



## State Water Plan Update Statewide Committee Meeting

August 17, 2022  
9:00 a.m. - 12:00 p.m.  
Hybrid Meeting via Microsoft Teams

### **Committee Members in Attendance:**

Kelly Anderson  
Len Bradley, P.E.  
Carol Collier  
Andrew Dehoff  
Sean Donnelly  
Patty Elkis  
Jennifer Fetter  
Matthew Genchur  
Kate Harper

Heidi Moltz, Ph.D.  
Susan Weaver, P.E.  
Trisha Salvia, Esq  
Deb Simko  
Heather Smiles  
Steven Tambini  
Tim Weston  
Matthew Wolford

### **Committee Members Not in Attendance:**

Theresa Eberly  
Brian Eckert  
Daniel Gold  
Andrew Gutshall, P.G.  
Richard Harrison, P.E.  
Jeff Jumper

Gary Merritt  
Kevin Moore, P.E.  
Shannon Rossman  
Michael Roth  
Simeon Suter, P.G.  
Jessica Trimble

### **Others in Attendance:**

James Horton – DEP  
Mike Hill, P.G. – DEP  
Brian Chalfant – DEP

Bob Whitmore - Strategic Consulting Partners  
Monica Gould – Strategic Consulting Partners

### **Visitors:**

Andy Gavin  
Benjamin Lorson  
J Martin  
Eric Jespersen  
Josie Gaskey

### **Welcome:**

James Horton, DEP, welcomed everyone to the meeting and explained the meeting was being recorded and provided helpful hints on the use of the technology. Chair Tim Weston

welcomed everyone attending the meeting. Attendance was recorded in the Microsoft Teams participant's log.

### **Meeting Summary**

The meeting summary of the May 11, 2022, meeting was approved on a Kate Harper / Kelly Anderson motion. Adopted. Gary Merritt abstained in the vote as he was not present at the meeting on May 11, 2022.

### **Public Comment**

Chair Weston opened the meeting for public comment. No public comment was offered.

### **DEP Summary of Activities:**

Susan Weaver introduced herself to the committee and provided a summary of DEP activities regarding the State Water Plan Update.

Thank you all again for joining us today. I would like to give the committee an update of what DEP is working on in regards to the State Water Plan Update.

The three draft Critical Area Resource Plans (CARPs) are progressing well. The draft Back Creek CARP is complete and has been shared with the Ohio regional committee; it was approved by the committee to enter public comment and the 45 day agency review phase. This review time has come to a close and DEP staff and the Critical Area Advisory Committee are currently addressing the comments and suggested edits. A formal public hearing and committee meeting took place on July 14. The draft Laurel Hill CARP will be shared at a later date. The Marsh and Rock Creek CARP is still under review but we anticipate it will be released shortly. Once the draft CARPs have been reviewed by their respective committee and approved by DEP with any additional edits, they will be sent to a list of stakeholders and planning officials within their watershed for review and comment. Additionally, DEP will host public hearings specifically to consider each CARP and solicit comments from the public prior to the vote for recommendation. Once the CARPs have been edited in accordance with public and planning agency feedback, the CARPs will return to their regional committees to vote on their recommendation to the statewide committee.

The final State Water Plan Update draft has been completed, we'll be sharing this with you today. It includes regional components, work group products, an assessment of progress since the last plan update, and a strategic plan going forward. After this meeting we hope to be able to share this with the public for comment.

The State Water Plan Atlas from 2009 is being developed into a StoryMap as a Digital Atlas. We plan to share this with you at the next committee meeting in October.

Does anyone have any questions or comments at this time on our summarization of activities?

**Question:** Committee asked for a Stormwater BMP Manual Update:

- DEP shared that there is nothing to report.
- Tim Weston asked for a formal update at a near future meeting to ensure we include/consider any impacts to the state water plan recommendations

**Request:** Carol Collier requested an update on drought plans. Susan Weaver is coordinating with PEMA on developing a drought task force to address dry areas within the Commonwealth.

### **Update on Regional Priorities**

Tim Weston shared the State committee's responsibilities are to consider the regional priorities and plan. One task of the committee is to reconcile any inconsistencies between the regions.

- Inconsistent with each other
- Inconsistent with Act (Federal, State, Regional Statutes)
- Conflicts with objectives with State Water Plan

At this time, the statewide committee does not see conflicts or concerns with the regional priorities. Specific comments from the committee members:

- Kate Harper saw congruence with Ohio and Delaware regions.
- Jennifer Fetter commented that she thought the regional plans reflects a holistic view
- Deb Simko shared that she has concerns that the legacy issue for mining was not addressed in the Upper Susquehanna.

