

Minutes of the March 24, 2021 meeting of
the Pennsylvania Department of Environmental Protection's
WATER RESOURCES ADVISORY COMMITTEE

9:30 a.m. Call to Order, Introductions and Attendance – John Jackson, Chair

The meeting of the Water Resources Advisory Committee was called to order by John Jackson at 9:30 AM, via Skype due to the social distancing orders enforced during the covid-19 pandemic. A roll call was conducted, and of the 18 members of the committee, 16 were present and 2 were not present.

The following committee members were present:

Myron Arnowitt	Clean Water Action
Harry Campbell	Chesapeake Bay Foundation
Jenifer Christman	Western Pennsylvania Conservancy
Shirley Clark, Ph.D., P.E.	Pennsylvania State University
Kent Crawford, Ph.D.	United States Geological Survey, retired
Andrew Dehoff	Susquehanna River Basin Commission
Matthew Genchur	White Township (Indiana County)
Jeffrey Hines, P.E.	York Water Company
John Jackson, Ph.D.	Stroud Water Research Center
Theo Light, Ph.D.	Shippensburg University
Gary Merritt, P.G.	Northern Star Generation
Cory Miller	University Area Joint Authority
Stephen Rhoads	Shell, retired
Steven Tambini	Delaware River Basin Commission
Sarah Whitney	Pennsylvania Sea Grant
Charles Wunz, P.E.	Wunz Associates

The following committee members were not present:

Dean A. Miller	Pennsylvania Water Environment Association
Jeff Shanks	Waste Management

9:35 a.m. Review and Approval of Minutes from November 19, 2021 Meeting – John Jackson, Chair

No corrections or suggested edits to the November 19, 2021 meeting minutes were proposed by any Committee members. Kent Crawford motioned to approve the meeting minutes. Theo Light seconded the motion. The meeting minutes were unanimously approved.

9:45 a.m. Chesapeake Bay Program Update – Jill Whitcomb, Director, Chesapeake Bay Office

Ms. Whitcomb provided an outline of progress as it relates to Pennsylvania's Phase III Chesapeake Bay Watershed Implementation Plan (WIP). To begin, Ms. Whitcomb described the State Team that they have created which consists of Co-chairs who are Secretaries of Environmental Protection, Agriculture, and Conservation and Natural Resources. The members of the State Team are the action leaders from state and federal agencies and external partners. The action leaders meet quarterly via invite only to assess progress and address challenges that are experienced during the Phase III WIP implementation process. State Team meetings are held in January and July and are open to the public.

Ms. Whitcomb wanted to make the meeting attendees aware that the DEP Chesapeake Bay Office has been reorganized internally for more efficient and effective policy development and execution. In addition to overseeing Chesapeake Bay Watershed efforts, the DEP Chesapeake Bay Office has taken on agriculture compliance activities, watershed support activities, and conservation district support statewide.

The Countywide Action Plans started to be developed with the Pilot Counties in 2019. Phase 1 focused on individual counties in Tiers 1 and 2 between 2019-2020. The Chesapeake Bay Office administered more than \$17 million in state funds to Phase 1 counties. Phase 2 focuses on county clusters in Tiers 3 and 4 which is being implemented in 2021. In January, the Chesapeake Bay Office awarded Coordinator Grants to Phase 2 counties to aid in the development of their Countywide Action Plans.

Ms. Whitcomb then provided an update on Agriculture funding, reporting, and tools and training.

In light of attempting to increase transparency and increase communication and engagement with the Phase III WIP, the Chesapeake Bay Office had created a monthly e-newsletter called Phase 3 WIP News in June of 2020. The number of subscribers to this newsletter continues to increase. Ms. Whitcomb suggested that anyone subscribe to the newsletter that would like to remain updated on the Phase 3 WIP as this is how the Chesapeake Bay Office is reporting on a monthly basis.

Moving forward, the Chesapeake Bay Office would like to continue working with multi-agency programs to increase efficiencies and outcomes. While the feedback from stakeholders can sometimes be plentiful and simultaneously overwhelming, it proves to be invaluable when needing to assess the efficiency of current projects. The Office would also like to accelerate through additional flexible funds for project implementation and staff, focus on on-demand and necessary training for internal and external personnel, and work with state and county partners to share success stories and highlight any progress that has been made.

