



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.

2021 Annual Report

Jerome Shabazz
Chair

Keith J. Salador
Executive Director

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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 for 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 vital 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, subcommittees 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 2021:

Robert Barkanic, Lehigh County

Jacquelyn Bonomo, Luzerne County

Dr. Jamie Bracey-Green, Philadelphia County

Cynthia Carrow, Allegheny County

Mark Caskey, Washington County

Lori Dayton, Greene County

David Dunphy, Philadelphia County

William C. Fink, Bedford County

Mitchell Hescox, York County

Duane E. Mowery, Cumberland County

John R. Over, Jr., Fayette County

Trisha L.R. Salvia, Esquire, Cumberland County

James Schmid, Delaware County

Jerome Shabazz (Chair), Philadelphia County

John St. Clair, Indiana County

Thaddeus Stevens, Tioga County

John J. Walliser, Esquire, Allegheny County

James Welty, Cumberland County

Timothy Weston, Esquire, (Vice Chair) Cumberland County

Patrick McDonnell, DEP Secretary, ex-officio

There was one vacant Council appointment in 2021.

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 2021.

Officers

During the 2021 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

Oil and Gas Issues

Abandoned Oil and Gas Wells

Seth Pelepko, Program Manager in DEP's Division of Subsurface Activities, Bureau of Oil & Gas Planning & Program Management, offered an update on the abandoned well plugging program. Mr. Pelepko reviewed Pennsylvania's significant history of legacy oil and gas development and the potential for hundreds of thousands of abandoned wells with no associated responsible party. The state's unfunded plugging liability is currently estimated at \$280 million but is forecasted to grow. An analysis of failed plugs suggests that further improvements may be necessary to ensure long-term plug integrity, and legacy wells are contributing to environmental and public safety risks.

Arthur Stewart, President of Cameron Energy Company, provided an industry perspective on this issue. Mr. Stewart has been involved in the conventional industry for 32 years. Mr. Stewart expressed deep concern about the urgent problem of plugging ancient oil wells. He fears that the window is closing because of deteriorating surface and downhole conditions and fears significant environmental impacts because of delayed plugging, including comingling of water sources and methane releases. Mr. Stewart believes the problem must be attacked while workers can still get to the wells, while most of the wells are still intact, and while plugging can still be done inexpensively.

Mining Issues

Citizens Coal Council: Act 54 Report Analysis

Stephen Kunz, Senior Ecologist at Schmid & Company, Inc., provided an in-depth analysis of the fifth Act 54 Report and summarized what he believes DEP needs to do going forward, including: developing a model to predict flow loss; suspending longwall mining beneath streams until a model is developed and implemented; protecting water resources; enforcing laws/regulations; honoring its trustee obligations; and continuing the five-year reporting per Act 54.

Pennsylvania's Surface Mining Control and Reclamation Act (SMCRA)

Funded Abandoned Mine Lands Program: Past, Present, and Future

Brian Bradley, Director of DEP's Bureau of Abandoned Mine Reclamation, provided an update on his program which administers the federal AML program to address the highest priority problems resulting from coal mining that occurred prior to passage of SMCRA. The program receives annual grants from the U.S. Department of Interior Office of Surface Mining

Reclamation and Enforcement and is funded by a per ton fee on coal mined nationwide. The AML program reclaims hazards such 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. Bradley discussed the program's key issues, accomplishments, economic impacts, inventory, state and tribal programs, and the Pennsylvania AML program.

The AML fee was set to expire in 2021 leaving billions of dollars in unreclaimed abandoned mine hazards across the nation with no resources. The AML program provides significant economic, environmental, and public safety benefits to the citizens of Pennsylvania, and loss of the program will have significant negative impacts on the state.

Regional Community Outreach and Education Program Support on Abandoned Mine Issues

Bobby Hughes, Executive Director of the Eastern Pennsylvania Coalition for Abandoned Mine Reclamation (EPCAMR), presented to the Council on his non-profit organization which is 26-years old and serves a 16-county area in northeastern and northcentral PA impacted by abandoned mines. EPCAMR employs seven staff and seasonal interns who build coalitions and partnerships to reclaim and redevelop abandoned mine lands, clean up streams impacted by past mine water pollution, build community capacity within the coalfields to undertake local implementation and assessment projects, and provide environmental education programs to underserved school districts.

Environmental Cleanup and Brownfields Issues

Hazardous Sites Cleanup and Brownfields Issues

Troy Conrad, DEP's Director of the Bureau of Environmental Cleanup and Brownfields, offered a presentation on the Hazardous Sites Cleanup Act (HSCA) which provides the Department with funding and authority to conduct cleanup actions at sites containing hazardous substances. Troy discussed HSCA's funded activities, the annual allocation of funds, a summary of the staff complement, projections for when the program will become insolvent, and potential impacts of HSCA deficits. Troy asked the CAC to consider crafting another letter to the legislature in support of HSCA.

Joel Bolstein, an attorney with Fox Rothschild, discussed his years of work with the Land Recycling Program in both private sector law firms and during his time at DEP. He provided details about the impetus for the program, departmental mobilization, scope of work, issues that arise during the cleanup process, and lessons learned from successfully remediated properties. Mr. Bolstein seconded Troy Conrad's request that the CAC consider crafting another letter to the legislature in support of HSCA.

