



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.

2019 Annual Report

Jerome Shabazz
Chair

Keith J. Salador
Executive Director

0940-RE-DEP5224 3/2022

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 2019:

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 2019.

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. Keith Salador served as Executive Director in 2019.

Officers

During the 2019 meetings of the CAC, Jerome Shabazz was elected Chair and Timothy Weston was elected Vice Chair, respectively.

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, DEP's Deputy Secretary of Active & Abandoned Mine Operations, and Brian Bradley, Assistant Bureau Director for the Bureau of Abandoned Mine Reclamation, discussed the past, present, and future of Pennsylvania's Surface Mining Control and Reclamation Act (SMCRA) funded Abandoned Mine Land (AML) Program with the Council. The program addresses the highest priority problems resulting from coal mining that occurred prior to the passage of SMCRA. The AML program reclaims such hazards as mine subsidence, mine fires, hazardous mine openings, contaminated or diminished water supplies, coal refuse piles, abandoned mine drainage, and dangerous highwalls with no liability or cost to the current landowners. Mr. Stefanko provided an overview of the annual grants received from the US Department of Interior, Office of Surface Mining Reclamation and Enforcement, which are funded by a per ton fee on coal mined nationwide and are the sole source of funding to address AML problems. Mr. Stefanko addressed the decreases in the reclamation fees over time, the existence of AML in 43 of Pennsylvania's 67 counties, the 5,500 miles of abandoned mine drainage impaired streams in the state, the high-priority AML problems that still exist in Pennsylvania, and key issues, including the impact of the expiration of the current AML fee in 2021, leaving billions of dollars of unreclaimed abandoned mine hazards across the nation with no resources.

Laura Bray, Program Manager for the Pennsylvania Environmental Council's Reforestation Program, and Eric Oliver, a Program Specialist with DEP's Bureau of Mining, discussed in detail the Appalachian Regional Reforestation Initiative (ARRI), a collaborative program across several states that includes industry, state governments, federal governments, citizens, citizens groups, and environmental groups. The presenters provided a history of mining in Pennsylvania, the Surface Mining Control and Reclamation Act (SMCRA) of 1977, and discussed some of the unintended consequences of SMCRA, including soil compaction, competition from aggressive groundcover, mining operations moving away from forestry reclamation, exotic species that thrive without management, and arrested succession. The speakers provided details of the five-step process for forestry reclamation and the benefits of reforestation. ARRI's goals are to plant more high-value hardwood trees on reclaimed coal mined lands in Appalachia, increase the survival rates and growth rates of planted trees, and to expedite the establishment of forest habitat through natural succession. The presentation concluded with a discussion of ARRI's regional accomplishments from 2009-2017.

Bill Allen and Sharon Hill from DEP's Bureau of Mining Programs offered specifics on the fifth Act 54 report covering the time period from August 2013 to August 2018 prepared by the University of Pittsburgh. The report was received by the Department in final on August 31, 2019. Fifty-six issues in six different categories were identified. The categories are: wetlands; how the data was collected and how to use it; monitoring; the process of investigating complaints; California District Mining Office procedures; and stream recovery evaluations. Assessments and responses to the recommendations are being done and a data snapshot will be prepared for the years 2018 and 2019. The data will be placed on the website for public comment in early 2020. The Bureau is also planning to do a stream policy revision. Public meetings will be held to discuss the latest research and a workgroup will be formed to discuss issues and changes to the policy before publishing a draft for comment. Yearly data snapshots will be posted to the website

and public comments will be solicited. The next five-year report will be due the second quarter of 2023.

Water Issues

Aneca Atkinson, Acting Deputy Secretary for Water Programs, discussed the Department's activities around DEP's Water Program including a sampling plan and the establishment of an MCL for PFAS and PFOA in the Commonwealth. Ms. Atkinson discussed the Water Program's work on the 2018 Integrated Water Quality Report, pursuant to the 303d and 305b federal Clean Water Act requirements.

