

December 31, 2001

Governor Mark Schweiker:

The Citizens Advisory Council (CAC) to the Pennsylvania Department of Environmental Protection (DEP) is pleased to submit our *Annual Report* of Council activities for the period from October 2000 through December 2001.

The CAC is composed of volunteers -- people who give a substantial amount of time to assist the Department and the Commonwealth with environmental matters. In addition to the monthly Council meetings, additional committee responsibilities and frequent phone conferences, many Council members also serve on key state advisory committees and other initiatives. For example, five members serve on the Environmental Quality Board, while other members serve on the Environmental Justice Workgroup, the Oil & Gas Technical Advisory Board, the Mining and Reclamation Advisory Board, the Solid Waste Advisory Committee, the Air Quality Technical Advisory Committee, and the Low-Level Radioactive Waste Advisory Committee. These advisory committees require time and a commitment of resources that go beyond Council's regular business.

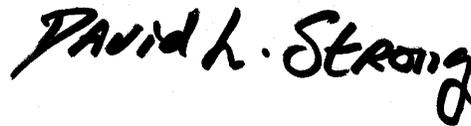
The following report summarizes the many activities with which the Council has been involved during the last year, such as:

- **Water** issues remained a major topic, with increased attention on water conservation and management. Issues of particular importance included Comprehensive Water Resources Management, the Draft Antidegradation Guidance Document, Total Maximum Daily Loads (TMDLs), Construction Standards for Domestic Water Wells, the Proposed Drinking Water Operator Certification Program, and the Great Lakes Annex 2001;
- **Mineral resource** issues included changes to the Coal Refuse Disposal Regulations and the Act 54 Supplemental Report;
- **Air quality** issues included power plant proliferation, an update of the Air Quality Program, and the air quality indicators for the Environmental Futures Planning Process (EFP2).

- **Waste** issues included the proposed Safe Fill Regulations and Organic Materials Recycling.
- **EFP2** has become a major part of Council's activities. Council continues to work towards improving the public participation aspect of this initiative. In particular, Council convened a meeting of DEP's other advisory committees to encourage and coordinate their involvement in the process.

These and our other activities are discussed in more detail in the attached *2000-2001 Annual Report*. Council welcomes comments from you, members of your administration, the General Assembly, and other citizens of the Commonwealth regarding matters of environmental concern in Pennsylvania. We take our responsibility seriously and encourage all citizens to participate in the protection of our air, water and soil.

Sincerely,

A handwritten signature in black ink that reads "David L. Strong". The signature is written in a cursive, slightly slanted style.

David L. Strong
Chairperson



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**COUNCIL HONORS GAIL ROCKWOOD FOR HER
OUTSTANDING RECORD OF SERVICE TO THE CITIZENS
OF PENNSYLVANIA**



Gail Rockwood's record of service to Council and to Pennsylvania extended for 25 years, from June 1976 to June 2001. Ms. Rockwood served as Council's Chairperson (1990 – 1992) and Co-Chairperson (1978 – 1979 and 1996 – 1997). She also served as the Chairperson of two Council Committees: Administrative Oversight (1994 – 2001) and Environmental Standards (1996 – 1997). Additionally, Ms. Rockwood was elected to the Mining and Reclamation Advisory Board (1985 – 1994), and served for 20 years as one of Council's elected members to the Environmental Quality Board (1980 – 2000). During that time period, she became recognized as the most informed and involved member of that Board. Ms. Rockwood is the only Council member to be reappointed by four successive governors.

Ms. Rockwood has been, and continues to be, an active citizen advocate for environmental issues. In 1991, she gained recognition from the Pennsylvania Wildlife Federation (PWF) as Conservation Professional of the Year. In 1999, the PWF created the *Gail Rockwood Public Service Award* in her honor.

Ms. Rockwood represents true dedication to environmental protection and public service. She has consistently displayed the ideals of volunteerism, and portrayed leadership, commitment, integrity, selflessness and sincerity in her activities with Council. Council thanks her for her tireless and extraordinary service to the citizens of Pennsylvania.

CAC 2000-2001 ANNUAL REPORT

I. COUNCIL OVERVIEW



Since its creation in 1971, the Citizens Advisory Council has been actively involved in Commonwealth environmental issues. The 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 (DEP). In addition, the 1992 amendments to Pennsylvania's Air Pollution Control Act require DEP to consult with the Council in developing state implementation plans and regulations to implement the federal Clean Air Act. To carry out these responsibilities, Council by law is granted access to all DEP records (Section 1922-A of Act 275 of 1970). The Council reports annually to the Governor, the General Assembly, DEP and the public.

The Council consists of 18 appointed citizen volunteers. The Governor, the Speaker of the House of Representatives and the President Pro Tempore of the Senate appoint six each with no more than half from the same political party. Because the appointments originate from different authorities, the Council's membership is geographically, politically and professionally diverse. Appointees must be familiar with the work of DEP and willing to commit the time and energy required. Members serve staggered 3-year terms and may serve until successors are appointed. The Secretary of Environmental Protection is also a member.

The Council meets monthly, except August and December, and at the call of the chairperson. Meetings are open to the public and advertised as required by the Sunshine Act (Act 84 of 1986). Each year the Council holds a regional meeting in a different part of Pennsylvania to give citizens and groups in that area an opportunity to speak about their environmental concerns. The 2001 meeting was a strategic planning and outreach meeting, with special emphasis on advisory committee engagement in the Department's Environmental Futures Planning Process. The meeting was held from September 24 to September 26, 2001, in Harrisburg.

Five Council members are elected annually (Sections 471 and 1920-A of Act 275 of 1970) to serve as the only citizen representatives to the 20-member Environmental Quality Board, DEP's rulemaking body. In addition, 4 are elected (Section 18 of Act 181 of 1984) to serve on the Mining and Reclamation Advisory Board. The Council also holds seats on the Low-Level Radioactive Waste Advisory Committee, the Solid Waste Advisory Committee, and the Environmental Justice Workgroup.

The Council selects a representative to the Environmental Hearing Board Rules Committee (Section 5 of Act 94 of 1988), and also submits to the Governor 3 names representing the public interest to serve as Council's appointment to the Oil and Gas Technical Advisory Board (Section 216 of Act 223 of 1984).

The Council by law (Section 448 of Act 275 of 1970) is granted the independence to hire its own staff. Current staff includes an Executive Director, Susan M. Wilson; an Environmental

Planner, Daniel E. Snowden; and an Administrative Assistant, Stephanie Mioff. The Council's offices are located on the 13th floor of the Rachel Carson State Office Building in Harrisburg. **For more information write to P.O. Box 8459, Harrisburg, PA 17105-8459, call (717) 787-4527, fax (717) 787-2878, e-mail to SUSWILSON@STATE.PA.US, or visit the CAC's web site at <http://www.cacdep.state.pa.us>.**

II. INTRODUCTION

The objective in creating the Council in 1971¹ was to establish a non-partisan advisory body to the Department that would represent citizen viewpoints and provide objective analyses of the Department's performance and on environmental issues in general. This legislation gave the Council three specific charges:



Thirty Year CAC Anniversary -
Taken: September 25, 2001, on the steps to the auditorium in the Rachel Carson State Office Building, Harrisburg, PA

1st Row: Left to Right: Walter Heine, Scott Cannon, Daniel Snowden (staff), David Strong (Chair), Maurice Sampson, Cynthia Carrow, Susan Wilson (Executive Director)

2nd Row: Left to Right: Jeffrey Adams, Burt Waite (Vice Chair), Stephanie Mioff (staff), Thad Stevens, Jolene Chinchilli, David Mankamyer

3rd Row: Left to Right: John Ford, Paul Hess, Carl Everett, Margaret Urban, Michael Washo

"(a) The Citizens Advisory Council shall review all environmental laws of the Commonwealth and make appropriate suggestions for the revision, modification and codification thereof.

(b) 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 or belonging to the Department.

(c) The Council shall advise the Department on request, and shall make recommendations upon its initiative, for the improvement of the work of the Department."

This report highlights the activities, positions and recommendations of the Citizens Advisory Council, pursuant to these mandates, from October 2000 through December 2001². Where appropriate, the current status of an issue is reported following the discussion.

¹Council's enabling legislation was Act 275 of 1970

²Beginning with this report, Council is moving to a calendar year reporting basis

III. WATER ISSUES

Water issues continued to be a major topic this year, including Total Maximum Daily Loads, Construction Standards for Domestic Water Wells, the Great Lakes Annex 2001, Comprehensive Water Resources Management, proposed changes to the Drinking Water Operator Certification Program, and the draft Antidegradation Guidance Document.

Total Maximum Daily Loads (TMDLs)

TMDLs are a water body's sum total of individual waste load allocations and additions. They are applied to water bodies that have been impaired by one or more point sources, such as industrial or sewage discharges, or non-point sources, such as agricultural runoff or abandoned mine lands. They identify the allowable pollutant loads to a water body from both point and non-point sources that will prevent a violation of water quality standards.

During Council's October 2000 meeting, Stuart Gansell, Director of DEP's Bureau of Watershed Conservation, gave an overview and status report on TMDLs. Mr. Gansell addressed the causes and sources of impairment, explained how TMDLs are developed and implemented in Pennsylvania under Section 303(d) of the Clean Water Act, and stated that a draft TMDL plan for Pennsylvania was being prepared.

Council's concerns on the TMDL issue included the following:

- TMDLs and Glacial Lakes: It is difficult to calculate TMDLs for nutrient and phosphorus levels in glacial lakes, as they naturally contain large concentrations of these substances. TMDLs apply to the impacts of human activities upon surface waters, and cannot be applied in order to reduce ambient pollutant loads in surface waters;
- TMDLs and Antidegradation: This relationship could be established through stream assessments, such as "impaired" vs. "non-impaired", or through specific surface water assessments, particularly with high-quality and exceptional value streams;
- TMDLs and Fish Consumption Advisories: TMDLs are factored into other related standards, including fish consumption;
- TMDLs and National Pollutant Discharge Elimination System (NPDES) Standards: The concern was whether TMDLs allowed NPDES standards to be exceeded; either set of standards may be adjusted for various situations, but exceedances are not allowed; and
- Next Round of TMDLs: These will be submitted by April 4, 2002.

