

Environmental Justice Advisory Board

Rachel Carson State Office Building, Delaware Room, 400 Market Street, Harrisburg, PA
November 13, 2013 Minutes

Members in attendance

Laureen Boles, Eli Brill, Adam Cutler, Dr. Arthur Frank, Dr. Horace Strand, John Waffenschmidt, Dr. Mark White (via phone).

Members absent

Erlinda Aguiar (unexcused), Hazem Hijazi (excused), Marcia Hinton (excused), Clea Patrick Hollis (excused), Mary Vuccola (excused).

Non-Members

Holly Cairns, Kimberly A. Morewood, Alice Wright, Marge Hughes, Kim Hoover.

Call to Order

Chair, Arthur Frank, welcomed everyone and called the meeting to order at 8:40 a.m.

Approval of Minutes

Dr. Arthur Frank asked if there were any comments or corrections to the September 17, 2013, minutes. A spelling error on page 3 was pointed out for correction.

Dr. Frank then called for Motion for approval of the September 17, 2013, minutes with the noted corrections being made. Dr. Strand moved and Adam Cutler seconded the Motion to approve the minutes. Motion passed to approve the minutes.

Citizens Advisory Council Updates

Marjorie Hughes, Executive Director of the Citizens Advisory Council, gave EJAB members an update on the proposed changes to the Endangered Species Coordination Act, HB 1576, that was scheduled to be voted on. The changes involved species that are protected in the process. The Department of Conservation and Natural Resources (DCNR) is in charge of geologic features, terrestrial invertebrates, significant communities and plants; the Fish and Boat Commission has fish, amphibians, aquatic organisms and reptiles; and the Game Commission has birds and mammals. At the next CAC meeting discussed will be the draft Community Environmental Project, as well as, a presentation from the EPA on their National Rivers and Streams which was a national assessment that was done earlier this year. There was some controversy because their numbers don't really match up with what DEP and Council thinks is the water quality of the commonwealth. This makes Pennsylvania's water quality look in poor light, so CAC has invited the EPA to attend the meeting to talk about their assessment along with DEP to go over their comments.

Ms. Hughes also mentions two other items. First a mandated rule in reviewing bituminous coal mining, Act 54, there is a five year report that is required to be reviewed by CAC which is being completed by the Mining Program now and will have a draft report to CAC early next year. It has to do with the bituminous mining impacts for surface and water systems. The reason this was brought to EJAB's attention is because it is impacting counties, generally in the Southwestern part of the state, which has a number of communities identified as EJ areas.

CAC Executive Director Hughes then spoke of the transition to a new Executive Director since she will be retiring at the beginning of 2014. There were five candidates that were interviewed and the final decision will be made on November 19, 2014. There will be a transition period where Ms. Hughes will be working with the candidate who is selected.

Brownfield's Conference Updates

Kim Hoover, Program Development Group Manager, Environmental Cleanup and Brownfields, provided a brief update to the board and answered any questions on the upcoming Ninth Annual Brownfields Conference being held December 9 to 11, 2013, at the Radisson Hotel and Convention Center in Valley Forge, PA. DEP partnered with the Engineer Society of Western Pennsylvania and provided a wide range of sessions. This year's focus of the conference is on community groups and nonprofits, we also have included one or two sessions that focus on EJ issues. The audience that the conference reaches is typically a lot of DEP employees, consultants, developers, engineers, attorneys, economic development folks, community groups and nonprofits. The 2012 conference had over 300 in attendance.

Dr. Frank brought up if it would be possible to incorporate an EJ conference at the same time as the next year's conference, if held every year. Ms. Hoover stated that the Brownfield Conference is held every year and that they would always like to expand and include more stakeholders, and would be interested.

Ms. Hoover then stated that there is a link on the DEP website and that there is also a link on our partner's website at www.eswp.com/brownfields which is the Engineer Society of Western Pennsylvania about the conference. All the information for the conference is available from the website including registration, workshop agendas and field trips to see the Philadelphia Navy Yard, Penn State's Energy Efficiency Hub, the GlaskoSmithKline Building which is an architectural wonder, and the tour will conclude with a stop at Urban Outfitters which is a redeveloped old warehouse that has been converted into their company headquarters. The complete conference agenda is available at the website. There will be a lot of interesting things to learn about and see, and networking. The theme of the conference is "Positioning for the Future."

