

**Minutes of the
September 19, 2018 Meeting of the
Water Resources Advisory Committee (WRAC)**

Call to Order, Introductions and Attendance - John Jackson chaired the meeting in the absence of a chairperson due to the resignation of Robert Cavett from WRAC. He called the meeting to order at 9:35am. Participation in this meeting of 13 members represents a quorum.

The following committee members were present:

Harry Campbell, Chesapeake Bay Foundation
Jenifer Christman, Western Pennsylvania Conservancy
Shirley Clark, Pennsylvania State University
Kent Crawford
Andrew Dehoff, Susquehanna River Basin Commission
Jeff Hines, York Water Company
John Jackson, Stroud Water Research Center
Gary Merritt, NSG
Stephen Rhoads
Steve Tambini, Delaware River Basin Commission
Charles Wunz, Wunz Associates

The following committee members were present (via phone):

Myron Arnowitz, PA Clean Water Action
Kevin Gilmore, Bucknell University

The following committee members were not present:

Theo Light, Shippensburg University
Cory Miller, UAJA
Dean Miller, Pennsylvania Water Environment Association
Jeff Shanks, Waste Management
Sara Whitney – Pennsylvania Sea Grant

The following DEP staff members were present:

Roger Adams, Bureau of Waterways, Engineering and Wetlands
Timothy Bruno, Office of Water Resources Planning
Sean Gimbel, Office of Water Programs
Hoss Liaghat, Office of Water Resources Planning
Ken Murin, Bureau of Waterways, Engineering and Wetlands
Lee McDonnell, Bureau of Clean Water
Jennifer Orr, Office of Water Resources Planning
Keith Salador, Citizens' Advisory Council
Tim Schaeffer, Office of Water Programs
Cheryl Snyder, Bureau of Clean Water
Steve Taglang, Bureau of Clean Water
Diane Wilson, Bureau of Clean Water

The following guests were also present:

Beth Kern, Chesapeake Energy
Ankita Mandelia, Chesapeake Bay Foundation
Matthew Rindfuss, PA House
Bryan Ruhl, PennDOT

Review and Approval of Minutes - Stephen Rhoads made a motion to approve the minutes of the May 9, 2018 meeting, as amended, with additional information regarding the agricultural enforcement discussion. Andrew Dehoff seconded the motion. The minutes were approved by unanimous vote

Flow Management Issues in the Delaware River – Jennifer Orr, Office of Water Resources Planning – gave a presentation on flow management in the Delaware River Basin where water uses affect New York City, New York State, New Jersey, Pennsylvania and Delaware. A history of water usage, litigation and agreements was discussed. New York City, during its expansion in the late 1800's and early 1900's, needed additional drinking water sources for the growing city and went outside the city boundaries to the Hudson River and Delaware River basins. Concern over exports of water reducing downstream flows in the main stem resulted in two Supreme Court cases (1931 and 1954), court cases among New York City and New Jersey, with New York State, Pennsylvania and Delaware as named or intervening parties. The resulting Supreme Court decrees allow for water diversions to both New York City and New Jersey to meet their growing needs while requiring releases from NYC reservoirs in the basin to meet minimum downstream flows. The 1954 decree has been modified by other agreements over the years with the most recent being the Flexible Flow Management Program (FFMP) executed in October 2017. This program concentrates on reservoir conservation releases, storage and diversions and calls for studies to address future concerns, such as sea level rise. The FFMP is a two-part, 10-year agreement with a mid-point evaluation in 2023. Habitat and temperature management is a concern in the upper basin while flow volumes and water quality are important in the lower basin, including repulsion of the salt front in the estuary to prevent salt water intrusion into drinking water and industrial supplies. Future concerns in the basin include continued water diversions, downstream flows, flood mitigation, drought management, climate change and water conservation.

Renewal of PAG-05 (Pennsylvania General Permit 05) – Lee McDonnell, Bureau of Clean Water - discussed Pennsylvania General Permit 05 (PAG-05). PAG-05 is a general permit for use with petroleum product contaminated ground water remediation systems. There are 53 active permits. The general permit will expire December 28, 2018. It was published in the July 28, 2018 PA Bulletin for public comment. Notice of Intent fees are projected to increase from \$100 to \$500. Annual report templates as well as termination and other procedures will be added. Upon approval, the revised general permit will be issued as final.

Pennsylvania Lake Erie Phosphorus Reduction Domestic Action Plan – Timothy Bruno, Office of Water Resources Planning – presented an overview of the PA Lake Erie Phosphorus Reduction Domestic Action Plan including a history about Lake Erie and partnerships and agreements that exist. The Great Lakes Water Quality Agreement of 1972 is between the United States and Canada and works to restore and protect Great Lakes waters and ensures chemical, physical and biological integrity of the Great Lakes. The Environmental Protection Agency coordinates the U. S. activities, lake partnerships and annex subcommittees. Pennsylvania is active on two subcommittees – the Action and Management Plan Subcommittee (#2) and the Nutrients Subcommittee (#4). A new Domestic Action Plan was developed in 2018 between the U.S. and Canada that includes phosphorus reduction targets for Lake Erie. Since Pennsylvania is in the central basin of Lake Erie, the only target of concern is minimizing the hypoxic zone by achieving a 40% decrease in total phosphorus. Pennsylvania data is lacking for the area so loadings were determined through modeling use of a reference watershed. Pennsylvania’s contribution is very small and most likely already meets the 40% decrease in phosphorus goals. Pennsylvania will develop a domestic action plan by 2021 which will be updated every five years. Pennsylvania will work with partners on projects and will measure progress by reporting phosphorus loadings, report on phosphorus contributions and reductions and develop a tracking database. Other concerns are that Lake Erie’s western basin affects the central basin by 80-90% with the Detroit River being a big nutrient influence on the western basin, which in turn affects the nutrients in the central basin. The presence of Cladophora algae is also a problem in the lake. Pennsylvania continues to work on planning with partners and public participation.

Chapter 105 ePermitting Effort – Ken Murin, Bureau of Waterways, Engineering and Wetlands - updated the status of the Chapter 105 ePermitting effort. The Governor’s Office determined that permitting upgrades were needed in DEP programs to facilitate quicker permit actions and reduction of permit backlogs. The Chapter 105 program was identified as an area in need of an upgrade. ePermitting for Chapter 105 general permits is being developed. It will be web-based and will coordinate with other DEP programs including eFACTS and PNDI. Registration will be done through DEP’s GreenPort. Webinars and staff training are taking place and the webinars are recorded so they are available on the Bureau’s webpage. ePermitting should allow for more complete applications to be submitted for review and cut back on backlogs. During the transition, both paper and electronic applications will be used while working out the bugs. The system will go live by early October 2018.

General Discussion – Members had comments on the Agricultural Operations Inspections presentation done at the May 9, 2018 meeting. They have concerns about the lack of enforcement during farm inspections and feel that inspections are needed statewide, not just in the Chesapeake Bay watershed. They requested that DEP provide an update at the next WRAC meeting.

Public Comment – No comments from the public.

Gary Merritt motioned to adjourn the meeting. The motion was seconded by Kent Crawford.

The meeting adjourned at 12:13pm.