

**WRAC Subcommittee on
Chapter 95 Revisions
August 27, 2009**

Meeting Minutes

David Anderson, subcommittee chair began the meeting with a welcome and introductions. **Members present:**

Dave Anderson	Ty Gourley
Shawn Simmers	Pete Slack
Josie Gaskey	Jim Davis
Paul Hart	Jeff Shanks
Jeff Roberts	Scott Blauvelt
Eric Gillespie	Myron Arnowitt
Tim Weston	Jeff Hines
Sharon Diday	David Cannon
Rob Cavett	Don Bluedorn
Gary Merritt	Matt Ehrhart
John Owsiany	Mark Hartle
John Vernon	Chuck Wunz

Others present:

Mary Webber	Dana Aunkst
Nathan Sooy	Marcus Kohl
Joel Bolstein	Ron Furlan
John Hines	Tom Starosta

Mr. Anderson then discussed the mission of the group and some of the key questions that the group will tackle. The document “Chapter 95 Task force” was developed by several WRAC members in establishing the subcommittee and was provided to subcommittee members in advance of the 8/27 meeting. That document contained the key questions and objective of the subcommittee.

Next, Dana Aunkst discussed with the group how PA DEP arrived at the need to make revisions to Chapter 95. The presentation will be made available online. Mr. Aunkst responded to several questions from task force members. Several questions regarding the makeup of TDS and the impacts that flow has on concentrations were brought up. Mr. Aunkst responded that our regression analysis shows that TDS flows are fairly constant and that by looking at long term trends, we are confident that we have not caught any “TDS” slugs.

Ron Furlan of the Department summarized the changes to the regulation. Several clarifying statements were made in response to a question from task force members. One

was whether the 2000 mg/l was determined by monthly or daily averages. Mr. Furlan explained that those were daily averages.

Mr. Anderson next led the group in a discussion focused on defining and understanding the TDS challenge. Several key points were discussed by the task force. Mr. Bluedorn summarized this discussion as follows:

1. Something needs to be done to address the TDS issue in the Commonwealth
2. We need to ensure protection at the public drinking water supply
3. We need to pursue an appropriate balance of economics, environmental protection, certainty, and flexibility
4. A “sector-based analysis” is going to play a role in the solution
5. Some discussion regarding additional protection of the aquatic community – no agreement amongst the group
6. Some discussion regarding the issue of new regulations v. new policies – no agreement amongst the group

Mr. Anderson then led the group on a discussion of potential solutions for the TDS issue as identified by the group. Those included: using existing regulations to further address, using a sector based approach, using seasonal limits where possible and using a trading system. The group discussed whether a water quality or technology based approach was the better solution and whether both existing and new discharges should be examined.

During this discussion a key question was asked by a member of the task force, which was if disposal wells were permitted in Pennsylvania (to date none have been), would DEP still be proposing changes to TDS. Although the question was not answered directly, several members of the task force noted that PA’s geology may not be well suited for disposal wells and that several are permitting in neighboring states.

This led to the question of what are neighboring states doing in regards to TDS treatment. A member of the task force noted a study on Illinois that was to be distributed to the group. The Department should report back to the work group on its findings on other states approaches to TDS.

Mr. Anderson then led the group on a discussion of possible technology solutions, which included reverse osmosis, blending, crystallization, and source reduction. The group also discussed using a Reasonable Available Control Technology approach (used in the Air program). One note of caution was voiced, stating that this issue and regulation has the potential to disincentivize water conservation.

The group suggested that additional information was necessary to further determine the economic impacts of technology solutions as well as how to deal with the by-products of

treatment. It was discussed briefly that the by-products of treatment will vary greatly by sector and that treatment technologies also vary in effectiveness by sectors.

Sector Groups were formed and will come to upcoming meetings prepared to discuss information based on their sector. They will respond to the following questions:

- Discharges, including locations and amounts
- Options for reductions
- The costs and benefits of treatment (should include energy costs and additional water use if appropriate)
- The unknowns
- The residuals produced (include amounts, possible specs and possible uses)

The sector groups and leaders are:

- Underground and Surface Mining (J. Gaskey and J. Owsiany)
- Oil and Gas (S. Blauvelt)
- Industrial (S. Diday)
- Municipal (P. Slack and C. Wunz)
- Electric and Utilities (D. Cannon)
- Drinking Water (J. Hines)
- Natural Resources (M. Hartle)

Prior to adjourning the group decided to meet about one per month and set the next meeting for Sept. 22 at 9:30 in the Susquehanna Room (B) of the DEP Southcentral Regional Office. Future meeting dates were set following the email and are Oct. 16, Nov. 10, Dec. 11, and Jan. 13.