Harry Campbell asked Ms. Whitcomb what she believes may be some of the biggest challenges that they are facing right now in Pennsylvania and also what the stakeholders can do to effectively help close the gaps within those challenges. Ms. Whitcomb replied that right now there is a lot of creative problem solving occurring on the ground in many counties. They have a very large land mass to work with so interacting with the stakeholders in a cooperative manner rather than in a competing manner will prove to be effective. Historically, there had been issues bridging the gap between challenges effectively due to competition which was brought on by limited funding. Being able to work cooperatively and directly with the counties at the local level has been and will continue to be how we can achieve success.

10:15 am Chapter 102 ePermitting Presentation and Live Demonstration – Tiffany Landis, Environmental Engineering Consultant, Regional Permit Coordination Office and Jay Patel, Co-Director, Bureau of Clean Water

Mr. Patel and Ms. Landis provided an overview of the Chapter 102 ePermitting system. The 102 ePermitting system is a web-based method for submitting applications and Notices of Intent (NOI) to DEP or delegated County Conservation Districts electronically. Electronic permitting is a priority for DEP as it will enhance the overall permitting experience for the public and administration as well as help to increase transparency.

The ePermitting system initially launched on January 25, 2021 only for use regarding new NOIs for PAG-02 general permit coverage and amendments to that coverage. At this time, using the ePermitting system is voluntary; however, eventually DEP expects the use of the electronic system to be required. There is no

anticipated date set for the required use of the ePermitting system. Later this year, DEP is planning to update the system to allow the submission of other types of Chapter 102 ePermit applications.

Mr. Patel then shared the tentative timeline for 2021 ePermit releases. DEP is aiming for the following release dates: April 21, 2021 (new individual applications and amendments); July 28, 2021 (new E&S permits and amendments); September 29, 2021 (new ESCGP-3 and amendments). At this time, amendments are only able to be processed the way their applications were processed. This means that applications submitted through the ePermitting system must have their amendments processed using the ePermitting system just as applications submitted via paper must have their amendments processed via paper submission.

In order to run ePermit, one must have an internet connection, internet browser, sufficient internet speed, and any required application attachments. The process is completely electronic with all correspondence happening via email. Deficiencies that would have been sent to permittees via a mailed deficiency letter will now be referred to as “correction items” and will be included in a correction notice that is sent electronically. Approved plans are still going to be required on-site, but an electronic version will now be acceptable. DEP fees will also be collected via the ePermitting system. County Conservation District fees however will need to be sent directly to the Districts rather than electronically.

To register for ePermit, users will need to register for a GreenPort account. After the self-registration has occurred, users will then need to enroll in ePermitting for Clean Water. Every applicant is required to have an Electronic Filing Administrator (EFA) to use the ePermit system. The EFA is the person who has signature authority for an organization and is responsible for managing applications and providing other ePermit user access. DEP receives the new EFA requests, approves them, and links them to the data in the eFACTS system. The EFA requests should be processed within one business day as DEP monitors this system daily. Documentation to aid in registration as well as user guides are available.

Ms. Landis proceeded to share screenshots and explanations of the application process and the ePermitting system due to the system being non-functioning on the meeting date.

10:45 am Draft Biosolids General Permits (PAG-07, PAG-08, PAG-09) – Kevin McLeary, Bureau of Clean Water, Municipal Facilities Division

Mr. McLeary provided a quick overview of what biosolids are (i.e. sewage sludge), where they come from, and why they are a cost-effective source of organic material. This information transitioned into an update on revised biosolids permits PAG-07, PAG-08, and PAG-09 which are the general permits for land application of biosolids. DEP issues both individual and general permits for the beneficial reuse of biosolids. These permits allow the use or reuse of processed municipal waste for any purpose as long as that purpose does not harm or threaten public health, safety, welfare or the environment.

In general, these permits include standards for general and individual land application of biosolids. The permit standards consist of general requirements for pollutant management practices and operations standards. These permits apply to the person who prepares the sewage sludge that would either be sold, prepared in a bag, or would be a land applied as well as to the person who physically applies the biosolids. PAG-07 allows for the land application of beneficial use of exceptional quality (EQ) biosolids. EQ biosolids must meet very specific and stringent quality standards and therefore are not subject to certain management practices such as certain land application isolation distances. PAG-08 is for the beneficial use of non-exceptional quality (non-EQ) biosolids. Non-EQ biosolids have slightly less strict treatment

standards. There must be a submission of a 30-day notice of first land application to DEP or an individual site permit in order to reuse any non-EQ biosolids. PAG-09 is for the beneficial use of residential septage which is liquid or solid material removed from a septic tank. Requirements for residential septage are similar to the non-EQ requirements of PAG-08 with the only difference being that PAG-09 relates to septage and PAG-08 relates to biosolids.

