



Water Resources Advisory Committee (WRAC) Meeting Meeting Minutes | May 16, 2024 9:30 AM – 12:00 PM

Rachel Carson State Office Building, 400 Market Street Room 105, Harrisburg, PA 17101
and Microsoft® Teams online.

CALL TO ORDER, INTRODUCTIONS, & ATTENDANCE – Jenifer Christman, Chair

The meeting was called to order by Chair Jenifer Christman at 9:31 a.m. Bob Haines conducted a roll call and of the 15-member committee, 12 members were present. A quorum was established.

The following committee members were present:

Chair Jenifer Christman.....Western Pennsylvania Conservancy
Vice-chair Andrew Dehoff.....Susquehanna River Basin Commission
Myron Arnowitz.....Clean Water Action
Harry Campbell.....Chesapeake Bay Foundation
Kent Crawford, Ph.D.....USGS (Retired)
Matthew Genchur.....Resource Environmental Solutions (RES)
John Jackson, Ph.D.....Stroud Water Research Center
Theo Light, Ph.D.....Shippensburg University
Cory Miller.....University Area Joint Authority
Steven Tambini.....Delaware River Basin Commission
Beth Uhler.....Center for Watershed Protection
Charles Wunz, P.E.....Wunz Associates

The following committee members were absent:

Alexandra Chiaruttini.....The York Water Company
Shirley Clark, Ph.D., P.E.....Pennsylvania State University
Dean Miller.....Pennsylvania Water Environment Association

REVIEW & APPROVAL OF MINUTES FROM January 18, 2024 MEETING (ACTION) – Jenifer Christman, Chair

Ms. Christman requested consideration of the January 18, 2024 draft meeting minutes. She noted that Shirley Clark was present for the last meeting but had arrived after roll call; Mr. Haines confirmed he would edit the minutes to reflect this correction.

Motion: Kent Crawford made a motion to approve the meeting minutes with the edits suggested from January with John Jackson seconding the motion. Motion passed unanimously.

TRIENNIAL REVIEW OF WATER QUALITY STANDARDS, DRAFT FINAL RULEMAKING (ACTION) – Kristen Schlauderaff, Environmental Group Manager, Bureau of Clean Water

Kristen Schlauderaff informed the Committee that the Bureau of Clean Water has developed a final rulemaking that would fulfill the Commonwealth’s obligation to periodically review and revise its water quality standards such that the surface waters of this Commonwealth are afforded the appropriate level of protection. The Department previously met with the Committee on November 17, 2022, to present the Draft Proposed Triennial Review of Water Quality Standards. The Environmental Quality Board (EQB) adopted the proposed regulation on July 11, 2023 and it was subsequently published in the Pennsylvania Bulletin on October 7, 2023. Ms. Schlauderaff noted that the 45-day public comment period had closed on November 21, 2023, with the final rulemaking scheduled to be presented to the EQB later this summer. A similar presentation was given at the Ag Advisory Board (AAB) meeting on April 17, 2024. The Department requests the Committee’s concurrence on its recommendations as presented.

Dr. Crawford observed that EPA had released drinking water criterion for PFAS. He asked if there were any concurrent regulations for water quality relative to PFAS and wanted to know if there are dangers of PFAS for aquatic life. Ms. Schlauderaff confirmed that EPA had published proposed aquatic life criteria for PFAS and PFOA and are in the final stages of that process. Criteria recommendations for human health may be shared by the end of the year. Dr. Crawford asked if DEP labs are able to analyze for PFAS. Josh Lookenbill confirmed that the labs do have the capability to analyze for PFAS and are increasing the capacity in tandem with demand.

Myron Arnowitt asked about the Department’s position on the recreational water contact (WC) issue in the Delaware Estuary. Mr. Lookenbill advised that the evaluation of the data indicated that those portions of the Delaware Estuary are not currently meeting that primary contact use and is the principal reason for the reaffirmation of the removal of that use from the lower river and estuary. Mr. Lookenbill indicated that the Department will continue to collaborate with the Delaware River Basin Commission (DRBC) and other partners for data collection and evaluation, with the ultimate goal of the eventual reestablishment of the full protected WC use for the Delaware Estuary; currently, the decision is to reaffirm the removal of the use. Steve Tambini added that he supported the Department’s assessment.

Motion: Mr. Tambini made a motion to support and concur with the Department’s recommendation for the Triennial Review of Water Quality Standards (TR #10), with Dr. Crawford seconding the motion. Motion passed unanimously.