Veronica Kasi of the Chesapeake Bay Program provided an in-depth milestone and progress report on the Watershed Implementation Plan III (WIP III), the draft of which was issued on April 12, 2019. Nitrogen and phosphorus reduction goals were explained, as well as current nutrient and sediment trends, nonpoint source opportunities, and the EPA's potential consequences if established goals are not met. Discussion included state, legislative, and regulatory actions, the steps for implementation of the WIP III, and the existing and needed funding. The public comment period was open through June 7, 2019.

Roger Adams, Director of the Bureau of Waterways Engineering and Wetlands (BWEW), provided an overview of the main divisions within BWEW: Dam Safety; Project Development; Project Inspection; and Wetlands, Encroachment, and Training. Mr. Adams discussed the jurisdiction, hazard classifications, emergency action plans, annual inspections, and permits and authorizations for the regulation of dams within the Commonwealth.

He also explained that Project Development and Project Inspection work closely together. The Division of Project Development handles the Stream Improvement Program (smaller projects to restore stream channels damaged by erosion during a flood event) and the Flood Protection Program (larger projects where flooding has caused damage to a significant number of homes or businesses in the community). The Division of Project Inspection includes the Construction Section and the Completed Project Section. During design, the Construction Section is consulted using peer reviews where constructability comments are addressed, the section provides day-to-day inspection services, and the design staff attend biweekly construction conferences.

After construction, the Completed Project Section takes the lead and coordinates with the US Army Corps of Engineers for annual maintenance inspections and assists with determining if operation and maintenance repairs will require additional permits. Both groups work on material submission approvals, change orders, and requests for information by contractors. The Division of Wetlands Encroachment and Training directs and oversees regulatory permitting of water obstructions and encroachments in regulated waters of the Commonwealth and develops and coordinates guidance and program assistance to regional offices, oil and gas programs, mining, and delegated conservation districts for administering the Chapter 105 program. Encroachment and Training provides leadership and approval of stream and wetland restoration, compensatory mitigation and mitigation banking, submerged land license agreements, performs environmental reviews of dam safety and flood protection permits and projects, and dam removals.

Tim Bruno, Chief of the Office of the Great Lakes Program, discussed at length DEP's Great Lakes program and its efforts to meet regional commitments, the history of the Great Lakes Water Quality Agreement and annexes, Lake Erie's phosphorous status and Pennsylvania's

Phosphorus Reduction Domestic Action Plan, provisions of the Great Lakes and St. Lawrence River Basin Water Resources Compact and Agreement, water usage in the Lake Erie Basin, and the Great Lakes Restoration Initiative and its partners, which include the Erie County Health Department, the Erie County Department of Planning, the Regional Science Consortium, and the Pennsylvania Sea Grant.

Air Issues

Ed Boito, DEP's Small Business Ombudsman, discussed the Department's Small Business Environmental Assistance Program with the Council which is available to small businesses (fewer than 100 employees) in Pennsylvania at no cost. Approximately 99.6% of all of Pennsylvania's employers are considered small businesses. The Federal Clean Air Act of 1990 required every state to have a Small Business Ombudsman, a Small Business Compliance Advisory Committee, and a Small Business Compliance Assistance Program. The Ombudsman's role is to work with small businesses in disputes with the Department, review proposed regulations to determine the impact on small businesses, investigate complaints, and provide information on energy efficiency and pollution prevention opportunities. A separate component of the Small Business Compliance Advisory Committee is the Environmental Management Assistance Program (EMAP) consisting of four technical service providers around the state, funded by a DEP grant, that provide free environmental compliance services, energy efficiency and pollution prevention, waste minimization, and water conservation. The Ombudsman offered that there are additional small business resources, including the Emerging Technology Applications Center (ETAC) and the Pennsylvania Technical Assistance Program (PennTAP), both of which receive grant money through DEP, to assist with the implementation of new technologies and reduce pollution and energy usage. The programs are free to Pennsylvania's small businesses.

