

**Minutes of the
January 24, 2019 Meeting of the
Water Resources Advisory Committee (WRAC)**

Call to Order, Introductions and Attendance –John Jackson called the meeting to order at 9:30 am on Thursday, January 24, 2019 in Room 105 of the Rachel Carson State Office Building, Harrisburg, PA. Participation in this meeting of 15 members represents a quorum.

The following committee members were present:

Harry Campbell, Chesapeake Bay Foundation
Kent Crawford
Andrew Dehoff, Susquehanna River Basin Commission
John Jackson, Stroud Water Research Center
Gary Merritt, NSG
Cory Miller, UAJA/PDMA
Stephen Rhoads
Sara Whitney, Pennsylvania Sea Grant
Charles Wunz, Wunz Associates

The following committee members were present (via phone):

Myron Arnowitz, PA Clean Water Action
Jenifer Christman, Western Pennsylvania Conservancy
Shirley Clark, Pennsylvania State University
Jeff Hines, York Water Company
Theo Light, Shippensburg University
Jeff Shanks, Waste Management

The following committee members were not present:

Kevin Gilmore, Bucknell University
Dean Miller, Pennsylvania Water Environment Association
Steve Tambini, Delaware River Basin Commission

The following DEP staff members were present:

Gena Ardito, Bureau of Clean Water
Sean Furjanic, Bureau of Clean Water
Sean Gimbel, Office of Water Programs
Jeff Hartranft, Bureau of Waterways, Engineering and Wetlands
Mike Hill, Office of Water Resources Planning
Ken Murin, Bureau of Waterways, Engineering and Wetlands
Jennifer Orr, Office of Water Resources Planning
Robert Reiley, Bureau of Regulatory Counsel
Steve Taglang, Bureau of Clean Water
Gary Walters, Bureau of Clean Water
Jill Whitcomb, Bureau of Clean Water
Diane Wilson, Bureau of Clean Water

The following guests were also present:



Grant Gulibon, PA Farm Bureau
Melissa Troutman, Earthworks (via phone)
Lida Hacomba, PA House Ankita Mandelia Chesapeake Bay Foundation
Sara Miller, PBA
Bob Struble, Brandywine Red Clay Conservancy
Melissa Troutman, Earthworks (via phone)
Tom Wilson, W Engineering, LLC

Review and Approval of Minutes from November 29, 2019 Meeting - Amendments to the minutes were discussed and reviewed. Stephen Rhoads made a motion to approve the minutes as amended. Jeff Shanks seconded the motion. The revised minutes were approved by unanimous vote.

Legacy Sediment Restoration and the Big Spring Run Project Results- Jeff Hartranft, Bureau of Waterways, Engineering and Wetlands - discussed a wetland complex and stream restoration project near Lancaster that is serving as a showcase for the benefits of removing legacy sediments and restoring integrated natural aquatic ecosystems. The project employed a multidisciplinary team to plan, design, construct and monitor the effects of a novel Best Management Practice. The team included scientists, engineers, construction workers, administrators, and educators. Funding partners included governments, nonprofits, academic institutions, landowners and other private entities.

Legacy sediments containing more than 50,000 pounds of phosphorus have been removed from Big Spring Run. Buried wetlands were exposed and reconnected to the groundwater and surface water hydrologic system. Post restoration monitoring has documented the rapid development of wet meadow habitat. Scientists estimate that the wetlands restoration is preventing 100 tons of sediment and 230 pounds of phosphorus from entering the stream each year – helping in Pennsylvania’s efforts to restore local waters and the downstream Chesapeake Bay. The project resulted in 4.7 acres of restored wetlands and 6000 linear feet of stream and buffer. The new Best Management Practice (BMP) has proven to be a far more cost-effective means of providing benefits than several conventional BMPs.

Chapter 102 Electronic Permitting (ePermitting)- Nate Crawford, Bureau of Clean Water- explained that the Bureau of Clean Water is currently in the requirement gathering portion of developing an ePermitting system for Chapter 102. During this phase of development, Bureau works with the Information Technology staff to determine what the system will look like, what questions it will ask and how it will interface with eFACTS and EPA’s ICIS. There is a group of Shareholders assisting the Bureau with the Chapter 102 ePermitting endeavor. The Shareholders are from 3 DEP Regional Offices, DEP Central Office, and from 3 County Conservation Districts.

The four types of permits that will be included are: General NPDES Permit (PAG-02); Individual NPDES Permit; E&S permit for road maintenance and timber harvest activities; ESCGP-3 for oil & gas transmission facilities.

The three types of applications included in this initial build: New permits; Renewal of permit; Permit Amendment.



Future builds of the ePermitting system will potentially include: Co-Permittee applications; transfer applications; and Notice of Termination applications. The system should be set to automatically notify the permittee of their permit coverage coming up for expiration.

There are many potential benefits of an ePermitting system for Chapter 102 including: A decrease in review times; Better assurance of complete applications; More timely communication; Better data management; Automatic transmission of data into EPA ICIS system and in DEP eFacts system.

Approximately two thousand Chapter 102 permits per year are processed through the current system. The potential launch date for ePermitting is June 2019 for PAG-02 applications. After ePermitting is available, no paper submissions will be accepted. WRAC members requested a demonstration of the system when beta testing is available. It was suggested that a legacy system of paper be maintained so there is no information lost at any point. The proposed ePermitting system will generate a PDF of the entire application which can be printed at any time.