Enhanced Public Participation and Education Roll Out

Susan Rickens, Special Assistant for Marketing & Strategic Planning, DEP, presented information on and showed the board members the enhanced Public Participation website. Previously the information was scattered over DEP's website, however, the new Public Participation website was created to put all that information into one central location.

There will be an internal DEP webinar to make sure staff is informed on how to submit materials and to use this new website. A department wide newsletter is now available, brought back after several years of not having it. The newsletter will be published bi-weekly on Thursdays. You can subscribe to the newsletter by going to the website and enter your email address, once you subscribe, reply to the confirmation email and then you will begin to receive the bi-weekly newsletter.

The Public Participation site has a link to the newsroom; you can go right to a form for the speaker's bureau to request a speaker for your event; we have the new YouTube channel, a new lab video; and a couple more in the works to try to educate people on our processes and the things that we do and why we do them. The calendar of events, we are trying to make sure we are not missing anything that we are doing that involves the public so it gets posted on this site.

There is a link to the webinars on the right side of the web page, and instead of having a long list that you had to scroll down through; we now have them organized by topic. We will archive them, and while some programs may still have them on their individual web pages, they will always be archived by topic. If you are interested in webinar, you should be able to find what you're looking for on this page by topic and play it on demand.

Another thing we have is a "Get Involved" section, where you can learn about what types of permits and authorizations we do. It's interesting to know that there are 1,200 types of authorizations, and on average 42,000 permits and authorizations a year. This gives you an idea of the scope of the work that goes on at the department. There is a link to the *Pennsylvania Bulletin*, as well as, the permit review process, but we also have the "learn about rulemaking process," which EJAB helped with. We have these guides that have been distributed out to all the regional offices to be passed out at public meetings. So people should be able to navigate through this site to find any information that they need.

Office of Environmental Advocate Updates

Southwest and Northwest Updates: On Thursday, May 30, 2013, Environmental Advocate, Kim Morewood held an Environmental Justice Public Informational Meeting regarding a surface coal mining permit application for Neiswonger Construction, Inc., Deemston Borough, Washington County. No concerns were raised.

Ms. Morewood held a Public Information Meeting on Monday, June 4, 2013, at the Plumville Volunteer Fire Department in Plumville, PA, regarding the Revision for Permit Expansion of 2673.2 Permit & Subsidence Control Plan Acres. The meeting was attended by several members of the community but there were no concerns regarding the permit.

On Thursday, July 25, 2013, Ms. Morewood facilitated a conference call between Dan Sharek and Nate Strum of the Regional Industrial Development Corporation of Southwestern Pennsylvania (RIDC) and Jeff Fliss, Growing Greener Program, Southwest Regional Office, to discuss a potential grant application site in Parkway West Business Park, North Fayette Township. RIDC will be submitting the application and was very appreciative to have had their questions answered by Mr. Fliss.

An online live streaming was held for the 2013 EPA Community Involvement Training Conference in Boston, MA, Tuesday, July 30 and Wednesday, July 31, 2013, which Kim Morewood participated.

On Friday, August 9, 2013, EA Kim Morewood and LGL Brian Schimmel attended the Hill District Consensus meeting. The main focus of the meeting was the redevelopment of the Lower Hill District, including the "Curtain Call" project. Other presentations included updates on the Hill Grocery Store, the Youth Organizing Program, the Consumer Health Coalition and the Elected Officials Report.

An open house and public meeting was held on Thursday, August 15, 2013, at the Hookstown Volunteer Fire Department Hall. The meeting, which Ms. Morewood and CRC John Poister facilitated, was regarding the closure plan of First Energy's Little Blue Run Residual Waste Disposal Impoundment. The meeting was attended by 120 people.