Jessica Shirley, DEP's Policy Director, provided an overview to the Council of DEP's Climate Action Plan & Climate Initiatives. The overview included DEP's climate impacts assessment, inventory of statewide greenhouse gas emissions, the Action Plan development timeline, Action Plan goals and targets, a summary of strategies and modeled actions, and cost effectiveness and job creation. In April 2019, Pennsylvania joined the US Climate Alliance, committing the state to implement policies that advance the goals of the Paris Agreement, aim to reduce greenhouse gas emissions by at least 26-28% below 2005 levels by 2025, track and report progress to the global community, accelerate new and existing policies to reduce carbon pollution, and promote clean energy deployment at the state and federal level. Additionally, pursuant to Executive Order 2019-01, the state government aims to demonstrate emission reduction and climate adaptation by reducing energy use by 3% per year and 21% by 2025 from 2017 levels, procure renewable energy to offset at least 40% of the Commonwealth's annual electricity use, new construction/renovation projects or leased buildings that cost over 50% of replacement cost and commence design after 1/8/19 shall be designed and constructed as a high-performance building, and replace 25% of the state vehicle fleet with battery electric and plug-in electric hybrid cars by 2025.

The Council heard a presentation from Robert McKinstry, Jr. of Environmental and Climate Law & Consulting, one of a group of 192 petitioners who filed a comprehensive rulemaking petition in November 27, 2018 seeking the adoption of a regulation that would establish an economy-wide greenhouse gas auction-cap-and-trade program for the Commonwealth. The petition was

accepted by the EQB on April 16, 2019, triggering a requirement for DEP to forward recommendations to the EQB 60 days after the filing. DEP requested an extension for submitting their recommendation. Mr. McKinstry briefly discussed the need that triggers the regulation and described in detail how the regulation would work and why the program is a necessary component to avoid the worst impacts of climate change and do so in a way that helps the economy.

PFAS Issues

On September 17, 2019, CAC held a PFAS Update meeting to hear the latest developments on PFAS contamination across the state.

Abbey Cadden, DEP's Policy Office

Ms. Cadden provided a general background on PFAS, a family of chemicals numbering 6,000 or more. The chemicals are all manmade and are used in manufacturing processes. PFAS chemicals were invented in the 1930s and 1940s and became used in everyday products such as carpeting, clothing, stain removal products, fast food packaging, and firefighting foams. The PFAS chemicals bioaccumulate in the human body. Many people have been exposed to PFAS in drinking water. PFAS chemicals do not bind to solids so they pass through into water. Additionally, PFAS are being found in biosolids and some states are beginning to conduct research on how to treat biosolids before being land applied. There are also challenges with landfill leachate as there are no methodologies to test for PFAS at this point, mostly because the EPA has not provided guidance to the states. The Department is working to collect the data that is needed to draft a regulation and use the tools currently in its toolbox to regulate the substances and to minimize exposure. Funds are needed, and the Department is hopeful that the legislature will provide that assistance. The PFAS Action Team is working on an initial report that will provide a history of PFAS in Pennsylvania, what is currently being done, and the tools that are needed.

Troy Conrad, Director of the Bureau of Environmental Cleanup and Brownfields

Mr. Conrad discussed the role of the three programs (Land Recycling, Site Remediation, and Storage Tanks) within Environmental Cleanup and Brownfields related to PFAS. He discussed the many challenges of PFAS, including current regulatory status, lack of approved analytical methods, risk of cross-contamination, limited lab capacity, high analytical costs, low toxicity information, lack of standards, evolving remedial technologies, and limited disposal and treatment options. He also discussed remediation standards and the National Foam Act 2 site in Chester County, as well as the Ridge Run HSCA site in Bucks County. He concluded with the revenue and expense numbers of the Hazardous Site Cleanup Fund (HSCF), as well as status and projections for the fund.