Status: TMDLs are a priority issue for Council and will be a regular agenda item.

Construction Standards for Domestic Water Wells

There is growing evidence that improperly constructed wells may be allowing aquifers to become contaminated. USGS and some unpublished studies indicate that as many as 70 percent of Pennsylvania's domestic water wells in the Lower Susquehanna River Basin have coliform bacterial concentrations above DEP and EPA drinking water standards. In November 2000, the Water Committee convened a panel on domestic water well construction standards. Invited panelists included Richard Wright of the Pennsylvania Council of Professional Geologists, Charles Eichelbacher of the Pennsylvania Groundwater Association, and Keith Klingler of the Pennsylvania Landowners' Association. Mr. Wright discussed the advantages and disadvantages of having construction standards for domestic water supply wells in Pennsylvania, and Mr. Eichelbacher focused upon pending water well construction standards legislation. Mr. Klingler was unable to attend.

In May 2001 Council approved a letter supporting legislation that addresses water well construction, along with the licensing of water well drillers and contractors. There are two bills currently under consideration: HB 1591 and SB 870, both of which are entitled "*The Water Well Construction Act*". These bills would establish statewide minimum standards for domestic water well construction, modification and closure, and training and licensing requirements for water well drillers and contractors. These bills will help protect the integrity of Pennsylvania's groundwater resources by providing an accurate picture of overall groundwater quality and use, along with protecting groundwater from infiltration of contaminants through unsealed wells. Another letter reiterating support for HB1591 was sent in October 2001.

Status: The House passed its version of the Water Well Construction Act (HB 1591) on November 19, 2001, by a vote of 189 – 7. The bill was referred to the Senate Environmental Resources and Energy Committee on December 3, 2001. SB 870 was referred to the Senate Environmental Resources and Energy Committee on May 11, 2001.

Great Lakes Annex 2001

Council reviewed Annex 2001, which would amend the Great Lakes Charter of 1985 to manage future development of diversions and consumptive uses of the water resources of the Great Lakes Basin. While Council agreed with Annex 2001 in principle, there were some specific concerns that were communicated to the Department in a February 27, 2001 letter to the Department's Director of the Office of River Basin Cooperation:

- **De Minimis Threshold**: While there are administrative advantages to using a de minimis threshold for withdrawals, it also sets a precedent that should not proceed without a sound scientific basis. Related considerations include:
 - The projected cumulative impact of de minimis withdrawals upon the Great Lakes ecosystem over the next 10 to 20 years;

- The environmental impacts of infrastructure and construction needed to implement de minimis withdrawals, and the cumulative impacts of such construction and infrastructure, in addition to water loss from withdrawals;
- The need for clear criteria in Annex 2001, including a provision requiring analysis of the cumulative impact of diversions and consumptive uses, and providing for health and safety variances;
- Public Involvement: Pennsylvania has made significant strides in empowering its citizens to assist in restoring and protecting their watersheds, and in providing local governments with the tools needed to plan for local land use. Concerns with the Annex in this regard, include:
 - The need to factor public involvement and education into the development of the Annex and the final agreement;
 - How Annex 2001 will affect Pennsylvania’s land use policy, goals and objectives laid out by the 21st Century Environmental Commission, and ensuing programs and policies;
 - The need for Annex 2001 to address water diversion issues in terms of sustainable growth in the region and the integrity of the surrounding ecosystem; and
 - The need to include a commitment to develop a strategy for restoring, protecting, and guiding improvements to the Great Lakes ecosystem;
- General Water Resource Protection: There is a need to integrate water supply and water quality considerations into the Annex and the final agreement; other related needs include:
 - The need to account for the full range of human actions, besides water withdrawals, that damage the Great Lakes water system;
 - The need to require stronger conservation provisions; and
 - The possible requirement of an Environmental Impact Statement under the Environmental Policy Act, due to the Annex’s relationship to the U.S. Water Resources Development Act (WRDA) of 1986.

Update: On June 18, 2001, Annex 2001 was signed by the governors of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin, and the premiers of Ontario and Quebec. Several changes made to the Annex address some of Council’s concerns. These changes include:

- *Deletion of the de minimis withdrawal amount (1 million gallons per day) in the Annex;*
- *Addition of language about “collective commitments on water resource use”, “preventing and minimizing Basin water losses through return flow and environmentally sound and economically feasible water conservation measures” (withdrawal threshold concern), “water projects covered under the WRDA will require proper (though non-binding) notification of an consultation between Governors and Premiers” (WRDA concern), “developing a decision support system that...includes an assessment of available and existing systems, a complete update on existing water uses, an identification of needs, and*

a plan to implement the ongoing support system” (sustainable growth concern), and “allowing no significant adverse individual or cumulative impacts to the Basin” (ecosystem protection concern) in the Annex’s various directives;

- ❑ *Inclusion of language on binding agreements to allow Governors and Premiers to better “protect, conserve, restore, improve, and manage the waters and water-dependent resources of the Great Lakes Basin” (ecosystem protection concern); and*
- ❑ *Additional public involvement language: “the Governors and Premiers commit to continue a process that ensures ongoing public input in the preparation and implementation of binding agreements...through periodic progress reports to the public”.*

Comprehensive Water Resources Management



Council has long advocated a holistic and comprehensive approach to water resources management in Pennsylvania. Council members participated in the Department’s Water Resources Forums, which were held at various locations throughout the Commonwealth from April 16, 2001 to June 4, 2001. The forums provided an opportunity for citizens to present their views on improving Pennsylvania’s water resources management approach. In June 2001 Council sent a letter in support of the water resources forums effort, along with its March 2000 Water Resources Position Statement, to further support the need to address a broad range of water resource issues.

Council retains its position that Pennsylvania needs to comprehensively protect and manage the quality and quantity of both surface water and groundwater. Pennsylvania needs to replace its antiquated laws on water resources management, with an integrated system of plans, policies, programs, projects and actions that provide for the inventorying, evaluation, development, use, conservation, and protection of its water resources. Pennsylvania’s legal and institutional systems need to define water rights and resolve conflicts concerning water quality and quantity, so that current and futures users, aquatic systems, and public health and safety will be protected.

Council was represented at DEP’s briefing on the direction it plans to go as a result of the forums, and also discussed this and other Water Management program initiatives for the 2001-2002 fiscal year during its September 25, 2001 Strategic Planning meeting. Deputy Secretary Tropea announced that a Water Conservation Congress would be held in State College on December 13, 2001. This event will mark the first time that water users and water technology providers have an opportunity to exchange ideas about water conservation; the event could lead to the development of voluntary “Water Use Principles” to govern water management and use in Pennsylvania. Council staff has been involved in planning the Congress.

Status: Council continues to monitor related legislation and will respond to DEP’s proposed legislation when it is released for review.

Proposed Water and Wastewater Operator Certification Program

Council maintains that safe and reliable operation of water and wastewater systems by thoroughly trained operators is essential to protecting public health and the environment. Council reviewed HB 1830, which would amend the Sewage Treatment Plant and Waterworks Operator's Certification Act. On August 8, 2001, Council sent a letter to members of the Senate and House Environmental Resources and Energy Committees supporting this legislation. This legislation adopts the federal guidelines for the Drinking Water Operator Certification Program, which require that a certified operator must make all water process control decisions. It will also increase professionalism in the field of water and wastewater systems operation through enhanced requirements for experience, education and continuing education/training. Pennsylvania's current program for water and wastewater systems operators does not require operators to meet any minimum training requirements in order to achieve or renew certification.

There will be economic impacts from imposing the requirements in this legislation as the Department estimates that 30 to 40 percent of Pennsylvania's water and wastewater systems do not currently have certified operators. However, this legislation includes provisions to address the economic concerns that may be felt from small systems. Failure to implement the provisions addressed by this legislation will result in the loss of a substantial amount of federal State Revolving Fund monies.

Status: The House passed the amendments to the Sewage Treatment Plant and Waterworks Operators Certification Act (HI 1830) on November 19, 2001, by a 195 – 1 vote. The bill was referred to the Senate Environmental Resources and Energy Committee on December 3, 2001.

Antidegradation

Council has been involved in shaping the antidegradation program for many years. On August 1, 2001, Council provided testimony to DEP on the *Draft Antidegradation Guidance*. At that time, Council announced that it was postponing developing its own comments and recommendations on the *Guidance* until it had the opportunity to review public comments received by the Department on the document.

