

SPEED permitting program was created a few years ago, and the Republican caucus will continue to advocate for expansion. The Caucus appreciates the clearing of backlogs that DEP has done and timely issuing permits, however it will be monitoring the progress while pushing this year's budgets provisions forward.

Data center discussions are tied with energy affordability. Currently, the members range from encouraging and incentivizing data centers to placing stringent requirements. Most of the decisions will come down to the local area, what is being proposed for the data center development, and how the data centers will address concerns within various communities.

PFAS is a concern vis-a-vis drinking water, and there is legislation in various areas addressing this concern. There is also a lot of discussion on biosolids and testing, including how it can be reused or spread.

Questions-

- Is there a bill on solar panels and bonding, and is it full cost bonding or has this phased out? There are a few entities out in Indiana County looking to put in solar facilities.

It would be a 10 percent bond required to reclaim them, but I do not know details.

- If there are huge community financial advantages for a data center, is there a way to tie the financial advantage to decrease tax burden in the community, which may help the residents more receptive to hosting the centers?

We need data centers; we are using them right now but there is resistance due to the impact on communities. There are indirect benefits that come from hosting any large business and constructions project, but it is something we are continuing to discuss.

- Does the legislature have a strong opinion about the utilities industry pushing for re-regulation of generation because it does not seem to line up with affordability? One of the greatest things we did in Pennsylvania, on the energy side, was deregulation for

affordability and efficiency standpoint. Re-regulation would take us back, rather than move us forward.

The House introduced a bill that would allow utilities to rate base new power generation, and there has been no movement or interest in going down that road. Nearing a crisis point seems to be a way to get new generation online quickly and become more realistic at this time.

Fernando Trevino - Special Deputy Secretary- Environmental Justice, DEP Adoption of the final Environmental Justice Policy

The presentation focused on the adoption of the final Environmental Justice (EJ) Policy, including updates and changes to interim policy. The Department had 735 individual comments, and copies of the comment letters and testimonies are available on the Department's website. In 2018, DEP had a first draft of the EJ Public Participation Policy, which was withdrawn because of the desire to do more public engagement. DP publish an interim final policy on September 16, 2023, which has been implemented until the beginning of 2026. After implementation of the interim final policy, DEP held 12 in person and virtual public comment meetings, and staff present gave presentations to more than 60 community organizations, advisory boards, business interests' groups and others.

There are 9 sections of the Environmental Justice policy; only two sections received significant edits while there were minor edits to the rest of the sections, including definitions and clarity edits. One of the areas of significant edits was the section on environmental justice areas, which describes where policy applies and introduces spinning PennEnviroScreen as the tool for researching these areas. Along with the policy, the staff also updated the PennEnviroScreen mapping tool. The previous mapping tool used geography from the 2010 Census; the mapping tool uses the most recent data, but also recent geographical breakdown based on census data.

DEP also updated Section 4, on proactive community engagement, and Section 5, with updates to "Trigger Project" and "Opt-In Project" and the elements of enhanced public participation that DEP will do on specific projects and permits. Section 9 had minor changes, including the requirement that the policy be reviewed every 5 years and updates to EJ area identification and mapping every 2 years or more frequent, if needed.

Since the announcement of the final policy, the Environmental Justice Office has conducted an outreach campaign for community groups of stakeholders, interest groups, training our regional staff, and central office to make sure everyone is up to speed.

Questions-

- Who in DEP is most impacted by the new policy.

Appendix C of the policy talks about trigger projects, such as NPDES permits, air quality, waste, and mining, which are most of the trigger projects described in that Appendix. However, within

the Department, most of our regional offices are helping, engaging, and being more proactive with their communities. As a result, instead of coming to a meeting with no context about the project, the public would already know what DEP is doing in EJ areas.