Land Banks

Winnie Branton, Founder of President of Branton Strategies LLC, provided an overview on land banks. Land banks are governmental entities created by ordinance to provide strategies for addressing abandoned, vacant, and tax delinquent properties that lower property values and impose significant costs on local and county governments. Many of the properties have heavier liens and taxes due than the property is worth. There are often issues with title being passed down from generation to generation such that the properties have trouble being exchanged on the open market and many owners are either unwilling or unable to comply with property maintenance requirements. Land banks are one tool to help return blighted properties back into productive use and back on the tax rolls.

An Lewis, Executive Director of the TRI-COG Land Bank, discussed her organization and their experience with land banks. Tri-COG Land Bank was established at the end of 2017 and began acquiring properties in 2018 with the central goal of identifying abandoned and blighted properties and stewarding them back into productive use. TRI-COG is data driven and has GIS to help manage its own properties and to help community members, municipalities, and school districts make decisions based on the data. TRI-COG works with code and municipal officials, nonprofit organizations, and community groups, and focuses on building partnerships.

Andrea Mannino, Associate Director of Research and Evaluation, Housing Alliance of PA, also discussed her organization and their experience with land banks. The Housing Alliance is a statewide coalition working to provide leadership and a common voice for policies, practices, and resources to ensure that all Pennsylvanians, especially those with low incomes, have access to safe, decent, and affordable homes. It promotes commonsense solutions to balance Pennsylvania's housing market and increase the supply of safe, decent homes for low-income people. Ms. Mannino discussed legislation to address blight and the prevention of it, the creation of the PA Land Bank Network in 2020, an overview of land banks, and a look to the future.

Air Issues

Draft Final CO2 Trading Rulemaking

Allen Landis, a member of DEP's RGGI project team, provided details at CAC's April 2021 meeting on the key changes from the proposed to final rulemaking, the public comments, and modeling inputs. A modeling results presentation and CAC vote on the Annex A occurred at CAC's May 2021 meeting.

Energy and Climate Issues

2021 Climate Impacts Assessment

Lindsay Byron, Climate Program Manager in DEP's Energy Programs Office, provided an update on the 2021 Climate Impacts Assessment. This comprehensive presentation discussed DEP's climate program, the 2021 climate impacts assessment report, and Pennsylvania's ongoing energy and climate efforts.

Pennsylvania Energy Storage Assessment

Geoff Bristow, Regional Energy Program Manager, DEP's Energy Programs Office, gave an overview on what energy storage looks like in Pennsylvania, an analysis of energy storage potential, barriers to energy storage, and policy recommendations to improve the current situation.

2021 Pennsylvania Clean Energy Industry Workforce Development Needs Assessment and Gap Analysis

Kerry Campbell, Energy Program Manager, DEP's Energy Programs Office, discussed the need for new entrants into the clean energy workforce, employment statistics and overall hiring difficulties in that workforce, and provided an employment gap analysis with recommendations for moving forward.

Radiation Protection Issues

Radiological Decommissioning

Dave Allard, Director, Bureau of Radiation Protection (BRP), and Bryan Werner, Program Manager, BRP, provided an overview of the Bureau of Radiation Protection's role in facility decontamination and decommissioning in the Commonwealth, described the various categories of decontamination and decommissioning projects, and noted the various state and federal standards and agencies involved.

Joint Meeting with DEP's Environmental Justice Advisory Board

Advisory Committee Demographic Survey Results and Recommendations

Abbey Cadden, Executive Policy Specialist, DEP Policy Office, discussed DEP's concerted effort to diversify representation on its 30 boards, committees, and commissions. A survey was sent out to those groups in July 2021 and approximately 44% of the members responded. The responses provided baseline data upon which to improve over time. Next steps include sharing of the information with DEP staff through training and working to develop an internal policy regarding advisory board membership.

GreenGov Council

Mark Hand, Director, and Matt Reis, Assistant Director, provided an overview of the GreenGov Council. The GreenGov Council was established by Executive Order 2019-01 with the goal to achieve a 26% reduction in net greenhouse gas emissions statewide by 2025 and an 80% reduction by 2050. In conjunction with Governor's Office, the GreenGov Council is chaired by the Secretaries of DGS, DEP, and DCNR with a mission to encourage incorporation of environmentally sustained practices into the Commonwealth's policy, planning, operations, procurement, and regulatory functions. The presenters discussed Commonwealth agency responsibilities and goals, energy reduction and renewable energy, high-performance building construction, utility management, EVs and EV charging development, construction and leasing specs, products and materials, and next steps.

Actions Taken

Throughout the year, the 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 2021:

- Letters to both chambers of the General Assembly advocating for the passage of legislation that will appropriate a funding source for the Hazardous Sites Cleanup Fund;
- Letters to each member of the Pennsylvania Congressional Delegation advocating the passage of the Abandoned Mine Land Reauthorization Act;
- The CAC concurred with the following Air Quality rulemakings in 2021:
 - Interstate Pollution Transport Reduction CO2 Budget Trading Program Final Rulemaking;
 - Pennsylvania Clean Vehicles Program Proposed Rulemaking;
 - Control of Emissions from Gasoline Dispensing Facilities (Stage I and Stage II) Final 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.