



Citizens Advisory Council

to the Department of Environmental Protection of the Commonwealth of Pennsylvania

Pennsylvania Constitution

Article I, Section 27

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustees of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

2018 Annual Report

Jerome Shabazz
Chair

Keith J. Salador
Executive Director

Council Overview

Since its inception in 1971¹, the Citizens Advisory Council (“Council” or “CAC”) has been actively involved in environmental issues affecting the Commonwealth of Pennsylvania. The Council was originally created to establish a non-partisan body to represent citizen viewpoints and provide objective analyses of the Department of Environmental Protection’s (“Department” or “DEP”) performance on environmental issues. With the passage of legislation, the Council was given three specific charges:

- I. The Citizens Advisory Council shall review all environmental laws of the Commonwealth and make appropriate suggestions for the revision, modification, and codification thereof;
- II. The Council shall consider, study, and review the work of the Department of Environmental Protection and, for this purpose, the Council shall have access to all books, papers, documents, and records pertaining to or belonging to the Department; and
- III. The Council shall advise the Department upon request, and shall make recommendations upon its initiative, for the improvement of the work of the Department.

Because of this legislation, the Citizens Advisory Council is the only legislatively-mandated advisory committee with the comprehensive charge to review all environmental legislation, regulations, and policies affecting the Department of Environmental Protection.

Additionally, the 1992 amendments to Pennsylvania’s Air Pollution Control Act require DEP to consult with the Council in developing state implementation plans and regulations developed by the Department to implement the federal Clean Air Act. The Council also can “consider, study and review department policies and other activities related to the Clean Air Act...” and to provide a summary of activities every five years to the Department’s evaluation of the effectiveness of its programs to the General Assembly.²

The Council is comprised of the Secretary of the Department of Environmental Protection (ex officio), six members appointed by the Governor, six members appointed by the President Pro Tempore of the Senate, and six members appointed by the Speaker of the House of Representatives³. The term of office for each of the appointed members of the Council is three years and may continue beyond three years until a successor is appointed. All actions of the Council are by majority vote. According to the statute, the CAC shall meet quarterly; however, the Council tends to hold monthly meetings, except in August and December.

An important part of the Council’s mission is to encourage public participation and engagement from citizens of the Commonwealth. The CAC seeks to represent all people of the Commonwealth and bring a collective view of the public interest in the environment through a

¹ The Citizens Advisory Council is an independent advisory board of the Department of Environmental Protection housed within the DEP and charged with reviewing all environmental issues, legislation, regulations, policies, and programs pursuant to Sections 448(p) and 1922-A of the Administrative Code of 1929, as amended by Act No. 1970-275 and Act No. 2016-07, 71 P.S. §§158(p) and 510-22.

² Act of January 8, 1960, P.L. (1959) 2119, No. 787, as amended, known as The Air Pollution Control Act (35 P.S. § 4001, et seq.).

³ No more than three members nominated by each of the respective authorities may be from the same political party.

diversity of personal experiences and perspectives. The ability of the public to provide input and participate in the development of environmental regulatory and policy initiatives is tantamount to the Council's ability to provide guidance and oversight to the Department.

The CAC members are integrated into the oversight structure of the Department because they are also elected to serve on various boards and advisory committees within the DEP. The CAC designates five of its members to serve on the Environmental Quality Board, four members to the Mining and Reclamation Advisory Board, as well as seats on the Aggregate Advisory Board, Air Quality Technical Advisory Board ("AQTAC"), Low-Level Waste Advisory Committee ("LLWAC"), Solid Waste Advisory Committee ("SWAC"), Oil and Gas Technical Advisory Board ("TAB"), Environmental Hearing Board Rules Committee ("EHB"), and the Radiation Protection Advisory Committee ("RPAC").

Within the CAC, sub-committees focus on specific areas of interest. The Legislative Committee, Policy and Regulatory Oversight Committee, Strategic Issues Committee, Public Participation Committee, Advisory Board, and Executive Committee meet on an as-needed basis and report back to the full Board on topics and issues brought before their respective Committee.