On September 28, 2001, Council sent a letter detailing its concerns and recommendations regarding the *Guidance* to Secretary Hess:

- Council supports the regulation as published and finds the newly implemented process to be an improvement over both the old program and the proposed regulations. The draft *Guidance* generally reflects the regulations as promulgated;
- The issue of non-point source pollution is handled inconsistently and inadequately throughout the *Guidance*; DEP must take affirmative action to meet its legal obligations;
- The water quality criteria in the antidegradation program must be used to protect all categories of surface waters, not just certain categories; we need to enhance and protect the biological integrity of all stream systems, and never allow the degradation of existing uses, including threatened and endangered species and their habitats;

- DEP should gather and/or verify the accuracy of stream data when making existing use designations;
- The *Guidance* should clarify which species are of “Unique Ecological Concern”, and whether these species are on a state or national list;
- The *Guidance* mentions a public notification pilot, but it is not clear how the pilot is defined, the number of streams involved, its duration, etc. Council supports the pilot if its intent is to promote more effective and broader notification of all affected parties (not just property owners) of actions affecting either stream quality or property rights, and particularly, the use of new and innovative mechanisms to more effectively notify people. The Department should test new means such as the use of its e-Notice function, as well as radio, cable, newspaper advertisements and municipal and county mechanisms to alert those interested in a pending action;
- Council supports protecting existing uses during the stream redesignation process. The *Guidance* needs to explain how existing use protection applies to Cold Water Fish and Warm Water Fish streams in degradation situations. Once a stream’s existing use has been determined or changed, notice should be given in a clear manner, prior to any discharge approvals;
- There are valid concerns in both directions about the application of scoring criteria. The *Guidance* should not be more stringent than the regulations, but it should also not allow for the dilution of the pool of reference streams;
- The Department should make Chapter 12 of the *Guidance* into a checklist of what public participation must be done at each stage. This checklist should be combined with fact sheets that explain the various public participation opportunities; these fact sheets should accompany the notifications regarding either a stream redesignation or permit action;
- Some commenters questioned the Department’s authority to include the impacts of water withdrawals. Neither the *Guidance* nor the regulations control the withdrawal itself, but they appropriately consider the impacts of the withdrawal on water quality and stream use;
- Difficulties still exist with Social and Economic Justification. The Department should acquire the necessary technical skills to demonstrate that “the benefits of a stream-related proposal clearly outweigh the environmental impacts of lower water quality;”
- The Department should reconsider providing a choice of cost effectiveness methodologies in the *Guidance*, as this could lead to conflicting results when applicants choose different methodologies to support their cases;
- Council supports the *Guidance*’s consistency with the Great Lakes Initiative position of maintaining ecological integrity based upon good science;
- The Department should clarify whether the omission of the grandfathering of existing discharges in redesignated watersheds was an oversight, or, whether it has an existing policy on this issue;
- The Department should develop fact sheets and flow charts to complement the *Guidance*, as the program is still difficult to assimilate and understand;

- Council recommends that the Department move beyond the debate that occurred during the regulatory deliberation; some of the comments appear to be attempts to reopen this debate.

Status: The Antidegradation Guidance is still in draft form; the Department plans to finalize this document by the spring of 2002.

IV. MINERAL RESOURCE ISSUES

COAL REFUSE DISPOSAL

During its January 17, 2001 meeting, Council heard a presentation from the Department's Mining and Reclamation staff on changes to the Coal Refuse Disposal regulations, Chapters 88 and 90. The regulatory package included provisions for site selection, groundwater and surface water protection, and a provision to encourage the use of areas with pre-existing discharges. Currently, there are 109 coal refuse disposal sites; 64 are active, 18 are inactive, 16 have either been reclaimed or are in the process of being reclaimed, 6 have had their bonds forfeited, and 5 are new and in compliance with their permits.



Council had concerns about these changes, including the lack of specific standards for liner and monitoring well standards to protect groundwater, and the size of bonds for coal refuse disposal sites. Council raised these same concerns at the Mining and Reclamation Advisory Board meeting, where changes were made to include references to appropriate guidance documents.

Status: The EQB adopted the changes (as amended by the MRAB) to Chapters 88 and 90 as a Final Rulemaking on April 17, 2001; this action was published in the Pennsylvania Bulletin on July 14, 2001.

ACT 54 – SUPPLEMENTAL REPORT

Act 54 of 1994 amended the Bituminous Mine Subsidence and Land Conservation Act and required DEP to collect and analyze data on the effects of deep mining on subsidence of surface structures and features and water resources, including public and private water supply sources. Council raised a number of concerns, including the credibility of the original 5-year report. Council was concerned about the quality and statistical validity of the data, the inability of the data to support some of the report's conclusions and the report's lack of a comprehensive evaluation of deep mining's impact upon water resources and their associated social costs (e.g., water losses, lowered property values).

During this reporting period, Council had the opportunity to review and comment on the Department's Act 54 Supplemental Report: "*The Effects of Mining on Surface Structures and Features, and Water Resources*". Council found the supplemental report to be more comprehensive in its coverage of confidentiality agreements and claims resolutions, and much improved in tone and in the clarity and neutrality of presented data and conclusions. Pending

studies identified in the report will help to address some of the remaining issues and questions. Council's remaining questions and comments included:

- Pace of Resolution Process: Although the report presents a more complete picture on the number of resolutions, there is limited information concerning the pace of the resolutions. The report shows the number of claims and the number resolved, but the figures are based on a static population (i.e., claims filed between August 1993 and August 1998). Council questions whether the claims resolution process is working adequately and in a timely manner. Council recommends that DEP focus upon ensuring timely resolution of claims still in process.
- Evaluation of the Extent of Impacts: Section 18.1(b) of Act 54 lays out the premise of the report, which is to determine, “...to the extent possible, the effects of deep mining on subsidence of surface structures and features and on water resources, including sources of public and private water supplies.” Instead of focusing on the extent of the effects, the report focuses on the extent of compliance with the requirement to repair damages. Council would like DEP to evaluate the extent of damage that has occurred, costs, and the impact on property values (a study on this is pending).
- Water Loss Amounts: There is no evaluation of how much water loss occurred, either through reduction in quantity or quality. There is no information on whether the final water supply resolutions were full restoration or not, and if not, how much was affected or ‘lost.’ For those cases that were resolved through compensation, there is clearly at least some percentage of permanent water loss unaccounted for by the analysis. For those cases that were resolved through connection to public water supply, it is unclear in the report as to whether a new or repaired well was not viable, and how many wells required treatment as a result of mining impacts.
- Related Water Concerns: Information on the number of water supplies affected does not fully answer questions about the hydrologic impacts of full extraction mining, or whether individual property owners should be permitted to sell water rights. How do we compare the value of coal obtained against the value of future water supplies? DEP should require coal operators to collect adequate information on pre-mining water levels (i.e., information including periods of high recharge as well as periods of drought) and quality in order to evaluate whether or not water supplies are being fully restored.
- Stream Impacts: Council strongly supports DEP for pursuing studies of the effects of longwall mining on streams, wetlands and riparian areas. However, the report presents but does not analyze the data DEP already has on stream impacts. This raises two issues:
 - The data presented indicate that either diminution and/or pooling occurs to 100% of the streams undermined, yet the extent of impacts and how impacts were addressed are not discussed. Further, the issue of why stream impacts haven’t triggered action under the antidegradation program is unmentioned;
 - The Mining Program uses a perennial stream definition that differs from the definition used in DEP’s other programs to differentiate “perennial” and “intermittent” streams. Further, the mining program reportedly allows the mining company to make the perennial or intermittent determination.

- Bonding: The report provides data that indicates an average property damage claim of \$79,000 (not including water). Although this figure may over/understate the actual average since it is based on information randomly collected, Council sees a need to collect accurate cost information, not just incidence of claims. Council also recommended reviewing the adequacy of bonding requirements for deep mines. Given the frequency of property and water supply damages, Council is concerned about the adequacy of the bonds required for underground mining (especially given the scope and speed of longwall mining). Council is also concerned about whether the physical and chemical impacts to water resources are covered by bonding, and how to ensure that impacts will be addressed.
- Rebuttable Presumption: Council questioned how the Department determines that mining did not cause certain reported claims; (does it conduct an evaluation or simply determine that the property is outside the 35-degree angle of draw?). The concept of rebuttable presumption is not intended to serve as a bright line threshold of where the regulated activity is automatically free and clear of responsibility; it instead is meant to serve as a measure of where the activity is presumed responsible, and outside of that area, may still be responsible. If not already doing so, the Department should be required to evaluate whether mining caused damage beyond the area inside the angle of draw, not use the angle of draw boundary as a basis to release the company from liability.
- Statute of Limitations: Council learned of one damage claim report that the property owner did not file timely with DEP because the owners were in discussions with the coal company. When the “negotiations” were not successful, the owners discovered it was too late for them to file the claim, even though DEP was aware of the situation throughout. It is unclear whether there are other such “statute of limitations” cases, but the occurrence indicates a need for more effective outreach to property owners about their rights and responsibilities. It may also indicate a need to change how the “statute of limitations” is administered with fair and adequate protection of property owners’ rights as the desired outcome.
- Other Data Needs: The report indicates that changes to Chapter 89 went into effect in June 1998 to require operators to report claims of subsidence damage to a structure or land within 10 days, and to report claims of water supply contamination, diminution or interruption within 24 hours. It also indicates that since February 2000, DEP has used a modified form for operators to report claim information. The modified form solicits information on the cost of compensation provided for repairing subsidence damage, and on the cost and nature of mitigation measures taken to reduce the level of damage sustained by the structure. The report states, *“To date, mine operators have not provided the requested cost information, and DEP is evaluating alternative means of obtaining this information.”* This matter needs to be addressed.
- Reporting on the Status of Claim Resolutions: More frequent reports on the status of claim resolutions (rather than the 5 year frequency laid out in Act 54) would be beneficial. The very fact of the Department’s scrutiny (as well as heightened scrutiny by others) seems to have improved compliance with the requirements and has clarified some of the shortcomings of the program.

- Property Rights: Act 54 requires a mine operator to restore or replace water supplies affected by underground mining. It allows any landowner or water user who claims that their water supply has been affected to seek any remedy other than those laid out in the Act (restoration or replacement). However, should they so choose, the “provisions of the act do not apply and the (mining company) may assert any rights or waivers arising from provisions contained in deeds, leases or agreements pertaining to mining rights or coal ownership on the property in question.” Council questions whether Act 54 properly balances surface owner rights against mineral rights, as it only provides them certain limited protections.

Status: DEP responded to Council in writing in July 2001, and met with Council in November 2001 to address some of the concerns with the Act 54 Supplemental Report. They also reported that the contracted studies of the impact on property values and on wetlands were on target. Council will continue to provide input on Act 54, particularly the deep mining issues, since no other advisory committee is involved in these issues.

