

DEP Quarterly

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PA Chamber of Business and Industry
417 Walnut Street, Harrisburg PA
Tuesday, June 17, 2025
10:00 a.m. – 12:00 p.m.

AGENDA

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|-------------------|---|
| 10:00 a.m. | Welcome Remarks <ul style="list-style-type: none">• Luke Bernstein, President and CEO, PA Chamber |
| 10:03 a.m. | Introductory Remarks <ul style="list-style-type: none">• Andy Bockis, Partner, Saul Ewing and PA Chamber's Energy & Environmental Policy Committee Chair |
| 10:05 a.m. | Introduction of Speaker <ul style="list-style-type: none">• John Oberer, Sr. Vice President/Principal, GZA GeoEnvironmental |
| 10:05 a.m. | DEP Update <ul style="list-style-type: none">• Jessica Shirley, (Acting) Secretary, Department of Environmental Protection• Nick Vivian, Bureau Director in the Bureau of Clean Water, Department of Environmental Protection |
| 10:35 a.m. | Introduction of Speaker <ul style="list-style-type: none">• Charles Boruchowitz, Government Affairs Manager, Bentley Systems |
| 10:35 a.m. | Permitting Policy and Competitive Caucus <ul style="list-style-type: none">• Rep. Josh Kail, 15th Legislative District, PA House of Representatives |
| 11:20 a.m. | Introduction of Speaker <ul style="list-style-type: none">• Michelle M. Skjoldal, Member, Eckert Seamans |
| 11:20 a.m. | RGGI Update and Discussion <ul style="list-style-type: none">• Andy Bockis, Partner, Saul Ewing and PA Chamber's Energy & Environmental Policy Committee Chair• Brigid Landy Khuri, Of Counsel, McNees Wallace & Nurick LLC• Tad Macfarlan, Partner, K&L Gates |
| 12:00 p.m. | Conclude |

ABOUT THE SPEAKERS



Luke Bernstein, President and CEO, PA Chamber of Business and Industry

A seasoned financial, government, and public policy professional, Luke came to the organization in 2022 with more than 20 years of experience in the public and private sectors.

Before leading the PA Chamber, Luke was most recently executive vice president, chief operations and technology officer at Orrstown Financial Services. He had served as Orrstown's corporate spokesperson since 2017.

He was previously senior vice president of external affairs at the Pennsylvania Bankers Association from 2015 to 2017 and deputy chief of staff for former Pennsylvania Gov. Tom Corbett from 2011 to 2015.

In addition to his executive leadership roles in the private sector and state government, Luke has experience working at the federal level, as a former appointed advisor in the Administration of President George W. Bush and as an aide in the U.S. Senate. He holds a bachelor's degree in political science and policy studies from Dickinson College, where he also served as an adjunct professor.

Luke also completed the Duke Leadership Program at Duke University's Fuqua School of Business. He is a very active member of his community, serving on numerous boards and as a youth sports coach.



Andrew Bockis, Partner and Environmental Practice Co-Chair, Saul Ewing

Andrew Bockis helps clients obtain and defend environmental permits for their projects.

Industrial projects are subject to ever-changing rules and increased agency review time.

Whether related to industrial warehouses or oil and gas facilities or renewable energy projects, many business leaders are frustrated with the uncertainty created by complex environmental regulation. The situation is magnified when there is public opposition to a project. Based on his prior experience as counsel to the Pennsylvania Department of Environmental Protection and

Pennsylvania Environmental Hearing Board, Andy helps clients in a variety of industries minimize

project delays and secure the permits they need. When projects are challenged, he helps companies defend their interests in court. He has litigated and defended environmental permitting decisions before the Pennsylvania Environmental Hearing Board, Pennsylvania Commonwealth Court, Pennsylvania Supreme Court, and the U.S. Courts of Appeals for the Second Circuit, Third Circuit, D.C. Circuit, and in response to petitions for certiorari before the U.S. Supreme Court. Andy also helps clients navigate their interactions with regulatory agencies in order to avoid extra costs and lost time so that they can commence construction and operate with confidence. He is the immediate past Chair of the Pennsylvania Bar Association's Environmental and Energy Law Section, and co-editor of Pennsylvania Environmental Law and Practice, published by PBI Press. He is also Chair of the Pennsylvania Chamber of Business and Industry's Environmental Council. Mr. Bockis is a partner in the Harrisburg office of Saul Ewing LLP and is Co-Chair of the Firm's Environmental Practice.