Lisa Daniels, Director of the Bureau of Safe Drinking Water

Ms. Daniels discussed the EPA issuance of a health advisory level in 2009 for PFOS and PFOA of 200 ppt and 400 ppt (parts per trillion), respectively. Monitoring was conducted in 2013-2015. Of the 175 public water systems sampled in Pennsylvania, six had detects for PFAS. In 2016, the EPA set a lifetime health advisory level for PFOS and PFOA of 70 ppt. The EPA issued a PFAS

Action Plan in February of 2019, but it has not set any specific deadlines for promulgating enforceable standards for PFAS in drinking water. Because of this, several states, including Pennsylvania, are acting at the state level. The Governor's Executive Order of September 18, 2018 established a PFAS Action Team to develop a comprehensive response to identify and eliminate sources of contamination, ensure drinking water safety, manage environmental contamination, review gaps in data and oversight authority, and recommend actions to address those gaps. DEP's state laboratory has installed equipment, trained staff, and is working towards accreditation to test for PFAS in water.

The Bureau of Safe Drinking Water is implementing a statewide PFAS sampling plan to identify impacted public water systems and generate statewide occurrence data. It is moving forward with a contract for toxicology services and will coordinate with the PA Department of Health to review/evaluate health effects data and studies, propose toxicity values, and draft MCLs for select PFAS. The Bureau of Safe Drinking Water has and will continue to ensure follow-up and corrective actions are taken at public water systems with PFOS/PFOA levels above the EPA's 70 ppt. Phase 1 of the sampling plan is intended to prioritize sites for PFAS sampling and generate statewide occurrence data. Several factors were considered in developing the plan, including the location of potential sources of PFAS contamination (PSOC), public water supply sources located within ½ mile of PSOCs, and selection of public water system sources to serve as a control group. The GIS data layer of PSOCs includes military bases, fire training schools/sites, airports, landfills, manufacturing facilities, HSCA sites, and known PFAS-contamination sites. Phase 1 of the sampling plan began in June 2019 and will conclude in approximately one year. The sampling will include 360 public water systems samples from community and non-transient noncommunity water systems located within the ½ mile of PSOC and 40 sites from a control group of public water systems to determine baseline. Ms. Daniels discussed DEP's authority under the Safe Drinking Water Act and Chapter 109 regulations to require actions to address unregulated contaminants and DEP's long-standing guidance and protocols for addressing unregulated contaminants. Follow-up and corrective actions were discussed, along with ongoing challenges and concerns.

Steve Taglang, Acting Bureau Director for the Bureau of Clean Water

Mr. Taglang explained that the Bureau of Clean Water programs are based on the federal Clean Water Act, as well as Pennsylvania's Clean Streams Law. The Bureau is currently being hampered by the lack of guidance from the EPA regarding water quality standards for PFAS compounds. There is currently no implementation of water quality standards through permitting or assessment of surface waters. While there is some localized PFAS surface water data, there is no statewide, comprehensive dataset to inform the development and implementation of a statewide monitoring strategy, water quality standards, assessments methods, or permitting. The Bureau of Clean Water is currently addressing PFAS typically found in biosolids, but there is minimal information on quantities of PFAS in biosolids and minimal research on fate and transport of PFAS in biosolids that are land applied. The EPA is working on a method for quantifying PFAS in biosolids, wastewater, and soil matrices. The chemicals are very hard to dispose of in any treatment process. Research is being done pertaining to incineration. The EPA's Office of Inspector General did a report on the contaminants and constituents of biosolids and currently primarily heavy metals are being regulated. Bureau of Clean Water regulations for biosolids are dealt with in three general permits: PAG-7 beneficial use of exceptional quality biosolids for land application; PAG-8 beneficial use of biosolids by land application; and PAG-9

beneficial use of residential septage by land application. Those permits have been extended to April of 2020, and PFAS could potentially be addressed in those permits. To quote Brian Steglitz, a water treatment plant manager in Ann Arbor, Michigan: “The most challenging thing about PFAS is that science isn’t moving fast enough to keep up with the media coverage or political attention.”