V. AIR QUALITY ISSUES



POWER PLANT PROLIFERATION

The issue of power plant proliferation was initially raised during Council’s September 2000 Regional Meeting in Allentown. Testifiers indicated that within a 30-mile radius of Palm, Pennsylvania, 13 new plants and 1 capacity upgrade are proposed for a total of 6,922 MW; within a 15-mile radius, 8 new plants (3,745 MW) are proposed. Pennsylvania already generates more electricity than it uses. The main concerns and recommendations raised during testimony were related to water use, siting, and air pollution.

- Water Issues: Most power plants are designed to use large quantities of water in the cooling towers; the typical consumptive use from this practice is around 80%. Alternative designs that use less water, such as those that utilize air-cooling, are technically feasible, and should be encouraged in new power plants. Water withdrawal from and discharges to cold-water streams may cause thermal degradation to trout habitats; potential impacts should be evaluated for power plants within a cold-water fishery. DEP may also need to establish policies, requirements, and guidelines for the use of treated effluent in cooling tower applications, including the permitting of tertiary treated wastewater for such uses, and setting limits for contaminants such as organic compounds, fecal coliform, and suspended solids;
- Air Pollution Issues: Pennsylvania’s Northeast Region is one of only five regions in the United States still considered severe ozone non-attainment areas. Adding new power plants could make it harder for counties that are already having difficulty reaching compliance; the new plants will compete with older, dirtier plants instead of replacing them, and the result could be a net gain in air pollution, despite cleaner technologies in the new plants. There was also a concern that although the Emissions Reduction Credit program may be required for the new power plants, it is not stringent enough to protect the

environment and human health. Testifiers recommended lowering the current NO_x standard to take advantage of rapid advances in air pollution technology, and holding power plants to the lowest emissions attainable as required by the Clean Air Act. An additional recommendation was that instead of building more power plants, Pennsylvania should focus on conservation by adopting building codes with strong conservation regulations, incorporating passive solar energy into building designs, and requiring energy efficient appliances.

- Siting Issues: Pennsylvania has no safeguards to prevent the over-construction of power plants within its borders, and this could adversely affect the Commonwealth's energy conservation and environmental protection efforts. Pennsylvania's Northeast Region generates enough power to support its own demand; there was significant sentiment that any proposed power plants should be placed closer to where the power is needed, as well as where they will do the least harm to the environment and the public. Some testifiers recommended the creation of a siting council to review the need for and sustainability of proposed power plants.

Council agreed that proliferation of power plants in the area appeared to be explosive, and recommended that:

- Local governments use the tools and mechanisms in the amendments to the Municipalities Planning Code (Acts 67 and 68). These laws help to ensure that local ordinances are factored into permit decisions, and allow local governments to determine how their land will be used.
- DEP address the air quality impacts of adding power plants to Pennsylvania's Northeast; Council also questioned how DEP plans to address the increased emissions in an area already in non-attainment, and whether DEP plans to require lower limits based on technology;
- DEP develop a plan to address the concerns regarding cooling water withdrawals from and/or discharge to environmentally sensitive streams;
- DEP develop a plan to encourage environmentally appropriate power plant designs, such as those that use less water for cooling, and the Best Available Control Technology for air emissions;
- DEP's Office of Pollution Prevention should have plans to promote energy conservation to reduce the demand for new power plants;
- The Public Utility Commission (PUC) should meet with Council to discuss these specific power plant proliferation matters: how many are projected to be built, the reliability of the Pennsylvania-New Jersey-Maryland power grid, and any resulting reliability issues from the new plants. Council also requested that the PUC respond to the siting issues and recommendations raised by the testifiers.

During Council's March 2001 meeting, the power plant proliferation issue was addressed by Bill Gast, Chief of DEP's Water Planning Division; Bob Barkanic, Deputy Secretary for Pollution Prevention and Compliance Assistance; and Andrew Tubbs of the PUC. Mr. Gast's

presentation focused on water issues related to power plants, particularly water withdrawals and discharges. Mr. Barkanic's presentation dealt with energy conservation and efficiency efforts, including high-performance schools, energy-efficient industries, alternative energy sources, and education and outreach efforts. Mr. Tubbs' presentation dealt with the PUC's input to the power plant siting process, which is limited to intervening when there are competing regulated entities in a given area.

At the May 2001 meeting, Air Quality Bureau Director Jim Salvaggio addressed the power plant proliferation issue. He discussed how many power plants were planned in Pennsylvania, how much energy they generate for Pennsylvania, and how the combination of DEP regulations and improved technology have led to decreases in emissions of lead, particulate matter, sulfur dioxide, nitrogen oxides, and carbon oxides from these power plants.

AIR QUALITY PROGRAM UPDATE

During Council's October 2000 meeting, DEP provided an update on the Air Quality Program. The subjects covered included the Title V Program, training improvements for staff, the Nitrogen Oxides State Implementation Plan Call, ozone achievements, comprehensive toxics analysis, air enforcement and asbestos removal.

Ozone issues were also discussed during Council's October 2000 meeting, including:

- Pennsylvania's need to maintain the 1-hour ozone attainment standard; this has proven difficult, due to ozone non-attainment in surrounding states;
- The possibility of Pennsylvania meeting the 8-hour ozone attainment standard by 2004 will depend upon corresponding ozone reduction efforts in surrounding states;
- Factors facing Pennsylvania in maintaining ozone standards such as vehicle emissions inspections, power plant proliferation, types of gasoline used and emission source inspections;
- Ozone attainment strategies may involve improvements in consumer products, such as lawn mowers, gasoline storage containers, and industrial maintenance; and
- A pending Supreme Court decision on the 8-hour standard will focus on cost-benefit analysis of the standard and the need for a better definition of transitional ozone attainment areas.

During Council's November 2000 meeting, it was agreed that most of the air quality regulations regarding ozone had been met, and that it was time for DEP to focus upon toxics, regional haze, nitrogen oxides, and acid deposition as air quality pollutants. Also during this meeting, finding ways to improve citizen input on general air quality matters was discussed, along with improving Council's interaction with the Bureau of Air Quality.

The DEP Mobile Analytical Unit (MAU) was on hand for Council members to tour during the February 2001 meeting. The MAU is used for emergency response and for the analysis of air, soil and water samples. It contains equipment for volatile organics and metals analyses of soil

and water samples, and emergency response equipment for the analysis of volatile organics in air, soil and water samples. The MAU can also detect odors by documenting compounds that cause particular odors (“nose-printing”), and has been used for this purpose in the DEP Northeast Regional Office. Council recommends expansion of the MAU’s odor-analyzing capabilities to the other DEP Regional Offices in the future.

Status: The 5-year evaluation of DEP’s Air Quality Program, which is required by the Air Pollution Control Act, has still not been completed. The next 5-year report will be due in 2002.

EFP2 AIR QUALITY INDICATORS

On July 9, 2001, Council’s Air Committee held a conference call with Air Quality staff to discuss the statewide air quality indicators to be used in the EFP2 initiative:

- *Indicator #5: The number of days and the number of Pennsylvanians affected when air quality does not meet health standards.* The Committee identified better public education on air quality impacts, addressing long range transport matters, addressing human and ecological impacts from air pollution, and establishing baseline air quality throughout Pennsylvania as the most important issues;
- *Indicator #9: The quantity of pollutants released to the air, land and water.* The Committee identified addressing indoor air quality, looking at mercury as both an air pollutant and a water pollutant, incorporating “vehicle miles traveled” (VMT) into the gross estimate of their impacts upon air quality; and considering the connection between air quality impacts and global warming as issues for this indicator; and
- *Indicator #10: The annual mean pH of Pennsylvania’s precipitation.* The Committee identified the use of color maps for differentiating between affected and unaffected areas, considering regional soils’ buffering capacity, dry deposition, differentiating between wet and dry seasons when looking at the impacts of acid deposition, and combining soil and geological maps information maps with pH/sulfur ion concentration maps in order to evaluate an area’s buffering capacity to acid deposition, as issues for this indicator.

A general Committee comment about these indicators was to consider outside factors that could affect air quality, such as weather and the economy, in future EFP2 indicator and objective developments.

VI. WASTE ISSUES

PROPOSED SAFE FILL REGULATION

Council reviewed the proposed Safe Fill Regulation, which would amend the Municipal and Residual Waste Regulations that pertain to the management of contaminated and uncontaminated soil and other materials. Council recognized that the package in its current form was the result of a lengthy process, and commended the Department for its perseverance in resolving the many



difficulties posed. Council agreed that the current package contains significant improvements, including the addition of a de minimus threshold fill volume below which testing is not required, the recognition of knowledge of the conditions of a site as an appropriate evaluation criteria and the addition of a somewhat abbreviated list of testing parameters for certain types of fill. These changes add a level of practicality to the regulations and will limit the expenditure of large amounts of time and money in appropriate and well-defined situations. Council supported going forward with the regulatory package, but raised several cautions and concerns for consideration as DEP moves towards implementation. These cautions and concerns were expressed in a June 6, 2001 letter sent to Secretary Hess:

- Council has long been concerned that the more relaxed standards justified by Act 2's premise of restoring already contaminated sites to productive use would become the default standards for other environmental protection programs. This approach is justifiable in most cases involving the movement of fill to already impacted sites. However, Council cautioned that in cases involving the movement of fill to new sites (i.e., greenfields), we may simply be spreading low levels of contamination to new sites instead of protecting them at their existing background level.
- Council also had concerns that the standards established under Act 2 may not be adequately protective of human health, since they are based on the risk for each compound independent of any synergies or accumulations. Additionally, Council was concerned that the Act 2 standards may not be adequately protective of ecosystem health, due to the focus on human health risk factors³. Council then raised the following questions about the approach taken in the Safe Fill regulatory package:
 - Standards
 - Act 2 standards are designed specifically for already contaminated sites. If we amend Act 2 standards, will this automatically change standards for Safe Fill?
 - Meeting the standards is based on the results of a testing procedure that was not designed for this use and that has no relation to human health toxicity.
 - Are there any bioindicators that can be used to ensure we are being adequately protective?
 - Oversight and management of program
 - How will DEP oversee and manage this program? Self-monitoring leaves much to the discretion of the individuals involved. While many will proceed in good faith, there are those who will use any loophole provided to avoid scrutiny. There are numerous examples in DEP's history of how inadequate oversight and a lack of accountability have resulted in problems; how will we avoid this concern here?
 - How will this program be incorporated into the department's Environmental Futures approach? What indicators will be used to measure the environmental outcomes of this package?