Jessica Shirley, DEP Interim Acting Secretary

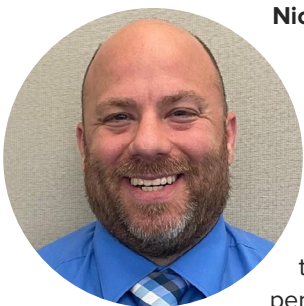
Currently serving as the Acting Secretary for the Pennsylvania Department of Environmental Protection (PA DEP), Jessica Shirley plays a pivotal role in the guidance of the department in its mission to protect and preserve Pennsylvania's environment while fostering sustainable and equitable practices. Jessica arrives to the role of Acting Secretary with extensive experience within the agency. Most recently, Jessica served as the Executive Deputy Secretary overseeing all programs.

As the first appointed Infrastructure Implementation Coordinator at the PA DEP, Jessica oversaw the influx of federal funding supported by the Infrastructure Investment and Jobs Act (IIJA) and the Inflation Reduction Act (IRA). She ensured that the Department used all available funds for the betterment of Pennsylvania's environment, economy, residents, and communities. In this role, she also placed strong emphasis on consideration of the impact of programs in historically underinvested communities.

Jessica's previous role as Policy Director from May 2016 to April 2022 was marked by her dedication to shaping the environmental and energy policy agenda. In this position, Jessica helped to develop groundbreaking executive orders related to PFAS, climate change, energy conservation and sustainability in Commonwealth operations, and environmental justice. These executive orders established the first greenhouse gas reduction goal for the Commonwealth, set performance goals for state agencies, established the PFAS Action Team to remove silos and address emerging contaminants, and memorialized various processes and opportunities to meaningfully engage and address underserved communities in Pennsylvania. She coordinated the DEP Policy Office's efforts, while overseeing the finalization of numerous rulemakings and promoting meaningful dialogue with stakeholders. Jessica and her counterpart at PennDOT lead the effort to develop Pennsylvania's first ever Litter Action Plan which received several awards and national recognition. Jessica also served on the agency steering committee of DiversEP, the agency's DEI committee with a mission of actively cultivating a culture of equity and inclusion and establishing a more diverse workforce representative of the population we serve.

In her earlier role as Executive Policy Specialist, Jessica was a trusted advisor in various policy areas, including oil and gas development, air quality, climate change, energy, waste, clean water, and environmental cleanup. She also demonstrated leadership in diversity, equity, and inclusion efforts, and her representation of the Administration in discussions with key organizations showcased her influence and expertise. She built extensive relationships by serving as the Policy Office liaison to the Oil and Gas Technical Advisory Board, Air Quality Technical Advisory Board, Climate Change Advisory Committee, Small Business Compliance Advisory Committee, Cleanup Standards Scientific Advisory Board, Pennsylvania Energy Development Authority, Recycling Fund Advisory Committee, Radiation Protection Advisory Committee, Solid Waste Advisory Committee, Sewage Advisory Committee and Storage Tank Advisory Committee.

Jessica's educational background includes a Master's Degree in Public Administration from Pennsylvania State University and a Bachelor's Degree in Economics and Political Science from Indiana University of Pennsylvania.



Nick Vivian, Bureau Director in the Bureau of Clean Water, Department of Environmental Protection

Nick Vivian is currently serving as the Pennsylvania Department of Environmental Protection (DEP) Director in the Bureau of Clean Water. He oversees and provides direction for five divisions and their work involving water quality, stormwater and wastewater management, and training; the development of statewide policies, technical standards and procedures for permitting, monitoring, compliance, inspection, enforcement, and technical assistance activities involving wastewater treatment facilities, sewage facilities planning, municipal, industrial, and construction stormwater, and the land application of biosolids; the National Pollutant Discharge elimination system (NPDES) permitting and compliance monitoring programs for industrial, municipal, and construction stormwater and the implementation of the Act 167 stormwater management program.