Josh Lookenbill, Monitoring Section of the Bureau of Clean Water

Mr. Lookenbill discussed how the Bureau of Clean Water has designed and is implementing a data collection strategy. This effort will inform other programmatic elements such as the development of water quality standards, assessment methods, implementation of PFAS regulations through permitting, implementation of protected use assessments, and the ability to develop PFAS and other quality trends. The Bureau of Clean Water operates and maintains a statewide water quality collection program that includes 178 stations. The Water Quality Network (WQN) was designed to assess both the quality of Pennsylvania’s surface waters and the effectiveness of the Clean Water Program. Data collection across the WQN includes chemical data, as well as biological and physical data. Contaminants of emerging concern (CECs) are those that were either not detected previously or are now found in higher concentrations than in the past. WQN emerging contaminants are being collected via surface water samples, sediment samples, and through the deployment of passive water samplers. The samplers collect data on contaminants that may be present at low concentrations or at variable concentrations that surface water samples would not be able to detect. PFAS compounds will be added to the WQN as an emerging contaminant suite. Collection of single surface water samples at each of the 178 WQN stations across the state began in August and will wrap up at the end of September. In addition, 21 passive samplers with PFAS membranes were deployed in August and will be retrieved by the end of September. The surface water samples and passive sampler membranes will be sent to AXYS Analytical Services in Canada for analysis. Replicate samples will be sent to the National Water Quality Laboratory in Denver to support our U.S. Geological Survey counterpart and then to the PA DEP Laboratory in Harrisburg. The results will inform future data collection strategies and potentially inclusion of the PFAS analytical suite as a routine water quality monitoring and assessment objective.

Anil Nair, Division of Environmental Health Epidemiology, Pennsylvania Department of Health

Mr. Nair discussed DOH’s PFAS initiatives. He explained that Southeastern Pennsylvania is home to two former military bases, and the military has been using firefighting foams for a long time. The 840-acre site of the former Naval Air Warfare Center (NAWC) in Bucks County, in operation from the 1940s until 1997, was used for firefighter training activities. PFAS was detected in the groundwater around the site in 2013. In 2014 all contaminated public wells were taken out of service. In 2015 PFAS was found in 93 out of 100 private wells within a 3-mile radius of the site and private well owners were given bottled water. Surrounding the 1,200-acre site of the former Naval Air Station Joint Reserve Base and Horsham Air Guard Station in Montgomery County, in operation from the 1920s until 2011, contamination was found in two public water systems, and in 2014 five public wells were taken out of service. In 2016 additional wells were taken out of service, and private well owners were given bottled water. Both communities were exposed to PFAS for a long period of time and the level of exposure was very high. In one case, the level detected was almost 21 times higher than the EPA’s health advisory level of 70 parts per trillion. The affected area has a population of 84,184 people per the 2010 census. In 2017, the CDC and the Agency for Toxic Substances and Disease Registry (ATSDR)

developed a toolkit to conduct biomonitoring for PFAS, and Pennsylvania was chosen for the pilot program to evaluate the toolkit. As part of the pilot program, eligibility information forms and invitation letters were mailed to 600 randomly selected households. The number of eligible participants who completed the paperwork and provided blood samples was 235 (from 118 households). From May through September 2018, weekly clinics were held in Bucks and Montgomery Counties to draw blood samples. The samples were sent to the Wadsworth Laboratory at the New York State Health Department and all results were returned to the PA Department of Health. All 235 participants were notified of their individual results, along with information on national and community averages. Dr. Nair outlined the pilot project timeline, the project demographics, and demographic comparisons. The blood samples were tested for 11 PFAS chemicals. Four compounds (PFOS, PFHxS, PFOA, and PFNA) were detected in 79% of the participants. In general, PFAS levels were higher the closer the water source was to the military base. The serum levels were associated with receiving water from select public water systems, total length of residence in the study area, age of the study participants, employment in the area, and quantity of daily tap water consumption.