At the end of the year, the CAC summarizes its activities and provides an Annual Report to the Governor, the General Assembly, the Department, and the public. This Annual Report highlights the activities of the Council and provides an opportunity for interested stakeholders to provide feedback on the work of the CAC and offer suggestions for improvement or future areas of focus for Council.

Council Membership

The CAC is comprised of a dedicated group of concerned citizens appointed to the Council by either the Governor or the General Assembly. Each member brings with him or her a unique perspective and wealth of knowledge on environmental issues. Diversity of experience and thought allows for a comprehensive understanding and analyses of Department regulations and policy initiatives. The Council engages in thoughtful discussion prior to counseling the Department or alerting relevant decision-makers of necessary action to be taken.

Below is a list of CAC Members in 2018:

Cynthia Carrow, Allegheny County

Mark Caskey, Washington County

Terry L. Dayton, Greene County

David Dunphy, Philadelphia County

William C. Fink, Bedford County

Duane E. Mowery, Cumberland County

John R. Over, Jr., Fayette County

James Sandoe (Vice Chair), Lancaster County

James Schmid, Delaware County

Jerome Shabazz (Vice Chair), Philadelphia County

John St. Clair, Indiana County

Thaddeus Stevens, Tioga County

John J. Walliser, Esquire, Allegheny County

Donald S. Welsh (Chair), Chester County

James Welty, Cumberland County

Timothy Weston, Esquire, Cumberland County

Patrick McDonnell, DEP Secretary, ex-officio

There were three vacant Council appointments in 2018.

The Department of Environmental Protection provides an Executive Director to serve as a liaison between the Council and the Department. The Executive Director also assists the Council with its administrative functions. The Council has the statutory authority to hire experts, stenographers, and assistants as may be deemed necessary to carry out its work. Lee Ann Murray served as Executive Director until May 2018. Keith J. Salador was appointed Executive Director and began serving in September 2018.

Officers

During the 2018 meetings of the CAC, Donald S. Welsh and James Sandoe were re-elected Chair and Vice Chair, respectively. After Mr. Sandoe's resignation from the Council, Jerome Shabazz was elected to serve as Vice Chair in October 2018 for the remainder of that term.

Committees and Advisory Boards

As members of the Council, each person is asked to serve on various committees and advisory boards to help direct activities of the CAC, as well as provide leadership and expertise to the Department on important issues. To date, the list of potential committee and advisory board assignments are as follows: Legislative; Policy and Regulatory Oversight; Public Participation; Executive; Strategic Issues; Environmental Quality Board; Mining and Reclamation Advisory Board; Aggregate Advisory Board; Air Quality Technical Advisory Board; Low-Level Waste Advisory Board; Solid Waste Advisory Committee; Oil and Gas Technical Advisory Board; Environmental Hearing Board Rules Committee; and the Radiation Protection Advisory Committee.

Highlights of Council Activities

Mining Issues

John Stefanko, Deputy Secretary for Active and Abandoned Mine Operations, provided an in-depth presentation to the Council on coal distribution and locations in Pennsylvania and problems caused by past coal mining. Included in the presentation was an overview of the mining bureaus within DEP; staffing, and office locations with the Bureau of Active and Abandoned Mining Operations; funding and annual work volumes; reclamation efforts and active treatment sites; Act 54 report update; karst work group; Title IV Surface Mining Control and Reclamation Act reauthorization; and the AML Pilot Program.

Water Issues

Tim Schaeffer, Deputy Secretary of the Office of Water Programs, provided an overview of DEP's Water Programs, including:

- Chesapeake Bay Office (Veronica Kasi, Director)
- Bureau of Waterways Engineering & Wetlands (Roger Adams, Director)
- Bureau of Clean Water Resources Planning (Lee McDonnell, Director)
- Bureau of Safe Drinking Water (Lisa Daniels, Director)

Lisa Daniels, Director of the Bureau of Safe Drinking Water, provided a comprehensive presentation to the Council on DEP's Safe Drinking Water program, including objectives of the program, safe drinking water facts regarding population, the number of public water systems, the population served by public water systems, and the various types of public water systems; program components including operations, monitoring/reporting, permitting, response to water supply emergencies, and training and technical assistance; upcoming safe drinking water regulations; emerging/unregulated contaminants; general update and fees; and challenges facing the Safe Drinking Water program.

