



Associated Petroleum Industries of **Pennsylvania**
A Division of the American Petroleum Institute

December 12, 2017

Patrick McDonnell
Secretary, Department of Environmental Protection
16th Floor
Rachel Carson State Office Building
400 Market Street
Harrisburg, PA 17101

Re: Comments on Draft Technical Guidance 012-1920-002 on Advisory Committee
Guidelines

Dear Secretary McDonnell:

Associated Petroleum Industries of Pennsylvania (API-PA) is pleased to offer comments on Draft Technical Guidance 012-1920-002 on Advisory Committee Guidelines. The subject document was posted in the DEP eLibrary on November 17, 2017.

API-PA is a division of the American Petroleum Institute (API), the only national trade association representing all facets of the oil and natural gas industry, which supports 10.3 million U.S. jobs and nearly 8 percent of the U.S. economy. API's more than 625 members include large integrated companies, as well as exploration and production, refining, marketing, pipeline, and marine businesses, and service and supply firms. They provide most of the nation's energy and are backed by a growing grassroots movement of more than 40 million Americans.

API is also a standard setting organization. For 90 years, API has led the development of petroleum and petrochemical equipment and operating standards. These standards represent the industry's collective wisdom on everything from drill bits to environmental protection, and embrace proven, sound, engineering and operating practices and safe, interchangeable equipment and materials for delivery of this important resource to our nation. API maintains more than 650 standards and recommended practices. Many of these are incorporated into state and federal regulations; and increasingly are being adopted by the International Organization for Standardization. API encourages and participates in the development of state regulations and other regulatory documents that are protective of public health and safety, the environment and the industry workforce.

We have distributed the referenced document to member companies and offer the following comments as a result of input received. Most of these comments are editorial or are offered to suggest clarifying language. In this context, API offers the following comments and looks forward to continuing to work with DEP in the development of any final Technical Guidance documents.

On the 1st page of the document (page i) in the “Policy” section, “guidance documents” and “forms” should be included as one of the items for which DEP will seek advice from advisory committees, as follows:

“The Department of Environmental Protection (DEP) will seek advice from departmental advisory committees when developing policies, guidance documents, forms, and regulations to protect public health, safety and welfare, and to conserve and maintain public natural resources.”

On the 1st page of the document (page i) the “Purpose” statement should be revised as shown below, to reflect that this document is being issued as a “Technical Guidance Document”:

“This guidance document ~~policy~~ explains the process DEP will follow to coordinate with departmental advisory committees to develop the policies, guidance, regulations and other technical documents necessary to effectively implement State and Federal environmental laws in Pennsylvania.”

On the 1st page of the document (page i) the “Applicability” statement should be revised as shown below, to reflect that this document is being issued as a “Technical Guidance Document”:

“This guidance document ~~policy~~ applies to DEP’s coordination with all departmental advisory committees during the development of policies, guidance, regulations and other technical documents necessary to implement State and Federal environmental laws administered by DEP.”

Section V. Meetings, Meeting Agendas, and Meeting Materials

Section V.B. Member & Non-Member Participation

The title of this Section V.B. is “Member & Non-Member Participation,” but this section as drafted only contains information related to “member” participation; there is nothing in the section related to “non-member” participation. Either the

title should be revised to read only “Member Participation” or information should be added to address non-member participation.

Section V.C. Non-DEP Presentations

For clarity on where Non-DEP presentations will be posted, the last sentence of this Section V.C. should be revised to read:

The presenter should have copies available for everyone attending the advisory committee meeting, and DEP will post these materials to the advisory committee page of its website following the meeting.”

Section V.E. Public Comment at Meetings

To make clear that DEP personnel are generally actively engaged in committee meeting discussions, the 1st sentence of the 2nd paragraph in Section V.E. should be revised as follows:

“During the rest of an advisory committee meeting, speaking and discussion are generally limited to advisory committee members, DEP personnel, and ~~their~~ invited guests or speakers.”

Section VI. Roles and Responsibilities

Section VI.A. Committee Chair

This Section VI.A., as well as Sections III & VI.B., refers to *Robert’s Rules of Order* for conducting committee meetings, but DEP should not assume that committee members or other meeting participants are familiar with, or know what is expected from, those rules. Either a link should be provided to a website where *Robert’s Rules of Order* can be accessed and reviewed, or the relevant provisions of those rules should be included as an Appendix to this TGD, similar to how the relevant Sunshine Act and regulations are appended.

Section VI.B. Committee Members

The 1st sentence of this section states that the committee bylaws should state the purpose of the committee “consistent with applicable statutory authority,” but not all of the committees listed in Appendix A have a corresponding “statutory” authority listed (such as the Environmental Justice Advisory Board).

Therefore, the 1st sentence of Section VI.B should be revised as follows:

“The advisory committee bylaws should state the purpose of the advisory committee consistent with the applicable ~~statutory~~ authority.”

Section VI.C. Liaisons/Managers/Staff

The 3rd sentence of the 1st paragraph of this section contains a typographical error where an apostrophe should be a comma, between the words “members” and “paperwork”

Appendices

Appendices B, C, & D appear to contain the full text of the Sunshine Act and the corresponding Regulations and Management Directive 250.1, but are not referenced anywhere in the TGD Sections I through VI to explain what those appendices contain or why they are included. Appropriate references to those three appendices should be included somewhere in the TGD, such as in Section IV.A. (related to the Sunshine Act), to explain why those appendices are included and what relevant information they contain.

Thank you for the opportunity to offer comments on this draft Technical Guidance document. If you have any questions or if additional information is needed regarding our comments, please let me know.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Catarino Wissman".

Stephanie Catarino Wissman
Executive Director