³ Act 2 requires ecosystem protection as well as human health protection

- Outreach and education
 - DEP needs to develop outreach and education approaches both for those who will utilize the program and those impacted by such activities.
 - The primary impact of such activities will be water impacts; this program should be factored into a comprehensive approach to water resources management.

Council recommended that the standards be regularly reviewed and updated as improved information becomes available. Council also recommended that understanding the effects of toxic substances on human health and the environment should be one of the cutting edge issues for the Pennsylvania Consortium for Interdisciplinary Environmental Policy, and that DEP and the Department of Health establish a periodic review protocol to incorporate new information about health effects and synergistic effects.

Status: The preamble to the Safe Fill Regulations partially addresses Council's concern about oversight and management through a Compliance Assistance Program. DEP will develop a series of fact sheets and hold workshops on the safe fill program for the regulated community. The EQB passed the Safe Fill Regulations as a Proposed Rulemaking on November 19.

ORGANIC MATERIALS RECYCLING

Council has long supported the recycling of organic materials through composting and other means. These activities prevent such materials from taking up space in landfills, as well as create a soil product for use by consumers and businesses alike. The preliminary results of DEP's waste characterization study show that organic materials comprise about 35% of the municipal waste generated in Pennsylvania.

On June 28, 2001, the Department and Pennsylvania Composting Association (PACA) co-sponsored a conference, "*Growing Your Own Business: Composting Strategies for Expanding Markets*". Council Chairperson Dave Strong helped to facilitate this event. There was a good exchange of ideas and marketing strategies through individual presentations, a panel discussion, and a question-and-answer session among participants. Organizations and businesses that are directly involved in the composting industry presented ideas and information that ranged from the need for quality controls in selling compost to creating a market for the product. This conference also served as a means for laying the groundwork for the creation of a web-based organic materials exchange program.

A Composting Task Force was created as a result of this conference. This Task Force is comprised of representatives from CAC, the Department, the academic community, environmental organizations, the composting industry, and local government; it is charged with developing strategies to increase organic waste recycling in Pennsylvania. The Task Force first met on October 25, 2001. The topics of discussion were how to find ways to encourage the recycling of organic wastes on a larger scale, and promoting composting as a sound method of waste management for farms, communities, schools, and industry. Locating additional markets for organic materials will help the Commonwealth to reach its recycling

goal of 35% by 2003. In cooperation with the Professional Recyclers of Pennsylvania (PROP), DEP plans to conduct compost certification training during the summer of 2002; this training will provide standard operating procedure for all composting sites in Pennsylvania.

VII. ENVIRONMENTAL EDUCATION AND STEWARDSHIP ISSUES

In March 2001, Helen Olena, DEP Director of Environmental Education presented the results from *The First Pennsylvania Environmental Readiness for the 21st Century Survey Report*. This survey provides baseline information about the environmental knowledge, behaviors and attitudes of Pennsylvanians. Pennsylvanians' perceptions on balancing economics and the environment and the causes of and solutions to environmental problems are addressed in the report. The report concluded that although Pennsylvanians have positive attitudes towards taking responsibility for solving environmental problems, they currently have a poor grasp of environmental knowledge and issues. Lack of these tools over the long term will inhibit environmental stewardship efforts in Pennsylvania.

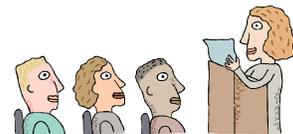
Council's issues and concerns about the Survey focused upon the following areas:

- Adult and Long Term Environmental Education: Environmental education has been a requirement in Pennsylvania's public schools since the early 1980s, and today's adults should have at least some basic environmental knowledge; however the findings of the survey reflect that greater environmental education efforts are needed, both in the schools and in the adult community.
- Data and Conclusions Discrepancies: Not all of the survey's conclusions are supported by the data, particularly in the area of Pennsylvania's citizens taking primary responsibility for solving environmental problems.

Council's Environmental Stewardship Committee is working with the Conservation and Natural Resources Advisory Council's (CNRAC) Environmental Education Committee to identify areas where the committees can promote environmental education activities through their own individual and collective efforts, and to assess what DEP and the Department of Conservation and Natural Resources (DCNR) could do jointly in the area of environmental education. The joint committee plans to meet with both departments to identify mutually agreeable goals and directions for environmental education.

VIII. PUBLIC PARTICIPATION ISSUES

ENVIRONMENTAL FUTURES



The Environmental Futures Planning Process (EFP2) will reorient the Department's management and planning activities to a watershed-focused, priority-setting approach. This initiative was derived from recommendations made by the 21st Century Environment Commission; it measures results in the environment, rather than bureaucratic accomplishments.

EFP2 addresses how decisions are made about what the Department does, and connects management of Department programs directly to improving the condition of the environment. Environmental conditions will directly drive the Department's priorities, and staff and resources will be assigned to address top priorities. Measured improvements in environmental conditions will be indicators of effectiveness. EFP2 includes

- Setting statewide environmental goals;
- Identifying the condition of the environment and the related causes of those conditions;
- Establishing objectives to address the causes; and
- Carrying out strategic activities to meet the objectives

On July 9, 2001, Council's Air Committee held a conference call with Bureau of Air Quality staff to discuss statewide air quality indicators related to the EFP2 initiative. This is discussed in this report's *Air Quality Issues* section of this report. Council also had several discussions with DEP management on the EFP2 initiative during this reporting period.

Council met with representatives from the Department's other advisory committees on September 24 to discuss EFP2. Bob Barkanic, Deputy Secretary for Pollution Prevention and Compliance Assistance, provided an overview of the initiative and introduced the "*Summary of Draft Planning Objectives*". Mr. Barkanic stressed the importance of public involvement in EFP2, and encouraged the meeting attendees to share information from the meeting in order to engage their respective committees in identifying the most effective methods for making EFP2 work.

The ensuing discussion focused on the question of what advisory committees should be doing, and whether the committees need to recast their roles to effectively support EFP2. There was also discussion of whether there is a need for better coordination among the advisory committees in order to deal with an overarching process change such as EFP2, and how that coordination might best occur.

On October 18, 2001, Council sent letters to the chairs of the other advisory committees asking for input on the proposals resulting from the meeting. These recommendations included:

- Council should serve as a clearinghouse in sharing information between advisory committees, either by creating a web site for committees to exchange information, or using its *Advisory* newsletter as a mechanism to share information with other advisory committees;
- The advisory committee network should meet at least annually to discuss EFP2 issues;
- Advisory committees should request and/or DEP should direct staff liaisons to exchange agendas and statements with each other;
- More advisory committees should undertake strategic planning in order to define their agendas and direction, rather than responding only to DEP requests for input;

- Council staff should attend all advisory committee meetings. *(Note: While Council has its own staff, it does not have sufficient complement to attend all other committee meetings while still carrying out its own mandate);*
- Council should be made up of representatives from the other committees. *(Note: Council is represented on several other advisory committees, but Council's makeup, just as that of many other advisory committees, is laid out in the law. It may be possible for Council to add ex-officio members, who would represent the other advisory committees);*
- DEP should give a specific charge to the committees to participate in EFP2;
- Promoting public participation in EFP2 could be accomplished more easily through the committees, rather than through DEP's normal activities; and
- Each advisory committee should designate a "point person" to relate EFP2 to that committee's work plan and meeting agendas.

This initial meeting between Council and the other advisory committee representatives was intended to be a brainstorming session to raise issues, and to put some options on the table as to how to proceed. Council is seeking input from the other advisory committees on whether they agree that the committees need to coordinate on the EFP2 initiative, and if so, at what level and how. Additionally, Council is seeking input from each advisory committee on whether it should take a role to assist the other committees in initiating action on the EFP2 initiative, or if this coordination should be done through DEP liaisons to each committee. Council has begun this process through the following actions:

- Using its *Advisory* newsletter as a mechanism to share information with the other advisory committees. Council is asking the DEP staff liaisons to send the newsletter to their respective advisory committee members and alternates on a regular basis;
- Working with DEP to develop a proposal for a web site for committee members to share information, especially with regard to cross-media issues;
- Considering additional alternatives to enhance the outcome of the volunteer hours that all advisory committee members commit to Pennsylvania's environment; and
- Committing to assist DEP in the watershed level meetings, both in terms of attending the local meetings, and in helping to encourage the participation of key local leaders. Council is encouraging members of the other advisory committees to do the same.

On October 30, 2001, Council sent a letter to Deputy Secretaries Bob Barkanic and Terry Fabian, thanking them for the efforts of their respective deputates on implementing EFP2. Council stressed that public engagement is needed in order to make the initiative work, and offered these recommendations:

- The Department should not only schedule periodic open meetings, but should also identify key environmental, civic, and community leaders in each area of the state, and explain EFP2, why it is important, and to solicit their assistance to engage the larger community.

- The Department needs to clarify its message about EFP2. The notions of this process resulting in any real or significant change, and that public engagement can play a key role in how DEP proceeds do not come across. The Department needs to provide specific, tangible examples of the types of changes that might result from the implementation of EFP2.
- Someone in the Department needs to be in charge of coordinating and ensuring public outreach across the state. The process also needs to leave enough lead-time between the announcement of the meetings and the gathering to be properly promoted.
- DEP needs to assure that each public meeting is consistent in format, presentation, and content. Facilitators must be trained. Participants need to know that their time is well spent, so that they will continue to be involved.