Prior to joining DEP, Nick worked in consulting for over 6 years and 18 years at the Pennsylvania Department of Transportation. Nick received an BS in Civil Engineering from the University of Pittsburgh at Johnstown in 2001. He is a licensed Professional Engineer.



Rep. Josh Kail, 15th Legislative District, PA House of Representatives

A lifelong resident of Western Pennsylvania, Joshua D. Kail is a legislator who will work to protect taxpayers, reform Harrisburg and bring family-sustaining jobs to the 15th Legislative District. Pro-life and pro-Second Amendment, Josh is committed to defending constitutional liberties.

He has long understood the importance of controlling taxes while modernizing education, as well as the need to put an end to job-killing overregulation and to apply conservative solutions to our state's challenges.

For the 2025-26 legislative session, Josh will serve on the House Appropriations; Consumer Protection, Technology and Utilities Committee; Energy and Judiciary committees.

Prior to running for office, Josh worked as an attorney representing small and mid-sized businesses and worked as a solicitor for various local governments. He also did work for Beaver County's Children and Youth Services.

Josh is a graduate of Geneva College and Regent University School of Law. He and his wife, Abby, and their eight children live in Beaver, Pennsylvania.



Brigid Landy Khuri, Of Counsel, McNees Wallace & Nurick LLC

Brigid Landy Khuri is a member of the McNees Energy and Environmental Law Group, where she focuses in the area of environmental regulation. She advises clients from a variety of industries regarding air, water, waste, land use, and remediation issues, as well as in related litigation and administrative proceedings. Brigid guides clients seeking environmental permits and those responding to enforcement actions brought by state and federal agencies. She has also conducted comprehensive internal investigations stemming from alleged criminal environmental compliance issues. Brigid has significant experience litigating in Pennsylvania's Commonwealth Court, where she has secured both emergency and permanent injunctions to stop the implementation of regulations and

other actions by the Pennsylvania Department of Environmental Protection (DEP) and the Department of Conservation and Natural Resources. Brigid has also practiced and argued before the Pennsylvania Supreme Court.

Brigid has been a regular speaker at Pennsylvania's Environmental Law Forum and contributed to several environmental law treatises, including Pennsylvania Oil and Gas Practice. She understands environmental compliance is just one aspect of her clients' operations and her goal is to find efficient, effective solutions that contribute to the client's overall success.

Prior to joining McNees, Brigid was an associate at a global Am Law 100 firm where she primarily advised large energy clients. She also served as a law clerk for the Honorable J. Michael Eakin of the Pennsylvania Supreme Court and in the chambers of U.S. Federal Magistrate Judge Timothy R. Rice. While in law school, Brigid interned at the Pennsylvania DEP. Prior to that, she spent time at the U.S. Attorney's Office for the District of Columbia and the Philadelphia Defenders Association.

Brigid was born and raised in Bradford County, Pennsylvania. She now lives in Camp Hill with her husband, two sons, and rescue dog. When not working, Brigid enjoys introducing her boys to the sport of baseball (specifically the New York Yankees), baking, and spending time with her very large Irish and Lebanese extended families.



Tad Macfarlan, Partner, K&L Gates

Tad Macfarlan is an experienced environmental and land use lawyer and a partner in the firm's global Environment, Land, and Natural Resources practice group. Tad's practice focuses on the environmental aspects of project development, transactional, litigation, and government enforcement matters (both civil and criminal). His clients include developers and operators of utility-scale solar, wind, and battery energy storage projects; oil and gas production, transmission and electric generation facilities; data centers; water and wastewater utilities; mine and quarry operators; hazardous waste processing facilities; other manufacturing and industrial facilities; and financial entities holding or acquiring an interest in such facilities. Tad regularly provides advice with

respect to the regulatory regimes governing air emissions (including greenhouse gases); wetland and stream protection; wastewater and stormwater discharges; water withdrawals; hazardous wastes and materials; threatened and endangered species; cultural resources and historic properties; and local land use and zoning requirements.