Like the NPDES general permits, DEP issues statewide authorizations for a defined time frame. The PAG-07, PAG-08 and PAG-09 permits have been administratively extended for a number of years and need to be renewed and reissued. The numerous changes DEP proposed during this meeting address some compliance related issues that field staff have encountered in applying these programs over the years. There are also a few new issues relating to biosolids beneficial reuse that need to be addressed moving forward as well.

DEP would like to reorganize the permit contents to be consistent with other Clean Water general permits. DEP is also interested in extending the permit term from five years to ten years to be consistent with DEP's Waste Management regulations as the Waste Management program's permits are generally issued for ten years. Another factor DEP would like to change includes requiring the submission of an NOI for permit renewals. As it stands, many existing permits have been issued with a letter stating that the coverage does not expire. This approach is not favorable to DEP and while the logistics as to how DEP is going to verify coverage have not yet been determined, they are still in consideration.

DEP also proposed the prohibition of mixing other waste with sewage sludge. Some treatment facilities accept hauled-in waste to their facilities. For this hauled-in waste to be considered sewage sludge, the waste must be treated through the entire sewage treatment process. DEP would like to ensure that the permit includes the clarification that hauled-in waste must be incorporated into the head of the plant. This clarification would aid to prohibit the mixing of solid waste or hauled-in waste at treatment facilities unless the material is incorporated at the head of the plant prior to the biosolids treatment process.

In addition, DEP would like to add PFOA and PFOS chemical monitoring requirements to PAG-07 and PAG-08. This proposal will be useful because monitoring biosolids chemicals will help characterize the quantity of these chemicals and help DEP to better understand if there is potential for PFOA and PFOS to contribute to groundwater or surface water pollution.

In order to ensure safe and effective application of land biosolids, DEP must also consider the phosphorus content when managing biosolids land application. The recommendation of the Agriculture Advisory Board was to consider this the P index land application for biosolids. DEP proposed the use of the current phosphorus-based management (P Index) that both concentrated animal operations and concentrated animal feeding operations utilize for land application of manure. Utilizing the P Index based land application rates of biosolids would help DEP meet the TMDL requirements for the Chesapeake Bay. DEP is considering the proposal of a phased-in approach to require the use of the P Index. Under this proposal, existing fields could be used for two years until the P Index requirement would be applicable under the reissued permit. This two-year timeframe would allow land appliers to evaluate existing fields and determine how land application may be impacted and if land application would need to be adjusted or modified moving forward. DEP recognizes that it will take time and resources to evaluate the land application operations based on this requirement. For new fields, DEP would prefer that the P Index requirement be applicable immediately under a reissued permit. The reason for the immediate applicability to new fields is so both the land applier and DEP can take samples and further evaluate the phosphorus contents of the soil.

The final proposed change DEP presented was placing a limit on storage amounts to the next growing cycle. This would help address issues during an especially wet years to avoid additional pollution. Field storage of biosolids for land use is temporary and long-term storage is not authorized by these permits unless the storage is designed to minimize the potential for precipitation mixing.

Mr. McLeary then mentioned the possibility of WRAC putting a workgroup together to discuss the proposed changes. The hope is that DEP can gain as many stakeholder opinions and comments as possible so they can obtain viewpoints from a variety of different backgrounds. Once the final drafts are put together and the comments from a 45-day public comment period have been considered and incorporated, DEP is targeting the issuance of a final General Permit in the fourth quarter of 2021. Currently, DEP is aiming for a June or July date to get a draft permit prepared and distributed.

Jay Patel expanded on the workgroups by explaining that DEP envisioned inviting stakeholders from a variety of interests. Mr. Patel stated that not everyone is necessarily interested in seeing biosolids treatment in their backyard. Because of this, DEP wants to be sure to invite all opinions and input to the table when discussing the proposed changes moving forward. The Agricultural Advisory Board is going to form their own workgroup to discuss these matters with the intent that WRAC will form its own workgroup.

John Jackson asked the Committee how they would like to interact with the PAG-07, PAG-08, and PAG-09 revision process. Gary Merritt asked if a draft of the revisions be brought back to the WRAC before it is published in the *Pennsylvania Bulletin* or to the other Committees. Mr. McLeary stated that DEP was planning on obtaining participation from the Committee. Mr. Merritt said he was asking because some people on the Committee may not want to participate in a workgroup but may want to participate in the overall discussion to provide input before a draft is finalized. Mr. Patel stated that DEP was not planning on bringing it back to WRAC before the draft is published because they were providing the Committee with the opportunity to view the pre-drafts.