Veronica Kasi, Director of DEP's Chesapeake Bay Program, provided an overview on the workings of the Chesapeake Bay Program, including funding, agricultural BMP special projects and the agriculture plan reimbursement program, progress tracking, reporting, and verification, the 2014 Watershed Agreement, the bay "partnership" organization, the accountability framework for the TMDL, and planning targets.

Air Issues

Members of DEP's Bureau of Air Quality gave comprehensive presentations on the overall air quality picture in Pennsylvania, stationary source emissions and monitoring, mobile sources, the Air Quality State Implementation Plan, regulatory status, and recent 2015 ozone determinations, compliance and enforcement, oil and gas emissions, and the Clean Air budget and Clean Air fund.

Waste Issues

Members of DEP's Bureau of Waste Management provided comprehensive presentations to the Council on the Waste Management program, including municipal and residual waste, waste

minimization and planning, hazardous waste management, reporting and fee collection, and program development and support.

Radiation Issues

Members of DEP's Radiation Protection Program provided comprehensive presentations on the Radiation Protection program, radiation control, decommissioning and environmental surveillance, radon, nuclear safety, and what the future may look like for Three Mile Island.

Public Engagement and Outreach Issues

Julie Lalo, DEP's Communications Director, provided an in-depth presentation regarding the Department's public engagement and outreach, including:

- Cabinet in Your Community run by the Governor's regional offices. Four or five Cabinet Secretaries attend hosted events, lasting two hours, to have dialog with community leaders and citizens. The Secretaries provide a brief introduction and then take questions from residents. Citizens are asked to register in advance. So far there have been 20 Cabinet in Your Community events and more are scheduled.
- DEP Connect, a reimagining of DEP's regional roundtables, is an outreach to increase understanding, improve relations, and receive input. This is an opportunity for DEP staff, community leaders (local government officials, nonprofits, the regulated industry), and citizens to have a conversation about issues identified as subjects to really delve into. The format might be an Open House with various stations, tours of industry a region would like to know more about, panels of speakers, or dialogue on a particular topic. DEP has Community Relations Coordinators in each of the six regions primarily focused on community engagement and communications who want to make sure the Department has legitimate and interactive dialogue with the citizens. A form can be found on DEP's website to sign up for the DEP Connect events. The press release on DEP Connect was released on June 5, with several hundred individuals having already signed up.
- Secretary's regional visits allow the Secretary to work intimately with the Regional Directors and regional staff to learn about that particular region. The goal is to get to each region once or twice a year, to tour regulated industry facilities, have conversations with stakeholders, have a happy hour or donuts and coffee so the Secretary can learn more about the 2,500 people who report to him. At least one or two of the regional visits will include media activities, either a visit with an editorial board or an organized media event.

Environmental Cleanup and Brownfields Issues

George Hartenstein, Deputy Secretary of the Office of Waste, Air, Radiation and Remediation, provided an in-depth presentation on the divisions within the Bureau of Cleanup and Brownfields (Cleanup Standards, Site Remediation, and Storage Tanks). He discussed land recycling, the main characteristics of Act 2, superfund cleanups, above ground and underground storage tanks and tank releases, as well as funding, annual budget, and the opportunities and challenges related to cleanups.

Joint Meeting with DEP's Environmental Justice Advisory Board

On November 13, 2018, CAC and DEP's Environmental Justice Advisory Board (EJAB) held a joint meeting to hear presentations on topics of mutual interest and to discuss ways the two committees could work together in the future.

Carrie Amann, Deputy Secretary of Policy & Planning in the Governor's Office, provided a presentation on the Governor's primary workforce development initiative entitled PAsmart. She discussed in detail the middle-class task force findings and the priorities of PAsmart, including the development and maintenance of a 21st century skilled, quality workforce through computer science and STEM education, employer engagement in postsecondary education, the expansion of apprenticeships and industry partnerships, a business led effort to address re-entry into the workforce, and a data dashboard for public education and workforce systems.