PUBLIC OUTREACH

Council's newsletter - - the *CAC Advisory* - - serves as one outreach tool to better inform the public about Council activities and positions, and to enhance public awareness of environmental issues. The Internet has also proven to be a valuable approach for sharing information with the public. Council has its own homepage at the web address: <http://www.cacdep.state.pa.us> where Council information can be accessed directly. Council also sponsors "Your Two Cents" - a general environmental issues discussion area on DEP's website, which welcomes comments and suggestions. While the Internet is a useful tool, we stress that it is not a substitute for direct interaction. The web site merely complements other standard forms of communication.

IX. OUTSTANDING ISSUES FROM THE 2000 REGIONAL MEETING

- Palmerton: Richard Krablin, Senior Vice-President for Environment, Health and Safety for Horsehead Resources Development, Inc (HRD) sent a letter taking issue with Council's findings with HRD's practices at the Palmerton zinc facility. HRD recycles zinc wastes at the Palmerton facility, where historical zinc smelting had created a Superfund site. Mr. Krablin attended Council's March 2001 meeting to state his case, stressing that Council should have included more details about HRD's zinc recycling activities in the report as positive action taken by the company. Council maintained that it had given full consideration to both previous zinc smelting activities and current operations and remediation activities.
- William McDonnell, Director of DEP's Northeast Regional Office, discussed HRD at Council's May 2001 meeting. He stated that the management of Iron-Rich Material (IRM) at the HRD facility is still a concern; the material is a potential source for both groundwater contamination and fugitive dust emissions. He explained that although IRM breaks down in water, the metals in the material do not leach because it has a binding nature. Additionally, he said that HRD currently has an IRM monitoring program in place, and that although IRM could be used in a limited fashion as anti-skid material, there are concerns about its tendency to break down. Mr. McDonnell also stated that Stony Ridge, adjacent to the Palmerton Superfund site, had not been evaluated as an operable unit. Council maintained that it appeared to have been affected.

- Stony Ridge: This area was not included in the US EPA's Superfund designation at Palmerton, even though the area appeared to be as devastated as Blue Mountain, one of the four operable Superfund units at Palmerton. In an April 2001 letter to Council, US EPA officials acknowledged the extensive defoliation along Stony Ridge, and stated that the agency performed an emergency removal action to protect children under the age of 6 from lead poisoning from the Palmerton area, beginning in 1994. Additionally, sampling and cleanup of 240 homes with children under the age of 6 and high levels of lead and cadmium occurred from 1994 through 1997. During these cleanup activities, US EPA officials identified numerous large residential properties in Lower Towamensing Township; these properties were characterized by sparse vegetation, high contamination, and severe erosion. To address this problem, US EPA officials implemented erosion control and stabilization measures at five major locations along Stony Ridge. To further address the Stony Ridge issue, the US EPA prepared a remedial investigation report on this area, and included an ecological risk assessment. US EPA has not yet determined what long term remedial actions will be needed for Stony Ridge, or if Stony Ridge warrants a separate Superfund operable unit designation. The agency will consider all options regarding Stony Ridge as the other Superfund operable units at Palmerton are addressed.
- Keystone Cement: During its March 2001 meeting, Council reviewed a letter from Keystone Cement officials stating that the kiln dust pile would be properly seeded between mid-April and late May 2001, to control fugitive dust;
- Malodors: During Council's May 2001 meeting, Mr. McDonnell discussed using the Mobile Analytical Unit (MAU) to provide analytical profiles of odors at landfills; he stated that the Northeast and Southeast Regions have used this technology. Mr. McDonnell made it clear that this technology has not been used for litigation purposes as yet, but that it may have such use in the future. A tour of the MAU occurred during Council's February 2001 meeting.

X. ENVIRONMENTAL JUSTICE ISSUES

In June 2001, the Environmental Justice Work Group presented its report to the Department. The Work Group defined environmental justice as "the fair and meaningful involvement of all people with respect to the identification of environmental issues, and the development, implementation, and enforcement of environmental policies, regulations, and laws". The purpose of the report was to evaluate how Pennsylvania has addressed environmental justice issues and to offer recommendations as to how the Commonwealth can improve upon addressing such issues. The recommendations offered by the Work Group included:

- Improving the condition of environmentally burdened minority and low-income communities;
- Making the Department's permitting process more accessible and understandable to certain communities;
- Promoting parity in the Department's monitoring and enforcement processes; and

- Making organizational changes within the Department, including the creation of an Environmental Justice Advisory Board, incorporating Environmental Justice Training, creating an Office of Environmental Advocate, and expanding the Department's outreach and education capabilities on Environmental Justice.

Council's statement on the report includes the following concerns:

- Target Communities: The Work Group focused upon *Low-Income Communities* - census tracts with 20% or more of their populations at or below the poverty level, and *Minority Communities* - census tracts with a 30% or greater minority population. The Work Group designated these communities as environmental justice communities. However, these two criteria do not capture all communities already bearing or at risk of bearing undue environmental burdens. There are communities in Pennsylvania that may not be low-income or minority which still face similar environmental concerns, are at risk of bearing undue burdens, and require similar measures of assistance in order to address these concerns;
- Communities Impacted by Previous Activities: The report does not address communities that have been impacted by previous activities, unless these communities meet the "low-income" or "minority" community criteria;
- Exclusion of Coalfield Communities: While the environmental justice movement is primarily linked to the civil rights movement and the plight of minority and low-income communities, coalfield justice has historically been a concern in Pennsylvania and throughout Appalachia. Coalfield communities struggle with environmental and socioeconomic problems resulting from resource extraction, and share similar socioeconomic factors with "environmental justice" communities, including the lack of a community voice in decision-making. While the work group recognized the special needs of coalfield communities, it could not reach agreement on specifically including them in its recommendations;
- Proactive Government Action: It is important for government at all levels to not only react to existing adverse environmental conditions in communities, but also to proactively prevent the creation of future environmental justice communities. The report should have included some recommendations that ensured certain public participation rights for all communities.

Council supports the recommendations in the report as an initial step towards environmental justice in Pennsylvania and encourages the Department, the Office of Environmental Advocate, and the Environmental Justice Advisory Board to maintain a broader view in implementing and evaluating the effectiveness of the Work Group's recommendations.

Status: The June 2001 report called for a follow-up meeting of the Work Group in six months. DEP created the Office of Environmental advocate, but has not yet convened the Environmental Justice Advisory Board.

XI. 2001 STRATEGIC PLANNING MEETING

From September 24, 2001 to September 26, 2001, Council held a series of strategic planning meetings in lieu of a regional meeting. Council heard reports from representatives from each of the Department's deputates on their program initiatives for the 2001-2002 fiscal year. Council heard presentations from Larry Tropea (Water Deputate), Ron Flory (Management and Technical Services Deputate), Bob Rottet (Information Technology Deputate), Rod Fletcher (Mineral Resources Deputate), Bob Barkanic (Pollution Prevention/Compliance Assistance Deputate), and Terry Fabian (Field Operations Deputate). Denise Chamberlain, Deputy Secretary for Air, Recycling and Radiation Protection gave a presentation on that deputate's 2001-2002 initiatives during Council's November 2001 meeting.

Council also met with CNRAC to determine if there were any issues that the two Councils could jointly address. Some of the issues discussed included how to mesh DEP's watersheds approach with DCNR's eco-regions approach, permit issues as they relate to natural resources, land use, the Pennsylvania Natural Diversity Index, and the need for better overall coordination between the two Councils. The Councils agreed to place a higher priority on sharing information and future interactions, as well as to continue to work together on environmental education.

As a result of these meetings, Council selected its priority issues:

- Comprehensive Water Resources Management Legislation;
- EFP2;
- Comprehensive Waste Position and Renewal of the Recycling Fee;
- Mining Issues;
- Terrorist Attacks and Water Supply Protection;
- TMDLs;
- The 2002 Regional Meeting;
- Renewal of Growing Greener;
- Energy Issues; and
- Transition Issues

XII. LAND USE ISSUES



At the October 2000 meeting, Secretary Hess discussed DEP's Policy for Consideration of Local Comprehensive Plans and Zoning Ordinances in DEP Review of Permits for Facilities and Infrastructure, which implements the amendments to the Municipalities Planning Code (Acts 67, 68 and 127), and is part of the Growing Smarter Initiative. These amendments require consideration of local land use plans and ordinances in permit decisions. Under Acts 67, 68 and 127, any Commonwealth agencies that are involved in the review of permit applications must also evaluate local zoning ordinances and plans as they relate to these permit applications. The zoning ordinances must be consistent with the Municipalities Planning Code.

The process of land use evaluation applies to any type of activity covered under the DEP permitting process; these activities include infrastructure, such as utilities, and facilities, such as landfills. Permit applicants and municipalities must identify any conflicts with local zoning ordinances that the proposed project may have. In the event that conflicts arise, DEP field staff will review the application, along with local authorities and DEP Central Office staff, before making a decision on the permit. This policy will affect up to 80 DEP permit areas.

Council questioned how much time it would take to review permit applications, and was concerned about possible permit application review conflicts and the affects of the policy on Pennsylvania businesses. DEP can only rely on local ordinances that are consistent with the Municipalities Planning Code, as amended by Acts 67, 68 and 127; non-Municipal Planning Code ordinances are not included.

XIII. MISCELLANEOUS ISSUES

ENVIRONMENTAL LABORATORY ACCREDITATION

Council reviewed the proposed Environmental Laboratory Accreditation Legislation, (SB 1115 and HB 2044). These bills will require DEP to establish an accreditation program for environmental laboratories that generate data or perform testing to demonstrate compliance with environmental statutes. Presently, DEP only requires accreditation of environmental laboratories under the drinking water, oil and gas, and radon testing programs; for all other program areas, the responsibility for data quality falls on the permit holder, not the laboratory. This legislation will make the laboratory responsible for the quality of its data.