Tim Weston asked DEP to share their insights on their overall view of the regional priorities and if there are inconsistencies or conflicts with the State Water Plan. Both Susan Weaver and James Horton shared that the overall plan and regional components seem to be in agreement. Additionally, each committee with exception of Potomac have approved their regional priorities:

- Ohio Regional Water Resources Committee – on July 14 rallied and voted on their priorities during their review of the Back Creek Critical Area Resource Plan (CARP).
- Great Lakes Regional Water Resources Committee – on June 23 they were able to achieve quorum and affirmatively vote on their priorities.
- Delaware Regional Water Resources Committee – on July 12 made small revisions to and voted on their priorities.
- Potomac Regional Water Resources Committee – have historically struggled with attendance and recruitment and was not able to complete the final vote. They have decided not to attempt an additional meeting to formally vote on approving their regional component.

Tim Weston suggests the statewide committee holds off on their vote of the regional committee priorities until the committee members have time to

1. DEP should review the details of the regional priorities.

2. All agencies involved in State Water Plan should review to ensure there are not inconsistencies.
3. Statewide committee reviews in detail. In October the statewide committee will come together and vote on the priorities.

### **Statewide Plan Update from James**

James shared that we have a full compilation of the State Water Plan Final Update Report (“report”). This most recent update of the plan will use contemporary technology to make the document more easily navigable. An Executive Summary was added with the goal of being concise, readable, containing links to other areas of the plan.

Some elements include:

- Overview of the regional priorities
- Breakdown of workgroups
- Recommended legislative priorities
- Discussion of Critical Area Resource Plans
- Data access and collaboration
- Path forward

Feedback from the committee:

- Tim Weston shared that the legislative priorities seem to be watered down. James shared that the links are meant to provide more details on the specific legislative priorities.
- Tim Weston shared that the Path Forward in the Executive Summary is very generic and doesn’t reflect the work of the state committee. Tim suggested that the state committee should spend time in fleshing this out and formalizing the path forward.
- Carol Collier was surprised that there was not more mention of the utilization of data and the changes from the last State Water Plan 13 years ago. Perhaps a comparison or trend analysis should be included in the plan.
- Tim Weston and Kate Harper shared that we should incorporate some data on where the challenges are within the state. We should also include the legislative priorities in the executive summary.
- Kate Harper suggested that a statewide priority should be “linking land use to water management”. We should consider making the executive summary more inclusive of critical priorities and legislative priorities.
- Trisha Salvia shared that we need to reflect on what has been accomplished since 2009 is missing. A “then” and “now” comparison with data is missing.
- Gary Merritt comment that not a lot was done to implement the last plan and that he fears that the path forward for this plan will not ensure implementation.

James Horton summarized the feedback from the committee: more specificity and clarity; it must attach to the history of the progress; the report needs data and trends in the executive summary. Also, we need to review the overall regional committee priorities to raise them up to statewide committees.

## Review of Statewide Plan elements:

- 2.1: Assessment of Regional Priorities
  - Tim Weston among others from the committee discussed the prior iterations of the plan and efforts that had been made, or not made, to help bring about the priorities identified in them. Lack of resources in PADEP was highlighted as an ongoing issue.
- 2.2: Review of State Priorities
  - Tim Weston suggested that we add language about the fact the state committee did not see any inconsistencies in the regional priorities.
- 2.3: Review of Legislative Priorities
  - Committee recommends that the detailed chart be included in the Legislative Priority section in the Executive Summary. This should not be moved but put in both places
  - Agricultural Work group was created earlier this year. The ACAP bill legislation was passed. New information needs to indicate that there should be a source of sustainable funding. Initial funding was given through ARPA funds. Jennifer Fetter change “Create Program for Agriculture Conservation Practices” to “Provide Increased Technical Assistance for Agriculture Conservation Practices”
    - ACAP = Agriculture (not Agricultural) Conservation Assistance Program. Established in 2022 through the Clean Streams Fund. Recommendation = (1) program implementation and (2) sustainable source of funding for ACAP.
    - For reference, ACAP was enacted through Act 54 of 2022, which amended the Fiscal Code:  
<https://www.legis.state.pa.us/cfdocs/legis/li/uconsCheck.cfm?yr=2022&sessInd=0&act=54>
- 2.4: Assessment and Update of Statewide Priorities
  - Collectively reviewed several sections within the plan.
  - Committee will review these in more detail and provide feedback on what is written at the next meeting.

## Update on Workgroups:

- **Infrastructure Needs in Commonwealth**
  - Data we have is dated from the US EPA
  - Data is not collected from DEP
  - Significant challenges in projecting need as a result of dated and poor data.
  - Other Challenges:
    - New regulations
    - Forever chemicals
    - Need for funding to mitigate and address the issues
  - Recommendations
    - Data collection enhancements.
    - Funding needs – some funds available currently (PENNVEST).
    - Management needs.

