

# Environmental Advisory Council

## A Versatile Arm for Pennsylvania Local Government



*Any municipality in Pennsylvania may establish an environmental advisory council to tap the skills and volunteer energy of its citizens. Consisting of three to seven members appointed by the local government, an EAC can undertake a variety of conservation projects. It can also research issues and advise local government officials to help inform decision-making regarding the environment.*

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## Introduction

Any municipality in Pennsylvania may establish an environmental advisory council (EAC) to tap the skills and volunteer energy of its citizens. Consisting of three to seven members appointed by the local government, the tasks undertaken by an EAC are determined by the needs of the municipality. An EAC may research issues and advise local government officials to help inform decision-making regarding the environment. It may also undertake an array of on-the-ground conservation projects, planning of new conservation initiatives, and environmental education efforts.

The formation of an EAC is an option available to municipalities; state law does not require it. It is up to those people interested in seeing one established, whether they be municipal officials or residents, to propose establishment to members of the municipality's governing body. If a municipality's governing body chooses to create an

EAC, it must do so by passing an ordinance. The governing bodies of neighboring municipalities may choose to form regional, multi-municipal EACs.

WeConservePA has identified 140 environmental advisory councils operating in the Commonwealth as of 2020. The [EAC Network](#) managed by WeConservePA helps the volunteers serving with these EACs help one another and supports the establishment of new EACs. The network provides opportunities for the people involved in EACs to bounce ideas off each other and share experiences and lessons learned. It provides in-person and digital forums for people to work together to answer each other's questions and solve problems.

For an in-depth exploration of EACs, check out the [Environmental Advisory Council Handbook](#).

## EAC Activities Authorized by State Law

An environmental advisory council may serve its municipality and its governing body in many different ways, and its role in the municipality may change over time as the municipality's needs and priorities change. An EAC's potential mix of activities is authorized and limited by Pennsylvania's Act 148 of 1973 (amended in 1996 as P.L. 1158, No. 177), which states that EACs "shall have the power to:

1. Identify environmental problems and recommend plans and programs to the appropriate agencies for the promotion and conservation of the natural resources and for the protection and improvement of the quality of the environment within its territorial limits.

2. Make recommendations as to the possible use of open land areas of the municipal corporations within its territorial limits.
3. Promote a community environmental program.
4. Keep an index of all open areas, publicly or privately owned, including flood-prone areas, swamps and other unique natural areas, for the purpose of obtaining information on the proper use of those areas.
5. Advise the appropriate local government agencies, including the planning commission and recreation and park board or, if none, the elected governing body or bodies within its territorial limits, in the acquisition of both real and personal property [by a variety of means for environmental purposes].”

(Title 53 of the Pennsylvania Consolidated Statutes, Part III, Subpart D, Chapter 23, Subchapter B Environmental Advisory Councils §2324 (a))

## Examples of EAC Activities

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Examples of community environmental projects that could be spearheaded or topics that could be addressed by an EAC include:

- Open space protection
- Greenway and trail development
- Dedicated open space bond or earned income tax referendum
- Environmental resource inventories
- Site plan reviews
- Conservation ordinances
- Rivers conservation plans
- Riparian buffer plantings
- Stream cleanups
- Water quality monitoring
- Air quality monitoring
- Brownfield remediation
- Community Supported Agriculture
- Recycling

- Green purchasing
- Green buildings
- Sustainable parks
- Alternative energy
- Stormwater management plans and ordinances
- Habitat conservation and restoration
- Energy audits
- Addressing climate change
- Invasive species removal
- Public education on any of the above topics

## Other Services Provided by EACs

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- Whenever the elected officials or staff of a municipality change, there is risk that key knowledge about the municipality will be lost with the departure of the individuals. The members of an environmental advisory council provide an additional repository of institutional knowledge to guard against such losses.
- EACs may help elected officials communicate with the public on important issues.
- EACs may rally people around a project, getting individuals to volunteer their time or donate money.
- A multi-municipal EAC may provide an important means for promoting intergovernmental cooperation.
- EAC members occasionally run for public office and become elected officials, making for better understanding of natural resource conservation issues within the governing body.

## What Don't EACs Do?

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- An environmental advisory council does not make land use and other regulatory decisions. They may only advise on regulatory matters.
- EACs do not take the place of nor should they compete with planning commissions or park and recreation boards; rather they can closely work with them and constructively augment their efforts.

- EACs are not independent environmental advocacy groups. They are part of the local government and generally will be most effective when they maintain positive and productive working relationships with other municipal officials.

## Starting an EAC

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### Education

The impetus for establishing an environmental advisory council varies by the municipality: a citizen or group of citizens may be concerned about an environmental matter in the community and approach municipal officials about creating an EAC to remedy the situation, or one or more elected or appointed officials or staff of the municipality may first identify the value in establishing one.

Regardless, elected officials will need to have some understanding of what an environmental advisory council is and what it entails before they are willing to establish one. And community leaders and residents won't be able to support the EAC's creation or volunteer to serve on the EAC without some understanding of an EAC's purpose and function. The amount of education needed or desired will vary by municipality and circumstances.

WeConservePA produces the [Environmental Advisory Council Handbook](#), provides [other written resources](#), and organizes programs in support of this education.

### Municipality Enacts Ordinance

Once the municipality's governing body has agreed that the creation of an EAC is appropriate, it establishes the EAC by ordinance. WeConservePA posts a [sampling of ordinances in its online library](#).

### Municipality Selects EAC Members

Once the ordinance is passed, elected officials may select and approve three to seven members for the EAC, who serve without compensation and are appointed to staggered three-year terms. Elected officials also appoint one of these members as the EAC chair. In the case of multi-

municipal EACs, each participating municipality appoints an equal number of members to serve on the council, and the council itself selects the chair.

The municipality may advertise for EAC members through a newsletter, website, posted notice, etc., and accept applications. Members are not required by law to have any particular expertise, but strong candidates for membership might include hydrologists, biologists, landscape architects, engineers, attorneys, professors, teachers, and other knowledgeable residents who are willing to volunteer to improve their community.

EAC members must be residents of the municipality, and the enabling act states that "whenever possible, one member of the EAC shall also be a member of the municipal planning commission."

Act 148 allows up to seven members on an EAC, but if more members are wanted, the establishment of an associate members program could be considered. Associate members do not vote but may participate in all other council activities and serve on standing and special committees. Associate members can be an important source of expertise and provide a pool of candidates for appointment to the EAC when vacancies occur.

### Funding

Act 148 enables (but does not require) local governments to appropriate funds for the operation of EACs to cover administrative, clerical, printing, and legal service costs. The amount of the appropriation is to be determined by the local governing body.

In addition to general appropriations, EACs may also operate with support from grants or other monies that they may raise.

### EAC Establishes Bylaws

The EAC is responsible for developing a set of bylaws to guide the council's organization and operation. WeConservePA posts a [sampling of bylaws in its online library](#).

## An Obstacle to EAC Formation

Some elected officials may fear that if they establish an EAC, it could be taken over by radicals. In this case it is helpful to remind them that *only they* have the power to appoint EAC members, and that as an advisory body, the EAC only works if its recommendations achieve the respect and support of municipal officials. As such, EAC members have strong motivation to be deliberate in their work and maintain good communications and relationships with elected officials.

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The latest version of this guide and related resources are posted at [WeConservePA.org](http://WeConservePA.org)

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Nothing contained in this document is intended to be relied upon as legal advice or to create an attorney-client relationship. The material presented is generally provided in the context of Pennsylvania law and, depending on the subject, may have more or less applicability elsewhere. There is no guarantee that it is up to date or error free.

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