Southeast and Northeast Updates: Delta Thermo Energy (DTE), LLC submitted an application to DEP for a general permit to utilize municipal solid waste and sludge from the City of Allentown's Wastewater Treatment Plant as feedstock to produce a fuel to generate electricity for their use and sale. The treatment plant is located near the DTE site. A public meeting was planned for the purpose of providing information and to answer questions about the proposed Air Quality Plan Approval application, the proposed waste permit and already issued National Pollution Discharge Elimination System permit. The community attempted to have the Borough Council place a referendum on the ballot for vote. The community prefers that the permit for the facility be denied. Environmental Advocate, Alice Wright, has been in contact with a Lehigh University Professor who has been working with the residents. The professor requested a public meeting through the Southeast Regional Office of Environmental Advocate for the largely Latino/Hispanic Environmental Justice community. Ms. Wright and the Northeast Regional Office Community Relations Coordinator and program staff prepared the documents, and the Office of Environmental Advocate Director oversaw the documents and sent them for Spanish translation. An interpreter has also been arranged for the public meeting.

Environmental Advocate, Alice Wright, EJAB and Chester Environmental Partnership (CEP) have been working on Booth Street Initiative project, which is an initiative to relocate the residents living in a close proximity to polluting industries. In a letter to the Mayor and City Council, CEP outlined the need to move forward on the Booth Street Initiative. The letter covered bringing the Chester Economic Development Authority (CEDA) on board to do a feasibility study to determine the cost of acquisition and demolition of properties along with the relocation of residents. Monthly or bi-monthly meetings convened to look at ways each party involved can contribute. CEP forwarded copies of their Environmental Impact Survey to the Mayor's office that identifies existing health and safety issues.

Ms. Wright received a call from a resident in Southwest Philadelphia with concerns about a zoning policy change regarding junk/auto exporting companies in their community. These facilities are operating illegally and are creating disruption, resentment and a noticeable change in the community's quality of life. At the residents' request, Ms. Wright attended a meeting with

City Councilman Kenyatta Johnson's Chief of Staff, along with the Planning Commission, Streets Department and residents. The residents discussed their concerns and questions and were promised a review of the questions and a future community meeting. The Planning Commission agreed to change the zoning so no more of these facilities were sited in their neighborhood and the Streets Department is investigating.

Environmental Advocate, Alice Wright has been participating in meetings with CEP Brownfields Committee and providing background information for the presentation. The presenter will be a CEP business and industry member.

Ms. Wright prepared background information and history for the new Director of the West Ambler Civic Association (WACA) for the Peter Simone Landscape Architects Awardee. WACA is awaiting the results of its 501(c)(3) application and will conduct annual individual mail solicitations, establish a website, and use Facebook and other social media.

EA Wright participated in the UPenn Community Outreach and Engagement Core (COEC) Center of Excellence in Environmental Toxicology (CEET) Stakeholder Advisory Board meetings to discuss air quality and environmental health that are important and relevant to communities. COEC's new initiatives include lead in rural communities and diesel emissions from trucks. Ms. Wright has worked with COEC on community projects in Ambler, Chester and Philadelphia.

Environmental Advocate, Alice Wright spoke with ECP Program Manager and Reverend Pollard regarding the Ardmore Shopping Plaza in Montgomery County. Reverend Pollard arranged to have his attorney contact Rob Fox to continue negotiating for sampling of the homes. After speaking again with Chris Ball who is representing Ardmore Plaza, it was reported they have been in contact with Mr. Williams, the attorney Rev. Pollard referred them to. They were hoping contact would be made again soon to proceed with discussions on testing for the three remaining homes near the site.

Ms. Wright has been attending the Strong Cities, Strong Communities (SC2) and the City of Chester Initiative, Delaware County, Chester City Hall meetings. Discussions included the Chester Coalition Resource Guide, improving access to services, arts and dialogue, building blocks for community and economic development, and the Chester cultural corridor.

The Office of Environmental Advocate was invited to participate in Delaware Valley Regional Planning Commissions (DVRPC) Regional Community and Economic Development Forum (RCEDF). The focus of the meeting was on immigration and its role in building a strong regional economy. DVRPC highlighted their recent data snapshots on immigration in the region. Ms. Wright was able to connect the Southwest Philadelphia community with Jennifer Rodriguez of the Mayor's Office of Immigrant and Multicultural Affairs with Amanda Bergson-Shilcock of the Welcome Center. Ms. Rodriguez has scheduled a meeting with the Southwest Philadelphia community residents.

South-central and North central Updates: The Community Environmental Project (CEP) policy is available for a 30-day public comment period beginning October 26, 2013, and closes November 25, 2013, at 5:00 pm.