Council endorsed the objectives of both bills, and raised the following concerns in a November 14 letter sent to members of the House and Senate Environmental Resources and Energy Committees:

- Whistleblower Protection: HB 2044 provides that an employee of an environmental lab covered by the act is protected by the Whistleblower Law in regard to good faith reports of

potential violations of the act; SB 1115 does not have this provision. Council recommended that this provision be included in the final legislation.

- Accreditation Costs: The costs of accreditation may be problematic for small or captive laboratories that may not do enough work annually to cover the \$5000 processing fee. Council asked that this concern be considered when deliberating fees.
- Impacts from Requiring Accreditation: Due to costs, requiring accreditation may force some laboratories out of business. Council understood the need to be sensitive about adding to laboratories' costs of doing business, but agreed that those laboratories that cannot meet minimum standards for data quality should not be permitted to perform critical environmental testing.
- Educational Component: The customers need to know that the cost of testing may increase to cover accreditation. The laboratories need to explain why testing costs may increase, and assure their customers that they can more readily depend on the data they receive due to accreditation.
- Laboratory Supervisor: The legislation provides for a laboratory supervisor to become the single responsible party for the laboratory. Council questioned what the minimum requirements for a laboratory supervisor were, and whether these professionals require special certification, similar to that of Professional Engineers.
- Notification Requirements: Laboratories are required to notify their customers within 72 hours that their accreditation is being suspended or revoked. Council questioned the meaning of the actual time in this requirement (i.e., 72 hours or 3 working days), and whether the laboratories must contact both present and past customers, and how far back for past customers this notification must go.

Status: HB 2044 was passed by the House on November 19, by a 196 – 0 vote. The bill was referred to the Senate Environmental Resources and Energy Committee on December 3. The Senate Environmental Resources and Energy Committee amended SB 1115 on December 4.

XIV. COUNCIL MEMBER UPDATE

BOARDS AND ADVISORY COMMITTEES



Dave Strong and **John Ford** were reappointed to Council on January 10, 2001, by House Speaker Matthew Ryan. Mr. Strong is the owner and Vice-President of Falls Creek Powder Metals, in Brockway, Jefferson County. Mr. Ford is President of Hazelton Standard Fuel Company in Hazelton, Luzerne County.

Cynthia Carrow was reappointed on February 9, 2001, by Senate President Pro Tempore Robert Jubelirer. Ms. Carrow is the Executive Vice-President of the Western Pennsylvania Conservancy in Pittsburgh, Allegheny County.

Council elected **Dave Strong** and **Burt Waite** as 2 of its 4 representatives to the *Mining and Reclamation Advisory Board* on February 20, 2001. Mr. Waite is a senior geologist with Moody and Associates, Inc., in Meadville, Crawford County. He serves as Council's Vice-

Chairperson, as Chair of Council's Environmental Standards Committee, and as Council's representative on the *Oil and Gas Technical Advisory Board*. **John Ford** and **Walter Heine** are Council's other representatives on the *Mining and Reclamation Advisory Board*.

Council elected **Carl Everett, Walter Heine, Paul Hess, Dave Strong, and Margaret Urban** to serve as its representatives on the *Environmental Quality Board* on June 18, 2001. **Jeff Adams, Jolene Chinchilli, Brian Hill** and **David Mankamyer** serve as alternate representatives on the *Environmental Quality Board*. Since October 2000, the Board has met 8 times and reviewed a total of 36 regulatory packages, stream designations and Commonwealth plans.

Council honored **Gail Rockwood** for her 25 years of service on June 18, 2001. Ms. Rockwood was first appointed to Council in June 1976, and was consistently reappointed by four successive governors. Gail has served as Council Chairperson (1990-1992), Vice-Chair (1978-1979; 1996-1997), Chair of the Environmental Standards Committee (1996-1997), and Chair of the Administrative Oversight Committee (1994-2001). Gail was elected to the Environmental Quality Board for 20 years (1980-2000), and was recognized by the Pennsylvania Wildlife Federation (PWF) as "Conservation Professional of the Year" in 1991. In 1999, the PWF created the *Gail Rockwood Public Service Award* in her honor.

Brian Hill was reappointed to Council on July 6, 2001, by Speaker Ryan. Mr. Hill is Director of the Pennsylvania Environmental Council's (PEC) French Creek Project in Meadville, Crawford County. He is also Vice-President for Watersheds for the Pennsylvania Environmental Council.

Pat Lupo, OSB, and Scott Cannon were reappointed to Council on July 9, 2001, by Governor Tom Ridge. S. Lupo is the Director of Environmental Education at the Glinodo Center in Erie, Erie County. Mr. Cannon had previously served on Council from 1997 to 2000. He is President of S. H. C., Inc., in Glenn Riddle, Delaware County.

Paul Hess continues to serve as Council's representative on the *Solid Waste Advisory Committee* and the *Air Quality Technical Advisory Committee*. **Sue Wilson** continues to serve on the *Low-Level Radioactive Waste Advisory Committee*, and **Jolene Chinchilli** and Sue Wilson represented Council on the *Environmental Justice Work Group*.

**REPORTS, STATEMENTS AND RESOLUTIONS
(October 2000 - December 2001)**

Water Issues

Letter to Ms. Irene Brooks on the Annex 2001 to the Great Lakes Initiative	February 27, 2001
Letter to Representative Dailey in support of Water Well Construction Standards	May 16, 2001
Letter to Deputy Secretary Tropea commenting on the Water Forums; submitted along with Council's Water Resources Management Position Paper	June 7, 2001
Testimony by Chairperson Strong regarding DEP's Draft Antidegradation Guidance Document	August 1, 2001
Letter to PA House and Senate Environmental Resources and Energy Committees in support of the amendments to the Sewage Treatment Plant and Waterworks Operators' Certification Act	August 8, 2001
Letter to Secretary Hess commenting on the Antidegradation Guidance	September 28, 2001
Letter to Representative Mary Ann Daily in support of House Bill 1591	October 29, 2001

Mineral Resource Issues

Letter to Secretary Hess regarding DEP's Act 54 Supplemental Report	May 21, 2001
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Waste Issues

Letter to Secretary Hess regarding DEP's proposed Safe Fill Package	June 6, 2001
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Air Quality Issues

Air Committee Statement relaying comments on the air quality indicators of the EFP2 initiative	July 9, 2001
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Environmental Stewardship/Public Participation Issues

Comments on the Environmental Justice Report	June 1, 2001
Letter to representatives of other advisory committees requesting input on coordinating activities with the EFP2 initiative	October 18, 2001
Letter to Deputy Secretaries Fabian and Barkanic regarding EFP2	October 30, 2001

Miscellaneous

1999-2000 Annual Report	December 30, 2000
2000 Regional Meeting Report	January 2, 2001
Letter to House and Senate Environmental Resources and Energy Committees Regarding Environmental Laboratory Accreditation Legislation	November 14, 2001
CAC Advisories (October 2000 – September-December 2001)	December 31, 2001

2000 – 2001 COMMITTEES AND BOARDS (As of May 2001)

Chair: David L. Strong

Vice-Chair: Burt A. Waite

Executive Committee

David Strong, Chair
Burt Waite, Vice-Chair
Jolene Chinchilli, Immediate Past Chair
Cynthia Carrow, Environmental Stewardship

Paul Hess, Air
Brian Hill, Water
Gail Rockwood, Administrative Oversight

Administrative Oversight

Gail Rockwood, Chair
Jeff Adams
Cynthia Carrow
Jolene Chinchilli
John Ford
Brian Hill
Margaret Urban

Air

Paul Hess, Chair
Carl Everett
Brian Hill
Gail Rockwood
Maurice Sampson
Pat Sicilio
Margaret Urban

Environmental Standards

Burt Waite, Chair
Jolene Chinchilli
Walter Heine
Paul Hess
Brian Hill
Pat Lupo

Gail Rockwood
Maurice Sampson
Thaddeus Stevens
David Strong
Margaret Urban
Michael Washo
Michael Washo

Environmental Stewardship

Cynthia Carrow, Chair
Pat Lupo
David Mankamyer
Gail Rockwood
Maurice Sampson
Margaret Urban

Water

Brian Hill, Chair
Cynthia Carrow
Jolene Chinchilli
Carl Everett
Walter Heine

Paul Hess
Pat Lupo
David Mankamyer
Gail Rockwood
Pat Sicilio

Thaddeus Stevens
David Strong
Margaret Urban
Burt Waite

OTHER BOARDS AND COMMITTEES

Environmental Quality Board

Members:

Carl Everett
Walter Heine
Paul Hess
David Strong
Margaret Urban

Alternates:

Jeff Adams
Jolene Chinchilli
Brian Hill
David Mankamyer

Mining and Reclamation Advisory Board

Members:

John Ford
Walter Heine
David Strong
Burt Waite

Alternates:

Margaret Urban
Daniel E. Snowden
Susan M. Wilson

Low-Level Radioactive Waste Advisory Committee

Member: Susan M. Wilson

Solid Waste Advisory Committee

Member: Paul Hess

Alternate: Susan M. Wilson

Environmental Justice Work Group

Member: Susan M. Wilson

Alternate: Jolene Chinchilli

Oil and Gas Technical Advisory Board

Appointee: Burt Waite

Environmental Hearing Board Rules Committee

Appointee: Thomas Scott (term expires March 2003)

COUNCIL STAFF

Susan M. Wilson – Executive Director

Daniel E. Snowden – Environmental Planner

Stephanie Mioff – Administrative Assistant



LEGISLATIVE MANDATE

ACT 275 OF 1971

Section 448. Advisory Boards and Commissions

(p) The Citizens Advisory Council shall consist of the Secretary of Environmental Resources, six members who shall be appointed by the Governor, no more than three of whom shall be of the same political party, and six members who shall be appointed by the President Pro Tempore of the Senate, no more than three of whom shall be of the same political party, and six members who shall be appointed by the Speaker of the House of Representatives, no more than three of whom shall be of the same political party. The appointed members of the Council shall be citizens of the State who, during their respective terms, shall hold no other state office to which any salary is attached except that of membership of the Environmental Quality Board.

