

**Minutes of the
October 25, 2017 Meeting of the
Water Resources Advisory Committee (WRAC)**

Call to Order, Introductions and Attendance - John Jackson chaired the meeting in Robert Cavett's absence. He called the meeting to order at 9:35 a.m. Participation in today's meeting of 12 members represents a quorum.

The following committee members were present:

Myron Arnowitz, PA Clean Water Action
Kent Crawford
Jeff Hines, York Water Company
Garry Merritt, NSG
Cory Miller, UAJA
Steven Rhoads
Jeff Hines, York Water Company
Jeff Shanks, Waste Management
Steve Tambini, Delaware River Basin Commission
Chuck Wunz, Wunz Associates

The following committee members were present (via phone):

Harry Campbell, Chesapeake Bay Foundation
Theo Light, Shippensburg University

The following committee members were not present:

Robert Cavett, Merck & Co.
Andrew Dehoff, Susquehanna River Basin Commission
Dean Miller, Pennsylvania Water Environment Association

The following DEP staff members were present:

Roger Adams, Bureau of Waterways, Engineering, and Wetlands
Lisa Daniels, Office of Water Programs
Sean Gimbel, Office of Water Resources Planning
David Goerman, Bureau of Waterways, Engineering, and Wetlands
Douglass Goodlander, Bureau of Clean Water
Mark Hoyer, Bureau of Clean Water
Hayley Jeffords, The Policy Office
Charles McGarrell, Bureau of Clean Water
Kevin Mcleary, Bureau of Clean Water
Michelle Moses, Bureau of Regulatory Counsel
Ken Murin, Bureau of Waterways, Engineering, and Wetlands
Trisha Salvia, The Policy Office
David Shetron, Legislative Office
Dustin Shull, Bureau of Clean Water
Cheryl Snyder, Bureau of Clean Water

Steve Taglang, Bureau of Clean Water
Diane Wilson, Bureau of Clean Water

The following guests were also present:

Jim Erb, API
Sara Miller, PA Builders
Teresa Irvin McCurdy, TD Connections
Beth Kern, Chesapeake Energy
Chelsea Pellay

Review and Approval of Minutes – Steve Rhoads made a motion to approve the minutes of the August 9, 2017 meeting. Jeff Hines seconded the motion. The minutes were approved by unanimous vote.

Remarks – Lisa Daniels, Acting Deputy Secretary for Water Programs indicated that she is temporarily serving in this position and will return to the Directorship of the Bureau of Safe Drinking Water when another candidate is found. Her goal is to move things forward and she thanked WRAC members for their service.

Updates to DEP’s Regulatory, Technical Guidance, and Advisory Committees Policies – Hayley Jeffords, Policy Office presented changes to these policies that were developed originally in the 1990s. The revisions will:

- Increase transparency and clarity
- Facilitate meaningful conversation between DEP and all stakeholders interested in participating in our policy development
- Remove DEP’s internal workflow processes into Standard Operating Procedures documents for simplicity.

The policy revisions are in the PA Bulletin for a 60-day comment period (10/14/17 – 12/13/17). The public is encouraged to use the eComment website. WRAC members should comment as individuals noting that they are serve on this advisory committee.

Eutrophication Cause Determination Protocol – Charles McGarrell, Bureau of Clean Water explained that PA has no numeric stream criteria for Phosphorus and Nitrogen although these nutrients can have detrimental effects such as altered ecosystem metabolism when excessive. The new protocol will focus on examining excessive Dissolved Oxygen (DO) swings, a strong correlation between DO swings and temperature, and elevated water column Total Phosphorus and Total Nitrogen levels. The protocol looks to account for stream size and seasonal variability. This is accomplished through breaking the streams into 3 watershed sizes (<25mi², 25-75 mi², and >75mi²) and 4 sampling periods, each consisting of two months. Three streams were compared in this presentation to express how the protocol could be used to identify streams that had high amounts of eutrophication versus those which have low amounts of eutrophication.

A question was asked on how the protocol will be used. McGarrell responded by stating that the protocol will be used to assess nutrient impairment in the stream, not giving a definitive cause of where this eutrophication originated from (therefore not stating if its origin is from agricultural or urban/suburban). The protocol can be replicated and is defensible, because currently it is only up to the professional judgement of the biologist. It will primarily be used on streams that have a definitive impairment because of eutrophication, otherwise the macroinvertebrate protocol of impairment will still be the one that is primarily used.

Discussion focused on support for this process so that excessive nutrients can be prevented from reaching the stream.

Chapter 102 Erosion and Sediment Control and National Pollution Discharge Elimination System (NPDES) Permits – Lee McDonnell, Bureau of Clean Water, explained that over the last decade, DEP’s operating budget and staffing have declined although the number of Chapter 102 permit applications has not. DEP seeks to improve efficiency and make the permitting process less cumbersome without sacrificing environmental protection. DEP has held many stakeholder meetings. Based on suggestions from these meetings DEP plans to take the following steps in the short term:

- Develop a low environmental impact small project permit (PAG-01)
- Develop additional guidance and permitting tools
- Improve co-permittee, recording of instruments and Notice of Termination process
- Publish Final Act 162 guidance

DEP plans to take the following steps in the medium term:

- Develop process changes to Individual NPDES permits
- Review and update all Standard Operating Procedures for 102 permitting
- Release training modules for 102 permitting

DEP plans to take the following steps in the long term:

- Evaluate revisions to Chapter 102 regulations
- Revise the Best Management Practice Manual
- Develop electronic permit application and Notice of Intent submission capabilities

Chapters 91/92a Fee Package Update - Lee McDonnell, Bureau of Clean Water, discussed the Chapters 91 (WQM) & 92a (NPDES) Fee Increase proposals presented to WRAC on March 24, 2016, and September 21, 2016. Since then, budget projections show the new revenues are needed sooner than previously anticipated. We are proposing to eliminate the 5-year phase-in period. This will go to the Environmental Quality Board (EQB) in early 2018. DEP is looking for concurrence from WRAC to move forward. Kent Crawford made a motion to concur with

moving forward to the EQB. Myron Arnowitz seconded the motion. The motion was approved by unanimous vote.

Wastewater Guidance Update - Jay Patel, Bureau of Clean Water stated that the “Domestic Wastewater Facilities Manual (DWFM) was last revised in 1997. The DWFM provides guidance to both permitting staff and those preparing Water Quality Management Permit Applications for projects that propose design and construction standards for domestic wastewater sewer systems, pumping stations, and wastewater treatment facilities.

The document updates existing design standards and establishes design standards for new technologies for domestic wastewater treatment that had no design standards in 1997. The changes will improve the ability of the Department to be consistent in the permitting of domestic wastewater facilities statewide. Unless stated otherwise, most of the proposed changes bring the manual into alignment with the 10 States Standards.

This is a pre-draft document. DEP requests comments from WRAC members by 12/08/17. Cory Miller volunteered to give input prior to the next WRAC meeting.

Update to the Pennsylvania Function Based Compensation Policy – Ken Murin, Bureau of Waterways, Engineering and Wetlands presented this protocol (Document #310-2137-001) that: Standardizes the mitigation process; Provides predictive expectations; Provides statewide and cross program consistency; Reduces application review times; Reduces applicant/DEP conflicts; Maximizes use of application information. There were 3 documents preceding this one: Palustrine; Riverine; Lacustrine. Major revisions to this document were based on public comment. Next steps include: Final publication in December 2017; Training and Outreach.

Public Comment Period – No comments from the public.

Myron Arnowitz motioned to adjourn the meeting. The motion was seconded by Kent Crawford.

The meeting adjourned at 12:35 p.m.