DEP has agreed to the Delaware County Solid Waste Authority's (DCSWA) request for two CEP projects in Berks County in lieu of a penalty. One project is with the Reading High School in Reading, and EJ area, and the other site was in Topton. The Berks County Conservation District is administering the projects for DCSWA. The advisory council for the Rolling Hills landfill has expressed dissatisfaction toward the projects.

The Office of Environmental Advocate has had the Citizen's Guide to DEP Regulations updated and a new cover created. The Policy Office weighed in on reformatting and providing content for the guide. Overall, citizens should find it easier to understand how the process works and when the public can influence and impact regulations. The new guide will be used and circulated throughout the state, and are being printed for distribution during the Chapter 78 public hearings.

Climate Impacts Assessment Update Report

Air Quality Environmental Program Manager, Dean Van Orden reported updates on the Climate Impacts Assessment Report that was released last month to the EJAB board members. The report was prepared by Penn State University, and it is mandated under the Climate Change Act 70 of 2008. The 2013 report updates the original 2009 report based on review and evaluation of scientific literature and data analysis.

The report goes through a number of different topics; PA Climate Futures, Agriculture, Aquatic Ecosystems/Fisheries, Energy, Forests, Human Health, Outdoor Recreation and Water. For the PA Climate Futures; the conclusions and recommendations in the report are based on new simulations using results from the North American Regional Climate Change Assessment Program. The report forecasts average temperature and precipitation changes through 2050, and talks about a decline in soil moisture as a result of slightly increased temperature.

The full PA Climate Impacts Assessment Report can be found on the DEP eLibrary.

Foundation for Pennsylvania Watersheds

Branden Diehl, Earth Wise Consulting for the Foundation for Pennsylvania Watershed, gave a presentation on new opportunities for Environmental Justice Areas. Mr. Diehl is a grant and project consultant to the Foundation for PA Watersheds (Foundation), and the owner of Earth Wise Consulting. The Foundation is a nonprofit with a small grants program (convening grants); is privately funded; provides restoration, conservation and convening funds; and project, policy, permitting and grant writing assistance. They are now providing grants to EJ areas in need of additional funding for water related projects. They also try to serve as a liaison to help with projects.

The primary focus is to be tied to water quality, so if you have a project that is tied to water quality, we like to find a reason to say yes as opposed to finding a reason to say no to a project. We have a grant transparency program; which allows you to search and see about a grantee.

As an example, we have worked with Rosebud Mining to get an application in for a mining permit, we helped them get through some TMDL issues and we helped them with NPDES permits also. Another project that we helped out with is the Simeral Square in West Newton, PA which is a Brownfields site. There is a gas station there that had some tank leaking issues, and it was made into a recreational trail, so we helped them to establish a stable riparian area which contributed to water quality. Mr. Diehl then gave an overview of how to access the funding, and also answered question from EJAB members.

Rx Disposal Handling

Secretary Gary Tennis, and Deputy Secretary Cheryl Doderer, of the PA Department of Drug and Alcohol Programs were available to answer questions and discuss the disposal of prescription drugs. Larry Holley, Waste Minimization and Planning Environmental Program Manager, DEP was also in attendance for discussions and to answer any questions.

Secretary Tennis first gave a background of the prescription drug abuse problems. Based on a change in prescribing practices that first occurred around 15 years ago, this has escalated to an epidemic of prescription over drug addiction in America. Individuals become addicted to prescription pain medicine after having an injury and we are seeing a transition from the prescription pain medicine to heroin and it is happening everywhere. The two main ways that people are becoming addicted to prescription pain medicine is an over liberal prescribing practices by doctors or failure to screen for family history of addiction, and kids using the prescription drug recreationally and are getting it from the medicine cabinet.

The status of the Prescription Monitoring Program legislation is that was passed in the House and it is going to the Senate. Senator Vance is the Chairman of the Committee introducing legislation. A big change you will see in it is that they are going to move the program to the Department of Health to do the Monitoring Program, what we are asking for is a role to deal with the impaired professionals, i.e. the doctors, nurses, pharmacists, to deal with the “doctor shoppers” to have a rehabilitative focus for them. Secretary Tennis answered questions from board members and discussed the prescription medication addiction and other drug addiction problems, limitations being made on prescriptions, and best prescribing practices.