The term of office of each appointed member shall be three years, measured from the third Tuesday of January of the year in which he takes office or until his successor has been appointed.

The Citizens Advisory Council shall include persons knowledgeable in fields related to the work of the Department of Environmental Resources such as, but not limited to, ecology, limnology, toxicology, pharmacology, organiculture, and industrial technology.

The Council shall annually elect one of its appointed members as Chairman and shall elect a Secretary who need not be a member of the Council. Meetings of the Council shall be held at least quarterly or at the call of the Chairman.

The Council shall have the power to employ and fix the compensation of such experts, stenographers, and assistants as may be deemed necessary to carry out the work of the Council, but due diligence shall be exercised by the Council to enlist such voluntary assistance as may be available from citizens, research organizations, and other agencies in Pennsylvania or elsewhere, generally recognized as qualified to aid the Council.

Section 1922-A. Citizens Advisory Council

(a) The Citizens Advisory Council shall review all environmental laws of the Commonwealth and make appropriate suggestions for the revision, modification and codification thereof.

(b) The Council shall consider, study and review the work of the Department of Environmental Resources and for this purpose, the Council shall have access to all books, papers, documents and records pertaining or belonging to the Department.

(c) The Council shall advise the Department on request, and shall make recommendations upon its initiative, for the improvement of the work of the Department.

(d) The Council shall report annually to the Governor and to the General Assembly and may make such interim reports as are deemed advisable.

ACT 95 OF 1992, THE AIR POLLUTION CONTROL ACT

Section 7.6. Advice to Department

(a) The Department shall consult with the Citizens Advisory Council established under Section 448 of the Act of April 9, 1929 (P.L. 177, No. 175), known as "The Administrative Code of 1929," as appropriate, in the consideration of State implementation plans and regulations developed by the Department and needed for the implementation of the Clean Air Act. Nothing in this section shall limit the Council's ability to consider, study and review Department policies and other activities related to the Clean Air Act implementation as provided under Section 1922-A of "The Administrative Code of 1929." This section shall not apply to state implementation plans or portions thereof comprised of permit emission offset or reasonably available control technology requirements for individual sources; consent orders and agreements; or regulations. The requirements of this section shall not apply to State implementation plans submitted by a local air pollution control agency.

Section 4.3. Evaluation

Beginning five (5) years after the effective date of this section and every five (5) years thereafter, the Department shall conduct and submit to the General Assembly an evaluation of the effectiveness of the programs adopted to implement the Clean Air Act. The evaluation shall include:

(6) A summary of the activities undertaken by the Citizens Advisory Council and the air technical advisory committee under Section 7.6.



INFORMATION REQUEST FORM

**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.

If after reading this report you would like to receive more information about the Council **or** would like to be added to our mailing list, please use the form provided below and send it (i.e. mail, fax or electronic mail) to:

Citizens Advisory Council
P.O. Box 8459
Harrisburg, PA 17105-8459
Phone No. (717) 787-4527
Fax No. (717) 787-2878
Email: SUSWILSON@STATE.PA.US



- YES, I would like to receive more information about the Council or a particular issue.

I am interested in _____

- YES, I would like to be added to the CAC's mailing list. My address is:

Name _____ Organization _____

Address _____

City _____ State _____ Zip Code _____

Phone No. (_____) _____ Fax No. (_____) _____

Internet/other electronic mail address _____

CITIZENS ADVISORY COUNCIL (December 2001)

GOVERNOR'S APPOINTMENTS

Jeffrey L. Adams - York Co.; B.S. Mechanical Engineering Technology, Purdue University; CEO/President of AMZ Corporation; Member, Advisory Board Shadow Fax Community Rehabilitation & Training Center; appointed January 25, 2000; current term expires January 2003.

Jolene E. Chinchilli - Lancaster Co.; B.S. Biology, Chatham College; M.S.P.H., Environmental Science and Engineering, University of North Carolina; Executive Director, Pennsylvania Office of the Chesapeake Bay Foundation; appointed June 27, 1996; current term expires January 2003.

Carl B. Everett, Esq. - Delaware Co.; B.S. Chemical Engineering, Massachusetts Institute of Technology; J.D. University of Houston College of Law; Partner and Chair of Environmental Department at Saul, Ewing, Remick & Saul LLP; Member of the Natural Resources Law Section of the American Bar Association and the Philadelphia Bar Association's Environmental Law Committee; appointed January 25, 2000; current term expires January 2002.

S. Pat Lupo, O.S.B. - Erie Co.; B.A. Elementary Education, Mercyhurst College; M. Ed - Science Education, Clarion State College; Assistant Administrator and Director of Environmental Studies, Glinodo Conference Center; appointed June 29, 1988; current term expires January 2004.

Gail Rockwood - Allegheny Co.; B.A. Chemistry, Albion College; 30-year citizen "environmental" advocate; directed Pittsburgh Office of Pennsylvania Environmental Research Foundation 1985-6; appointed June 3, 1976; current term expires January 2001.

Maurice M. Sampson, II - Philadelphia Co.; B.S. Environmental Studies, Stockton State College; President, Urban Recycling Institute in Philadelphia; Program Director for the Friends of the Earth Foundation; Vice-President of the Association of New Jersey Recyclers; appointed May 10, 1996; current term expires January 2002.

PRESIDENT PRO TEMPORE OF THE SENATE APPOINTMENTS

Cynthia Carrow - Allegheny Co.; B.S., University of Pittsburgh; Executive Vice-President of Western Pennsylvania Conservancy; appointed February 11, 1997; current term expires January 2004.

Walter N. Heine, P.E. - Cumberland Co.; B.S. Civil Engineering, Drexel University; M.S. Sanitary Engineering, University of Michigan; Chief Executive Officer, Walter N. Heine Associates, Inc. and Township Supervisor; former Director of the Federal Office of Surface Mining, U.S. Department of the Interior; and former Associate Deputy Secretary for Environmental Protection, PA DER; appointed August 11, 1983; current term expires January 2001.

Paul W. Hess, Ph.D. - Dauphin Co.; B.S. Naval Science, U.S. Merchant Marine Academy, M.S.W. Zoology, University of Delaware; Ph.D. Physiology, University of Delaware; former Director, Environmental Affairs, Hershey Foods, Inc.; appointed April 21, 1993; current term expires January 2002.

Patrick M. Sicilio - Luzerne Co.; B.A. Biology, Mansfield College; Owner of Kem Tek Chemical; appointed April 14, 1997; current term expires January 2003.

Burt A. Waite - Crawford Co.; B.A. Geology, College of William & Mary; M.S. Geology, University of Vermont; Senior Geologist in charge of environmental services and oil and gas activities for Moody & Associates; appointed November 17, 1998; current term expires January 2003.

Michael J. Washo - Lackawanna Co.; B.A. University of Michigan; M.A. Wayne State University; General Manager of P&W/Washo, Inc.; appointed April 12, 2000; current term expires January 2002.

SPEAKER OF THE HOUSE APPOINTMENTS

John M. Ford - Luzerne Co.; Graduate Brighton Technical Institute and General Motors Training Institute; President, Hazleton Standard Fuel Co., Inc.; former Chairman of Hazleton Transit Authority; former Mayor of Hazleton; appointed November 30, 1995; current term expires January 2004.

Brian J. Hill - Crawford Co.; B.S. Environmental Resource Management, Allegheny College; M.S. Natural Resource Management, University of New Hampshire; Director, French Creek Project, Meadville; former Director, Western PA Office, Pennsylvania Environmental Council; appointed April 22, 1991; current term expires January 2003.

David Mankamyer - Somerset Co.; Somerset County Commissioner; Chairman of the Somerset County Conservation District for 15 years; board member and founder of the Somerset County Conservancy; appointed April 27, 2000; current term expires January 2002.

Thaddeus Stevens - Tioga Co.; Paul Smiths College of Paul Smiths, New York; Associate Applied Science, Forestry; Active with PA Association of Realtors, Legislative Committee; Delegate to North Central Sewage Agency for Gaines Township, Tioga County; appointed April 9, 1997; current term expires January 2002.

David Strong - Jefferson Co.; B.S. Chemistry, Mansfield University; President, Falls Creek Powdered Metals; appointed October 31, 1996; current term expires January 2004.

Margaret Urban - Mercer Co.; B.S. Chemistry, Pace University; M.S. Pharmacology and Experimental Therapeutics, Albany Medical College of Union University; appointed April 25, 2000; current term expires January 2003.

SECRETARY OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

David E. Hess - Dauphin Co.; Shippensburg University, Bachelors in Urban Studies; Illinois University, M.S. in Urban & Regional Planning; served as DEP Executive Deputy Secretary; Executive Director Senate Environmental Resources and Energy Committee; appointed Secretary of Environmental Protection, May 21, 2001.

Executive Director - Susan M. Wilson
Environmental Planner - Daniel E. Snowden

Administrative Assistant - Stephanie Mioff



MISSION STATEMENT OF THE CITIZENS ADVISORY COUNCIL

The mission of the Citizens Advisory Council to the Department of Environmental Protection is to meet its legislative mandate while striving to represent citizens of the Commonwealth.

This mission specifically states that the Council is to carry out the mandate of Act 275 of 1971 by:

- ▶ *performing non-partisan, independent oversight of the operations, management and policy of the Department of Environmental Protection;*
- ▶ *evaluating environmental issues and laws;*
- ▶ *participating in the formulation of environmental regulations; and*
- ▶ *providing advice concerning environmental matters to the Department, the Governor, and the General Assembly.*

The Council strives to represent all citizens of the Commonwealth as it defines a collective view of the public interest in environmental protection and natural resources, forged from the Council's own diversity of personal experiences and perspectives.

(Unanimously Adopted: November 20, 1989;
Amended November 12, 1996)