Bert Myers, Director of Environmental Education, stated that a new grant round has been announced for 2019. The Environmental Education Act of 1993 allotted 5% of all fines and penalties to the Environmental Education grant program. The office has awarded more than \$12 million to further environmental education in Pennsylvania over the last 25 years. Two different styles of grants will be available in 2019: the general grant and the mini grant. The general grant covers applications up to \$25,000 for a one-year project, July 1 of 2019 to June 30 of 2020. The general grants are designed to have a high impact, large scale regional or state-wide initiative and require a 20% match. The mini grant is a \$3,000 one-year project, same time frame, being completed by June of 2020 and no match is required. These are for smaller, more localized environmental education projects. The three priority topics this year include climate change, water, and environmental justice. The grants are rated first by three individuals with DEP, DCNR, Department of Education, or other related agencies and the grants are then reviewed by the Environmental Education Office one final time. The grant applications must be linked to environmental topics or standards and demonstrate clear goals and objectives.

Allison Acevedo, Director of DEP's Office of Environmental Justice, provided the group with an overview of her office and discussed updates to the agency's Environmental Justice technical guidance document.

CAC and EJAB agreed that their next steps for collaboration should be to think about methods to deliver best practice career opportunities for employers to hire people of color and low-income individuals; think about ways to help communities struggling with environmental issues; and to talk to young people (K-12) about environmental stewardship and think about how industry might play a role in career development.

Actions Taken

Throughout the year, Council undertakes several actions, including the review of regulations brought forward by DEP. Below is a list of specific actions taken by the CAC in 2018:

- Letter to the Senate on HB 1486 providing information for consideration in defining the difference between high tunnels and more permanent structures which may impact stormwater management;

- Comment letter to DEP’s Bureau of Waste Management regarding an update to the General Permit for Beneficial Use of Regulated Fill (WMGR096);
- Letters to the General Assembly and the Governor regarding legislation to create the Keystone Tree Fund through the driver’s license/vehicle registration process. The voluntary donations would support the existing Tree Vitalize and Riparian Forest Buffer Grant programs through the Department of Conservation and Natural Resources;
- Letter to the General Assembly and the Governor urging a swift resolution to the funding issues facing the Hazardous Sites Cleanup Fund;
- The CAC concurred with the following Air Quality rulemakings in 2018
 - a proposed rule to amend the sulfur limits for No. 2 and lighter commercial fuel oil;
 - a final rulemaking for control of VOC emissions from industrial cleaning solvents; general provisions; aerospace manufacturing and rework; and additional RACT requirements for major sources of NOx and VOCs;
 - a final-omitted rulemaking relating to general plan approvals and operating permits. to add a phrase to 25 Pa. Code § 127.621 to allow the Department to accept electronic applications. CAC supported the adoption of language allowing for electronic submission of applications, and recommended that the Department and the Environmental Quality Board consider amending §127.621 to allow for submission of hard copies via reputable express services;
 - a proposed rulemaking to adjust Air Quality fees;
 - a proposed rulemaking on PM2.5 precursors, which was a new EPA rule requiring states to amend new source review regulations to include emissions of volatile organic compounds and ammonia as PM2.5 precursors in certain counties that are designated as nonattainment.

Public Participation

As part of its mission, Council seeks to represent all people of the Commonwealth and bring a collective view of the public interest in environmental protection and natural resources through a diversity of personal experiences and perspectives. A regular part of the Council meetings is the public comment period, which allows citizens of the Commonwealth to provide written or oral testimony to the Council on various concerns involving environmental resources of the Commonwealth. Minutes of the CAC meetings list anyone who provides public comments to the Council, as well as a summary of their concerns. Comments from concerned citizens help to inform the Council members on issues and allow the Council to follow up with the Department if necessary.

For more information, please go to:

<http://www.dep.pa.gov/PublicParticipation/CitizensAdvisoryCouncil/Pages/default.aspx>
or contact Keith J. Salador, Executive Director at ksalador@pa.gov.