Board members discussed the “take back” boxes use for disposal of prescription drugs and that law enforcement must be present so that bottles cannot be removed from them, and other initiatives for a statewide program of collection boxes.

Permit Review Process & Permit Decision Guarantee

Dan Coulter, Business Analyst, Office of Program Integration, provided information on the Permit Review Process (PRP) and Permit Decision Guarantee. Mr. Coulter started with providing a background; that on July 24, 2012, Governor Corbett signed Executive Order 2012-11 which rescinded the money back guarantee program and tasked DEP with implementing the Permit Decision Guarantee (PDG), determining which permits the program covers, and determining the responsibilities for permit applications under the PDG, established performance measures for DEP’S permit review staff, and implements electronic permitting tools to enhance internal operations.

One of the biggest changes on the PDG is that permits are no longer viewed on a first in, first out basis. Priority is given to applications necessary for the protection of public health, safety and the environment, and applications necessary for economic development. The new policy also adds value by creating predictable review timeframes, clear expectations for permit applicants demanding higher quality and technically adequate applications, eliminating the permit review back-and-forth between permit applicant and DEP staff.

In order to verify the success of the new policy, DEP committed to provide quarterly updates under the first year, this is our fourth and final quarterly report and it indicates continued success of the new policy as DEP has become more efficient at issuing protective and timely permits and bring greater predictability to the permitting process.

DEP has also developed an online Permit Application Consultation Tool (PACT) to assist applicants who are considering siting a new project in Pennsylvania, or expanding or relocating an existing operation, to quickly and easily determine which types of environmental permits, authorizations, or notifications may be required for their specific projects. Use of PACT will result in significant savings of both time and resources, especially when multiple permits or authorizations are needed.

On Oct. 26, 2013, DEP initiated a 30-day public comment period on PRP and PDG. This will allow stakeholders an opportunity to provide feedback on the effectiveness of the new policy. Following the 30-day public comment period, a comment response document will be developed and an annual report will be drafted. This report will detail implementation highlights during the first year and any changes made to the policy and associated permits as a result of internal and external feedback. More information about the PDG can be found on the DEP website by clicking the Permit Decision Guarantee button.

Community Environmental Project (CEP) Policy

Holly Cairns, Director, Office of Environmental Advocate, reviewed the proposed changes to the draft policy for the Community Environmental Projects, as well as, asking for any additional comments or changes. Ms. Cairns stated that some of the proposed changes included clearer language to describe the policy. Also discussed were some comments previously submitted by EJAB, one comment was, whether DEP has the right to interfere with the ability to declare a charitable deduction from a business or industry undergoing a CEP. The answer is yes, only because the entity is voluntarily giving up this option by signing the agreement.

Director Cairns stated that the board had very good comments and most were added. The deadline for comments is November 25, 2014. The biggest change for the CEP policy is the addition of Environmental Justice and having the ability to target those communities or projects.

2014 Chester EJAB Listening Session

Reverend Strand having had to step out of the meeting and returned, discussion continued on which date for the May meeting was best to accommodate board members who would like to hold a listening session and EJAB meeting in the City of Chester. The May dates that are open for discussion are May 6, 8, 15, 20 or 22 (the 22 is before a holiday weekend). Holly Cairns

would work with Reverend Strand to find a suitable location to hold the listening session and meeting. Reverend Strand suggested contacting the Chester City Council and School Board to determine conflicting dates to avoid in order maximize public response.

Public Comment Period

There were no public comments presented.

New/Unfinished Business

EJAB board member discussed getting more information on possible partnering at a future Brownfields Conference or partnering with Penn State University on a conference. Also discussed was looking into having an EJ conference in Chester area.

Board members discussed creating a proposal to the DEP Secretary recommending that permit applicants be required to submit their permit applications electronically. The group asked to continue discussion about this topic at the next meeting.

EJAB members decided a comfortable meeting decorum was to have anyone who would like to tape an EJAB meeting to first contact the EJAB Chair for permission. The board voted on this, Eli Brill motioned, Adam Cutler seconded the motion passed unanimously.

Adjournment

Dr. Frank then called for Motion for adjourn the meeting at 2:27 p.m. Reverend Horace Strand made a Motion, which was seconded by Adam Cutler. Motion passed.