

**Draft Minutes of the
March 29, 2017 Meeting of the
Water Resources Advisory Committee (WRAC)**

Robert Cavett called the meeting to order at 9:33am on Wednesday, March 29, 2017 in Room 105 of the Rachel Carson State Office Building, Harrisburg, PA.

Robert Cavett reported that the subcommittee working on added materials for the committee requests for the permit fees discussion from the last meeting successfully completed their task.

The following committee members were present:

Myron Arnowitz, Clean Water Action (via phone)
Harry Campbell, Chesapeake Bay Foundation
Robert Cavett, Merck & Co.
Kent Crawford
Andrew Dehoff, Susquehanna River Basin Commission
John Jackson, Stroud Water Research Center
Theo Light, Shippensburg University
Gary Merritt, NSG
Cory Miller, University Area Joint Authority
Chuck Wunz, Wunz Associates
Steven Rhoads
Jeff Shanks, Waste Management
Robert Traver, Villanova University (via phone)

The following committee members were not present:

Jeff Hines, York Water Company
Dean Miller, Pennsylvania Water Environment Association
Steven Tambini, Delaware River Basin Commission
Jeanne VanBriesen, Carnegie Mellon University

The following DEP staff members were present:

Sidney Freyermuth, Bureau of Waterways Engineering and Wetlands
Margaret Murphy, Bureau of Regulatory Counsel
Lee McDonnell, Bureau of Clean Water
Ken Murin, Bureau of Waterways Engineering and Wetlands
Hayley Jeffords, The Policy Office
Cheryl Snyder, Bureau of Clean Water
Jesse Walker, Bureau of Regulatory Counsel
Diane Wilson, Bureau of Clean Water
Ramez Ziadeh, Bureau of Waterways Engineering and Wetlands

The following guests were also present:

Byron Ruhl, PennDOT
Josie Gaskey, Pennsylvania Aggregates and Concrete Association

Jim Erb, API
Shane Rohrbaugh, Widner Commonwealth Law School
Sarah Miller, PBA
Ken Najjar, Delaware River Basin Commission
Tom Shervinskie, PFBC
Mark Bogrisl, Student
Brett Flower, Student
Kevin Sunday, Government Affairs - Pennsylvania Chamber
Rachel Gleason, PA Coal Alliance
Neal Brofee, PennDOT-OCC
Beth Kern, Chesapeake Energy
Rachel Gleason, PA Coal Alliance
Steve Frank, NRG
William Ratcliffe, Williams

Approval of Minutes – Steven Rhoads made a motion to approve the minutes of the September 21, 2016 meeting. The motion was seconded by John Jackson. The minutes were approved by unanimous vote.

Technical Guidance Document – Comprehensive Environmental Assessment of Proposed Project Impacts for Chapter 105 Water Obstruction and Encroachment Permit

Applications – Ramez Ziadeh, Bureau of Waterways Engineering and Wetlands provided an overview of the technical guidance document. Mr. Ziadeh informed the committee that the document was in interim final and that comments had been received through the public comment period. Mr. Ziadeh explained that this is a guidance document and would not result in any regulatory changes.

Discussion points brought up by various committee members included: the guidance would create a burden on applicants to meet the requirements of section 5 (b) requiring due diligence of the applicant to assess cumulative wetland impacts of their project and other existing projects; concerns that the committee had not been given time to advise on the document earlier in the process; and that the Department should have resources made available to applicants to assist them in compiling this information. Suggestions were made that the Department should develop a database of previously approved wetland projects for public use. Concerns were also expressed that when doing permit reviews, some background information and specifically the Record of Decision is not available.

Meg Murphy, DEP Regulatory Counsel, said she would check the availability of the Record of Decision and get back to the committee; her understanding is that it should be available. Ken Murin, Bureau of Waterways Engineering and Wetlands, said the Department is heading in the direction of making more things available electronically, but this guidance is meant to clarify the existing requirements.

Robert Cavett asked if WRAC could still provide comments, and Mr. Ziadeh said yes, they would take additional comments.

Stephen Roads provided handouts of his proposed revisions to the document for section 5, first paragraph and the paragraph between 5(b)(iii) and 5(c). A motion was made by Stephen Rhoads and seconded by Gary Merritt that the suggestions be considered as committee comments and that the committee recommends the Department adopt this proposed language and other recommendations as provided for inclusion in the guidance document. This includes additional suggestions made by Kent Crawford that the title of the document include “Guidance for Preparing” at the beginning and that the first paragraph of the document include examples (but not limited to them) of what is meant by project impacts to waters. Theo Light, Robert Traver, Myron Arnowitz and Harry Campbell voted nay while all other committee members voted yes; the motion passed.

Robert Cavett mentioned that because the Department said it will consider (if accurate) additional comments, the topic can be revisited at the May committee meeting.

Triennial Review Update – Lee McDonnell, Bureau of Clean Water presented an update of the Triennial Review of Water Quality Standards. The Department has removed chloride criteria from the package because the EPA will not accept the equation-based chloride standard developed by the Department. EPA is shifting towards an equation that considers conductivity but there is no timeframe as to when this will be available. To keep the rest of the package moving with EPA, chloride criteria were removed and the Department will not propose an aquatic life standard for chloride (still part of Chapter 96). Committee members discussed the topic.

Chapter 102 Erosion and Sedimentation Control and NPDES Permitting Process Listening Sessions – Lee McDonnell, Bureau of Clean Water presented an update of the Chapter 102 listening sessions the Department held in response to receiving many comments and complaints about the Chapter 102 Erosion and Sedimentation Control and NPDES Permitting process. Mr. McDonnell explained that as of October 2016, all NPDES permits were part of the Bureau of Clean Water. The listening sessions were held in the DEP Regions with both invited members of the public and Conservation District staff. The sessions were well received resulting in good discussion and feedback. Session participants specifically provided comments about what worked, didn’t work, and what could be changed in the 102 process. Mr. McDonnell said the tabulated information can be shared in a month or so and said he would be willing to come to the next committee meeting in May to give an update. The committee held some discussion and asked a few questions. Mr. McDonnell said the Department is willing to take additional input.

General Discussion -

Committee member Chuck Wunz talked about the uncertainty of future funding for Chesapeake Bay programs. He asked would stocking American eels (hosts for *Elliptio* mussels) in the

Susquehanna River help with nutrient removal by the mussels in the river and subsequently in the Chesapeake Bay? He wondered what the impact would be, what removal of nitrogen would occur and should the stocking be yearly. Committee members commented on mussel studies and overall work already done in the Bay to remove nitrogen and sediment, and stated there are still challenges with pollution sources (both point and nonpoint) in the watershed and that mussels can't handle it all especially during high flows. More work needs to be done but that the partnerships do work and the successes already achieved in the Bay cleanup need to be celebrated.

Public Comment Period –

No comments from the public.

Gary Merritt motioned to adjourn the meeting.

Theo Light seconded the motion.

The meeting was adjourned at 11:57am.