NPDES Permit for Earth Disturbance Activities Associated with Small Construction Activities (PAG-01)-Nate Crawford, Bureau of Clean Water - discussed DEP listening sessions which were held at seven locations across the state to solicit feedback from the regulated community, consultants, and conservation districts on what is and is not working with respect to permitting under Chapter 102. The primary suggestion received was for the development of a general permit to cover small earth disturbance projects that would enable such projects to receive permit coverage faster and at lesser cost than other projects. Following these sessions, DEP proposed the development of a PAG-01 NPDES General Permit for earth disturbances associated with small construction activities. Small construction activities are defined under federal regulations as those disturbing 1 to 5 acres. PAG-01 was formerly used as a general permit for oil stripper well operations but had expired.

DEP consulted with Villanova University, which is working to complete revisions to Pennsylvania's Stormwater BMP Manual, to evaluate technical criteria for PAG-01. The goal is for Villanova to provide technical assistance in determining site conditions that would mitigate increases in stormwater runoff volume, peak runoff rates, and pollutant loads naturally through infiltration and evapotranspiration processes or with simple, low maintenance BMPs. DEP requested that Villanova conduct a generalized stormwater analysis for small projects so that applicants for PAG-01 coverage would not need to do so.

It is envisioned that the Notice of Intent (NOI) form for PAG-01 will have a series of options for an applicant to select from to demonstrate that the technical criteria of PAG-01 will be met. An Erosion and Sediment Control (E&S) Plan will still need to be completed. DEP hopes to publish a draft PAG-01 General Permit sometime during Spring 2019 for public comment and EPA review.

WRAC members requested a presentation on the findings of Villanova University regarding criteria for the small earth disturbance projects.

TMDL Alternative- Scott Heidel, Bureau of Clean Water— spoke about the legal history of Total Maximum Daily Loads (TMDLs). Section 303 (d) of the Federal Clean Water Act requires

states to list impairments after assessment of all waters. The TMDLs need to be developed to help rectify the impairments noted. In 1997 a Memorandum of Understanding (MOU) was reached to address states' needs to write TMDL's for the 1996 list of impaired waters. There were 570 impaired waters listed in Pennsylvania that needed TMDLs by 2009. The 2009 target was met along the additional goal of 350 segments/year from 2010 to 2014.

There is currently a new tool called the Alternative Restoration Plans (ARP), which is not a substitute for a TMDL but similar as it identifies pollution sources/loads and develops pollution diets. ARPs differ from TMDLs by providing local partners a pollution diet and a restoration plan. It is ideal for small agricultural watersheds. DEP connects with active local partners such as County Conservation Districts, Trout Unlimited and Watershed Associations. Working together they develop a pollution diet, restoration plan, and seek grant funding for implementation.

WRAC members requested a future presentation to discuss updates and ongoing measures of adaptive management using ARPs.

General Discussion- Jill Whitcomb, Bureau of Clean Water, participated in this meeting as a follow up to the 11/29/18 WRAC meeting, when she discussed the Agricultural Erosion and Sediment Control Technical Guidance Document which is currently available for public comment. An ad-hoc committee of WRAC members Harry Campbell, Jenifer Christman and Chuck Wunz offered to review the document, however, they were not provided with much guidance regarding a deliverable and timeline. Jill mentioned that public comment on the document will end on 3/6/19. Jill offered to return to the 3/28/19 meeting after compiling comments received and to provide an update.

All WRAC members terms will expire 3/31/19. Diane Wilson will send out an email reminder with a request for updated resumes for members who wish to be reappointed by DEP's Secretary.

It was suggested that there should be action items at the end of meeting minutes concerning areas that need follow up.

Members requested a tentative idea of what may be presented throughout 2019 and that DEP's Secretary attend a 2019 WRAC meeting. Any proposed ideas for discussions with the Secretary should be provided to Diane Wilson.

Sean Gimbel announced some recent personnel changes:

- Lee McDonnell has moved to the Bureau of Waste Management.
- Ramez Ziadeh has been confirmed as Executive Deputy Secretary of DEP.
- Aneca Atkinson is the Acting Deputy Secretary for Water.
- Roger Adams has been confirmed as the Bureau Director for Waterways, Engineering and Wetlands.
- Lisa Daniels continues as Director of the Bureau of Safe Drinking Water.
- Nicki Kasi continues as the Director of the Chesapeake Bay Office.
- Jennifer Orr Greene (formerly Jennifer Orr) continues as the Director of Compacts and Commissions.
- Sean Gimbel is leaving DEP on 2/15/19.

Action Items

1. Comments on Agricultural Erosion and Sediment Control Technical Guidance Document- (Document #383-402-0020) from WRAC ad-hoc committee.
2. DEP presentations requested by WRAC members:
 - a. PAG-01 Technical Recommendations
 - b. Stormwater BMP Manual Update
 - c. Agricultural Erosion and Sediment Control Technical Guidance Document- (Document #383-402-0020)
 - d. ePermitting for Chapter 102 during beta-testing
 - e. Ongoing measures of adaptive management using ARPs
3. 6-9 month look ahead on potential regulatory and non-regulatory topics to WRAC for comment:
 - a. Triennial Review of Water Quality Standards
 - b. Chesapeake Bay Update
 - c. Delaware Estuary Program
 - d. Emerging Contaminants
 - e. Water Allocation Permit Applications
 - f. Act 162 of 2014 Implementation Plan
 - g. Design Standards for Wastewater Facilities
4. Topics for discussion with DEP's Secretary from WRAC members to Diane Wilson.
5. Current resumes to Diane Wilson from all WRAC members for reappointment by 2/15/19.

Public Comment- No comments from the public

A motion was made for the meeting to adjourn by Kent Crawford and was seconded by Harry Campbell. The meeting adjourned at 12:15 p.m.