Mr. Merritt also asked if DEP would be establishing limits in terms of concentrations of perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS). Mr. McCleary responded by saying that DEP does not currently have any basis to establish concentration limits for these chemicals in biosolids. As it stands, it would be a long drawn out process to develop a risk assessment. Mr. Patel agreed and stated that right now DEP is trying to gain knowledge on how much PFAS currently exist in biosolids. Essentially, DEP is trying to gain data in order to calculate risk in the future. Mr. Merritt asked which PFAS DEP will be requiring biosolids permittees to monitor. Mr. McLeary said DEP currently is only planning to focus on PFOA and PFOS in the biosolids permits.

Cory Miller asked if DEP has evaluated the extent of the financial implications of these changes given there is a large amount of biosolids being applied throughout the regions. Mr. Patel replied that DEP has not done an analysis regarding the financial implications of the general permit changes but acknowledged that DEP is aware that there will be an impact on cost. One thing DEP was considering looking at a variety of sites and running the P Index to see how it would impact things in order to perhaps make some generalizations moving forward.

Mr. Miller mentioned that food waste is a pretty good fit into most anaerobic digestion schemes and forcing all of that food waste to go through the entire treatment plant rather than allowing it to be short circuited into anerobic digestors is a really significant change to any facility that is currently using the food

waste to enhance their anaerobic digestion. He also mentioned that food waste digestion is superior to sending food waste to landfills. By implementing these proposed changes, it will be less likely that an entity will do food waste digestion and instead will send the food waste to the landfill. Mr. Miller recalled that one of Pennsylvania's goals was to reduce the amount of food waste being sent to landfills.

Mr. McLeary agreed with the points that Mr. Miller was making but noted that DEP is not trying to discourage anyone from short circuiting food waste into anaerobic digestors; rather, DEP is trying to reinstate the fact that it should not be done under the PAG-07, PAG-08, or PAG-09 permits. Simply put, food waste is not sewage sludge and it should not be land applied under these biosolids permits. DEP's Waste Management program issues permits under 25 Pa. Code Chapter 271, Subchapter I which can address this type of situation.

Mr. Miller asked if Mr. McLeary was implying that the two streams would have to be kept completely separate so that when using food waste for anaerobic digestion, it could not be mixed with sewage sludge. This would mean that one would have to mix, dewater, and dispose of the sewage sludge separately from any food waste. Mr. Miller believes that the implication of additional treatment steps would result in little to no utilization of using both types of waste at the same time.

Mr. Patel stated that DEP is not implying that food waste should be processed separately. Instead, DEP is suggesting that a facility may need a different type of permit if they would like to do this type of operation as the beneficial reuse land application of food waste is not currently authorized under the same regulations as biosolids.

Mr. Miller asked if DEP could provide him with some information on how co-digestion would work under a permitting scheme that DEP would approve. He noted that this is a really huge change that will have a significant financial impact to many wastewater treatment facilities across the state. Mr. Miller suggested that it may be better to form a subcommittee to discuss this issue from WRAC so that they have an opportunity to put together a WRAC position on this based on data that could be collected from the various wastewater facilities.

Steve Rhoads mentioned that in the past, WRAC had addressed controversial issues such as this by forming a subcommittee. Chairship of the subcommittee was given to a WRAC member and the Chair could then bring other stakeholders into the discussion to facilitate the development of a draft WRAC position. Mr. Rhoads told Mr. Miller that this may be the best avenue for WRAC to take on this matter. Mr. Miller agreed that this would be a good approach. John Jackson reiterated that it will remain important to bring in expertise beyond what they have in the Committee. Mr. Jackson emphasized that the WRAC is an environmental advisory committee and that this should be reflected in the committee's recommendations.

Jenifer Christman asked if DEP's Clean Water program had the conversation with DEP's Waste Management program about Mr. Miller's question regarding the change in permitting. Mr. Patel said that conversations have been conducted with Waste Management program staff and counsel, so they are indeed aware of the proposed change in biosolids permitting.

Mr. Merritt wanted to know why DEP is not delegating the authority to issue an alternative permit by Water Quality. Mr. Rhoads supplemented Mr. Merritt's question by asking if it would be possible to jointly issue a general permit under two separate chapters of the regulations for the sake of issuing a permit. Mr. Miller also asked, if wastewater sludge is excluded from a Waste Management solid waste permit, if a

Clean Water permit excludes food waste. He added that there is a big problem present if there is currently no permit available that allows for a mixed sludge to be applied.