- System Assessments: enhance ability of systems to collect data so that these systems can identify needs, gaps and prioritize funding and initiatives.
    - Legislation recommendations to support funding and data collection.
    - Finally, recommend that financially challenged systems consider alternatives in funding.
  - Comments from the committee –
    - Need to add language about problems with Sewer Plants could negatively impact drinking water.
    - Andrew Dehoff suggested that systems are hesitant to raise rates
- **Agricultural Workgroup**
  - Trisha Salvia shared the update and the work they have completed. Agricultural runoff can impact water quality and the Chesapeake Bay. Kelly Anderson and Jennifer Fetter supported the read-out of this update. Minor edits are requested by the workgroup.
  - Legislative priorities:
    - Sustainable funding for Grower Greener grants
    - Environmental Stewardship Fund (ESF) needs to be
    - ACAP was passed – document needs to be updated to reflect the passing of the legislation. Further actions should be included in the revision.
      - Implementation of ACAP beginning January 2023
      - Long term funding – ACAP needs sustainable funding after ARPA funding expires in 2026.
    - Increase REAP funding
    - More USDA NRCS initiatives and funding
  - Tim Weston recommends that we tie in all regions to this initiative as it seems to be focused mostly on Chesapeake Bay impacts. Many of the issues and recommendations apply to other parts of the state.
  - Tim suggested that we add context and background on the prohibition of livestock access to streams. Language as provided may not be clear and persuasive as we intend.
- **Legacy Histories – In Appendix D in the Plan**
  - Gary Merritt and Dave Jostenski wrote this part of the plan
  - Looked at a broad range of issues but focused on Mining, Oil and Gas impacts.
  - Provided a history of the issue. Also provided some context on legislation in place.
  - Lots of abandoned Oil and Gas wells in the Commonwealth – causing discharge and methane emissions
  - DEP and other have fully reviewed these sections and committee does not anticipate significant changes to the appendix.

## **Next Steps**

- Tim recapped:
  - Committee has the complete draft in front of us for the first time. It is important to note that this draft was received yesterday with the request from DEP that the draft we moved to the public comment phase.
  - Committee was not given ample time to do a more thorough review of the document.
  - Final draft needs to be approved by the committee formally before the end of this calendar year.
  - Draft must be available to the public – minimum 30-day review by the public.
  - The committee is disappointed that they were not given enough time to review the document before it is sent to the public. Some errors and omissions are in the document. The committee has three options related to sending this version to the public for comment:
    - Option 1: Committee endorses the plan to go the public without the committees input/final review.
    - Option 2: Recommend we pull the document for public review and delay the process until the committee can provide proper feedback.
    - Option 3: Allow the document to go to public comment but the committee reserves the rights to provide feedback and provide recommended changes after the public comment period. .
  - Committee overwhelmingly shared that they would agree to Option 3 above as the committee does NOT endorse this version of the plan as ample time was not given to review the draft. Further a subset of the state committee will provide a formal detailed review of the draft document and provide collective input to DEP prior to the development of a final draft.
- James suggested the following timeline with input from the state committee members:
  - August 20 – September 19 – open to public comment – with the right for the state committee to provide additional input. See option #3 above.
    - Revisions/input from the public entertained along with input/revisions from the state committee.
    - In the public notice and on DEP’s website, it must be clear to the public that the state committee has not sanctioned or endorsed this version of the plan and that further input/revisions may occur.
    - Tim Weston has requested to review the notice to the public to ensure the notice includes the sentiment of the committee.
  - August 19th – September 28th - Establish a small workgroup to support the committee’s feedback to work through committee comments and public comment period.
    - Chair and Vice Chair will participate in the group
    - Lead of each working group be part of this new workgroup.
    - Any volunteers that would like to be part of the working group. They will notify Tim and James Horton to be included.
    - By September 1<sup>st</sup> the small working group will collate the feedback from the statewide committee members.

- November 1<sup>st</sup> or 2<sup>nd</sup> DEP must provide a draft to the committee has ample time to provide valid feedback before the final draft.
- November 16<sup>th</sup> meeting to review draft that incorporates committee and public feedback.
- December 14<sup>th</sup> meeting of committee to approve the final draft to be sent to the Secretary of DEP.
- Two motions were made by Tim and approved unanimously by the committee:
  - **Committee has reviewed the draft and will allow the draft to go forward for public review with acknowledgment of the committee reserves the right to make further edits to the document presented to the public**
    - Kate and seconded by another, motion approved and unanimously approved by committee
  - **The State Committee requests that DEP provide next draft to the State Committee NO LATER than November 1<sup>st</sup> or 2<sup>nd</sup>.**
    - Gary/Carol motion approved and unanimously approved by committee

The meeting was adjourned at 11:45 pm on a Kate Harper/Kelly Anderson motion.