Regulatory Review Process

Laura Edinger, DEP's Regulatory Coordinator, explained that the policy for development and review of regulations was originally developed in 1996 and was last updated in 1999. The final updated policy was planned for publication in September 2019. The policy serves as a helpful tool for describing how the environmental regulatory review process is implemented in the Commonwealth. The purpose for the update is to increase clarity in language, modernize the policy where outdated, and remove non-substantive information such as DEP's internal workflow processes. The policy provides an overview of DEP's unique regulatory review process, development and drafting of regulations, interactions between DEP and other Commonwealth agencies, departmental advisory committees, boards, and councils, as well as public comment and the role of the regulatory review process. The update is being made to ensure that the policy remains relevant to current practice and was reformatted for readability and accessibility. The final contains clarifying edits and appendices with links.

Joint Meeting with DEP's Environmental Justice Advisory Board

On November 19, 2019, 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.

Regional Greenhouse Gas Initiative (RGGI)

Jessica Shirley, Policy Director at DEP, discussed the proposed CO2 Budget Trading Program, referred to as the Regional Greenhouse Gas Initiative (RGGI). RGGI has been around for 10 years, taking effect on January 1, 2009, and was the first mandatory cap-and-trade program for greenhouse gas (GHG) emissions. It currently includes nine Mid-Atlantic states. The system applies only to carbon dioxide emissions from the electric power plants with capacities to generate 25 megawatts or more. Creating the program as directed by Governor Wolf would put a direct price on the carbon pollution emitted by larger power plants. A draft rulemaking will go to the Environmental Quality Board (EQB) for consideration in the summer of 2020. There will be an extensive outreach period on the proposed and final to our advisory committees.

Under the Air Pollution Control Act, any funds received must be used in the elimination of air pollution. Additional considerations DEP is investigating right now include electricity rates costs. DEP is working with the PUC to address utility burden for low-income residents which recently resulted in a new policy statement from the Commission lowering the maximum “energy burden” thresholds for low-income individuals to 6% of income. DEP is also evaluating nuclear facilities and other non-carbon emitting energy resources not required to purchase credits because of zero carbon emissions. DEP will be working with the PUC and the grid operator PJM to identify solutions to help prevent PA’s electricity generators from being disadvantaged based on the Commonwealth’s participation in RGGI compared to generators in the non-participating states. Next steps: DEP will be seeking opportunities for engagement by the General Assembly, key stakeholders, and residents and businesses of PA. A draft Annex of the regulation is expected to be presented at an Air Quality Technical Advisory Committee and other advisory committees in the first quarter of 2020.

Office of Environmental Justice Update

Allison Acevedo, Director of OEJ, stated that seven environmental justice roundtables have been held across the state in the last year. OEJ has focused on building relationships through these roundtables. OEJ anticipates that roundtables will continue in 2020 with a report being developed in 2020 about the roundtables. Another core piece of the work of the OEJ is interagency initiatives. A great deal of the work focuses on health impacts and disparities. The OEJ is also working with DCNR to look at their work around their agency’s diversity policy. John Brakeall and DEP’s Environmental Cleanup and Brownfields program to partnered secure and administer a small communities assistant grant for Shamokin. A contractor AECOM was recently hired to prepare a brownfields inventory while DEP focuses on education, partnering with the City, organizations and others to understand brownfield sites in Shamokin and prioritize sites for redevelopment. Justin Dula has been working on efforts to look at the Philadelphia Energy Solutions (PES) site and future use. Justin has also been working with academic institutions in the northeast, working with Misericordia University and Nanticoke City for an economic development project with university students. He is also partnering with Delaware County Community College to bring their wastewater and drinking water operator program to the William Penn School District in Delaware County. OEJ will be hiring a regional coordinator for the western region. Moving forward, the OEJ wants to continue to engage internal programs to ensure that internal initiatives have an environmental justice and equity focus.