Federal Delegation of Authority for 40 CFR Parts 60 & 62

Arun Sharma- Air Quality Engineering Specialist- WARR, DEP

Sean Wenrich- Environmental Engineering Manager- WARR, DEP

The purpose of this regulatory change is required by the U.S. Environmental Protection Agency and will ensure Pennsylvania's regulations will allow DEP to request delegation of authority for applicable federal plans established by the U.S. EPA. In the language 25 PA Code § 122.3, EPA indicated two things were insufficient and that DEP needed explicit language addressing adoption and incorporation by reference of federal plans. Federal plans may be used by Pennsylvania if the Commonwealth does not have an approved plan, but Pennsylvania must request delegation of authority from the EPA to implement the federal plan if the state has subject sources in its jurisdiction. Additionally, 25 P Code § 122.4 allows DEP to request the delegation of authority from EPA to implement an applicable federal plan established under Title 40, Part 62 of the Code of Federal Regulations.

The Department held three public hearings, receiving 22 comments and testimony from one witness. The Independent Regulatory Review Commission also had comments and asked how DEP evaluated various impacts of implementing federal plans in PA. The IRRC and others sought clarification about stakeholders' input and consensus building when DEP requests delegation.

DEP typically does not request delegation of a federal plan. In the history of the federal Clean Air Act, the EPA has promulgated 11 emission guidelines for existing sources. DEP has only elected delegation of a federal plan three times. In 2022, DEP requested delegation of a federal plan for the emission guidelines for municipal solid waste landfills. In this instance, all of the sources were operating under a permit, and the federal plan mirrored the guidelines for federal regulation so there were no difference or effect on the regulated community. The state plan would have been the same as the federal. It was more efficient and effective to implement the federal emission guidelines and stakeholders would have two opportunities for input during the development of the federal plan. The first opportunity will be when EPA publishes a notice of proposed rulemaking in the *Federal Register*. The second is during consideration of a federal plan for the admission guidelines prior to finalization. This will also be published for public comments in the *Federal Register*. Guidelines apply only to the owner and operator of an existing facility in the covered category, with continued administrative efficiency for DEP to directly implement and enforce requirements and compliance deadlines.

The Policy and Regulatory Oversight Committee met on March 9th, receiving the presentation and discussing this subject. The Committee recommended this rulemaking be considered by the Environmental Quality Board provided that DEP provide the comment response document to the Council

Tim Weston moved to approve the recommendation of PRO of the rulemaking to proceed to the Environmental Quality Board. Jason Foster seconded the motion, which was unanimously approved.

Public Comments

There were no public comments for this meeting. If any other members of the public are interested in future meetings, please reach out to our Executive Director Ian Irvin and we will gladly get you on the agenda.

CAC Committee Reports-

- Aggregate Advisory Board Meeting: Board meeting met on February 18th and a quarterly report was presented for updates.
- Legislative Committee: Discussed proposed governor budget, including HSCA, the oil and gas program, \$19 million requested for well plugging account that goes towards the oil and gas budget, and the grid proposal that Secretary Shirley addressed at the beginning of the meeting. Additionally, items that were also discussed included PJM's electricity caps and PA Department of Community & Economic Development's housing plan and its impacts to DEP.
- Act 54 Committee: The work group drafted a letter to go out to the public and stakeholders to solicit input on the most recent report. The Act 54 Committee is also asking stakeholders to reflect on the substance of the report, ways enhance future versions of the report, and better ways to make the information public as this is every 5 years and lands on the same conclusions.
- Strategic Issues Committee: Will meet on March 13th to discuss the Council's draft report regarding data centers and DEP's jurisdictions.
- Public Participation Committee: Over the last few months, the Public Participation Committee has sent a response letter to individuals making public comments to the Council, and the Committee has received positive feedback on those letters. The Committee is also working on revising the CAC brochure and will next meet on April 10th due to the Holiday weekend.

ADJOURNMENT:

Next meeting will be April 14th, at 12:30 in Room 105 at RCSOB and on Microsoft Teams.

George Ambrose moved to adjourn the meeting. Jerome Shabazz second the motion, which was unanimously approved.

March 2026, meeting of the CAC was adjourned at 2:30pm.