Mr. Patel replied that DEP does not have an answer to their questions at this time but they are all something that can be considered. Mr. Jackson stated that this is something that needs to be addressed as Mr. Miller has made it seem as though the mixing of sludge for application is a common occurrence.

Mr. Patel said the reality is that DEP is looking at midsummer for issuing a draft permit with hopes to finalize it by the end of the year.

Mr. Rhoads asked Mr. Miller if he found DEP's timeline to be realistic in terms of what he hopes to accomplish with the formation of a subcommittee. Mr. Miller responded that because DEP did not have financial data to provide to the Committee, the subcommittee would have to start from scratch. It could take at least two months just to collect that data and analyze it in terms of how costly this permit change is going to cost. Mr. Miller believes the timeline is not realistic if they want to legitimately consider the financial implications that will inevitably come into play.

Mr. Miller said they may not need to see the entire draft permit but they would like to know the phosphorus requirement threshold. Mr. Patel said that because it appeared that the Committee was wanting more information on the P Index, he would consult with his Penn State contact, Jennifer Weld, to see if she would be willing to present more information on the P Index at the next meeting. He also said that he did not believe presenting WRAC members with the draft permit would be a problem.

Aneca Atkinson told Mr. Jackson that DEP did not want to circulate the draft permit prior to WRAC forming a workgroup or subcommittee in order to give them consistent continuous time as a group to evaluate it. She asked Mr. Jackson if he would like the draft permit to be distributed prior to the official formation of the subcommittee. Mr. Jackson responded that he believes it is necessary to see the draft as soon as possible in order to assess what DEP is trying to do so that the subcommittee knows how to react and advise.

Mr. Rhoads added that having the draft in front of the subcommittee Chair sooner rather than later will allow the Chair as well as other WRAC members to identify the most appropriate professionals that they may want to include as members of the subcommittee. Ms. Atkinson suggested that DEP send the draft to the subcommittee Chair who can then distribute to subcommittee members; Mr. Rhoads agreed this would be the best course of action.

Kent Crawford asked if the Committee wanted to have the subcommittee act on behalf of the entire Committee and asked if that should be included in the motion. Mr. Miller replied that in the past, a subcommittee would report back to WRAC and then WRAC would discuss as a full committee. It would be ideal that there be another meeting to discuss what the subcommittee sent back or at least do so through an exchange of emails. Mr. Jackson confirmed this is how the process has worked in the past and requested an update from the subcommittee be added to the agenda of the next meeting.

Mr. Patel shared that DEP may have some flexibility on the timeline. Right now, the current permits expire at the end of May, and will need to be extended either way. It is imperative that these permits be reissued as they are already overdue and have been renewed too many times as it is. While the timeline is not open-ended, DEP would likely be able to be a bit flexible as any feedback they receive will be truly appreciated and considered.

Mr. Merritt wanted to point out that food waste processing should be secondary in any motion. The draft general permits of biosolids and the financial and technical implications should be the primary focus. Mr. Rhoads agreed and said he thinks Mr. Merritt's verbiage should be included in the motion.

Mr. Jackson asked Mr. Miller if he would be willing to be the appointed Chair of the subcommittee. Mr. Miller accepted the subcommittee Chair appointment.

Mr. Miller motioned to create a subcommittee of WRAC to review requirements of biosolids draft permits to consider financial and technical implications, including the use of food waste in the process, and to gather input from external stakeholders. The subcommittee will report back to the full committee. Mr. Merritt seconded the motion. The motion was unanimously approved.

Mr. Patel pondered if the WRAC subcommittee would end up having the same stakeholders as the AAB workgroup that is to be established for the same purpose. Mr. Rhoads asked if the AAB workgroup has already been formed. Mr. Patel responded that the AAB is currently working on the workgroup formation. Mr. Rhoads told Mr. Patel that DEP may be able to consider merging the two groups once they are aware of the AAB workgroup's main concerns. The concerns of both groups may not end up mirroring each other so two different groups may be beneficial. Mr. Patel stated that he will do his best to remain aware of what each group is discussing in the event that a merging of the groups would be beneficial.

Mr. Jackson mentioned that participating the subcommittee is optional and that anyone who would like to become a member should contact Mr. Miller.

11:15 a.m. General Discussion/Agenda Topics Request – John Jackson, Chair

No comments were shared by the Committee.

11:30 a.m. Public Comment Period – John Jackson, Chair

No public comments were shared with the Committee.

11:45 a.m. Adjourn – John Jackson, Chair

Theo Light moved to adjourn the meeting. Jeff Hines seconded that motion. The motion to adjourn the meeting was unanimously approved.