Environmental Education Office Update

Bert Myers, Director of Environmental Education (EEIC) discussed the environmental education grant program. Priority topic areas for the grant program include climate change, water, and environmental justice. The application period opened on October 31 for the 2020 EEO grants and will end on December 31. The EEIC hosts an annual webinar to promote the grant and walk applicants through the process of applying for a grant. The amount of monies that will be administered through the grant program this year will be \$300K. Bert also mentioned the Environmental Literacy Forum that is scheduled for January 2020. The OEJ and EEIC will be attending the Forum and participating in roundtable discussions that include environmental justice, workforce development, sustainable schools, and an evaluation of challenges and successes. Bert Myers also reiterated that the OEJ and the EEIC have been working in collaboration on a variety of activities. Through the collaboration of DEP’s OEJ and EEIC, DCNR, PDE, and the Penn State Extension an environmental education program was developed

for Environmental Teen Corp in Harrisburg. The students rotated through a variety of educational stations led by the participating agencies.

Oil and Gas Issues

Scott Perry, Deputy Secretary of the Office of Oil & Gas Management, first addressed the issue of brine spreading. He offered that the Department had historically authorized the use of conventional oil and gas well brines as a dust suppressant pursuant to a fact sheet, not pursuant to any permit under the Clean Streams Law or the Solid Waste Management Act. The Department was challenged on one of its authorizations by an individual in Warren County, and the Department basically agreed that it was not authorizing the use of the waste material properly, rescinded the approval, and has not issued any further authorizations for the use of brine. The Department has not noted any environmental impact from the use of brine as a dust suppressant. There are currently no plans to develop a regulation or a permit to authorize the use of brine, but there is significant public interest in the northwest counties to use brine as a dust suppressant, particularly in the municipalities that have historically used it. There has been no official action of the Department, but discussions, particularly with the Crude Oil Development Advisory Council, have been ongoing. Seneca Minerals, who owns several gas wells that are no longer producing gas but are producing brine, sells the brine for de-icing and dust suppression purposes. The brine is not waste, it is a product, and no Solid Waste Management Act beneficial use permits from the Department are required. Covanta, near Erie, also treats brine for use as a dust suppressant. Under the Solid Waste Management regulations, if a waste product mimics an intentionally-produced product that does not otherwise present harm to the environment, that waste product can be deemed a co-product and used in the same manner. Conventional operators are evaluating that opportunity. The Department does not require an application, but it can request the co-product determination materials and evaluate whether the material meets a co-product definition.

Mr. Perry stated that significant work has been done since 2008 to modernize the well construction regulations, as well as regulations governing surface activities at unconventional well sites. Performance in the field and compliance is as good as it has ever been in Pennsylvania and anywhere in the world. Very significant innovations at unconventional well site development have made Pennsylvania an international leader, i.e. completely pitless drilling during hydraulic fracturing and complete containment of contaminated materials on site. The goals of the Office of Oil & Gas Management for 2019 to make the office more efficient and use innovative techniques to achieve greater performance in the field.

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 2019:

- *Vision 2022: CAC's Environmental Policy Goals for Governor Wolf's Second Term;*
- Comment letter to DEP on the Draft Chesapeake Bay Phase III WIP;
- Letter to the General Assembly on HB1057 regarding Radon Testing in Schools;
- Letter to the General Assembly supporting the passage of the Keystone Tree Fund;

- The CAC concurred with the following Air Quality rulemakings in 2019:
 - Air Quality Fees Final Rulemaking
 - Draft Final No. 2 and Lighter Fuel Oil Sulfur Limits Rulemaking
 - PM 2.5 Precursor Final Rulemaking
 - Draft Proposed RACT Rulemaking for Control of VOC Emissions from Oil and Natural Gas Sources
 - Proposed Stage II Requirements at Gasoline Dispensing Facilities Rulemaking

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.