WATER QUALITY STANDARDS – SITE-SPECIFIC CRITERIA, DRAFT FINAL RULEMAKING (ACTION) – Kristen Schlauderaff, Environmental Group Manager, Bureau of Clean Water

Ms. Schlauderaff informed the Committee that the Bureau of Clean Water has developed a final rulemaking that would update the Department’s site-specific criteria development process and establish a site-specific methylmercury criterion for Ebaughs Creek in York County. The Department previously met with the Committee on March 16, 2023 to present the draft proposed rulemaking. The EQB adopted the proposed regulation on July 11, 2023. The 45-day public comment period closed on December 19, 2023. The final rulemaking is expected to provide its

recommendations to the AAB on June 18, 2024 and is tentatively scheduled to be presented to the EQB later this summer. The Department is seeking the support from the Committee to advance the final rulemaking to the EQB.

Dr. Crawford requested clarity on the amendments and whether they broaden the Department's authority. Ms. Schlauderaff stated that the intention was to provide more specific information to applicants and does not broaden the Department's authority.

Motion: Theo Light made a motion to support the Site-Specific Criteria draft final-form rulemaking, with Beth Uhler seconding the motion. Motion passed unanimously.

PENNSYLVANIA'S 2023 CHESAPEAKE BAY PROGRESS UPDATE (INFORMATIONAL) – Jill Whitcomb, Director, Bureau of Watershed Restoration and Nonpoint Source Management

Jill Whitcomb provided a presentation that offered a review of agriculture and local action support from the Department and State Conservation Commission (SCC). Best management practice (BMP) reporting as well as modeled and monitored nutrient and sediment reduction outcomes over the course of several years were discussed. A similar presentation was given to the Ag Advisory Board on April 17, 2024.

Harry Campbell talked about the technical assistance capacity issue and asked how the Department manages those challenges. Ms. Whitcomb shared that services from Larson Design Group has been procured in order to facilitate efforts to support the public sector. Since 2017, the Department has also invested in agricultural plans, such as cost share programs, to expand the scope of available technical and planning assistance. John Jackson asked if only agricultural projects were being reported. Ms. Whitcomb advised that any relevant projects have been reported, including the urban sector. Dr. Crawford had questions regarding Infrastructure Investment and Jobs Act (IIJA) funds and the impact it has on this initiative and when they will expire. Ms. Whitcomb clarified that while this supplemental funding was helpful, it is not a significant portion of the countywide action plan funding. Mr. Arnovitt asked if any analysis has been performed to ascertain specific efforts that are producing results. Ms. Whitcomb confirmed that evaluating implementation is a goal and that feedback is received on what is effective and what requires adjustment. She stated that while there has been competition for funding historically, there has been a culture shift which has allowed for collaboration. Dr. Jackson asked for more information about the Clean Water Tool. Ms. Whitcomb described the Clean Water Tool as a placeholder for an external report that would be an aggregate feature.

THE STATE OF THE NUTRIENT TRADING PROGRAM – Andrew Hall, Environmental Group Manager, Bureau of Clean Water

At the request of the Committee, Andrew Hall provided an informational presentation of the Nutrient Trading Program that covered the statutory basis of the program, recent updates, and a summary of credits generated and sold over the last 5 years.

Matthew Genchur asked Mr. Hall to elaborate on the Nonpoint Source portion of the program; Mr. Hall advised that while initially that portion of the program was much more involved due to technological limitations, sewage treatment plants (that is, point sources) have updated their operations, which has reduced their demands for credits and even enabled some facilities to become credit generators, which has made it less economically attractive for nonpoint sources to supply credits. Ms. Uhler wanted to know more about which nonpoint source entities were participating in the program. Mr. Hall shared that there were a variety of nonpoint source participants in the program historically – he provided an example of a conservation district that acted as an aggregator for a county, and some consulting firms that worked closely with the agricultural industry. Mr. Campbell asked about the future of the program. Mr. Hall supposed that there may be less of a demand as credit purchasers modernize their technologies and transition into credit generators. Ms. Whitcomb noted the impact of a projected population decline within the Chesapeake Bay Watershed.

NOTIFICATION REQUIREMENTS FOR UNAUTHORIZED DISCHARGES TO WATERS OF THE COMMONWEALTH, REVISED DRAFT PROPOSED RULEMAKING (ACTION) – Victor Landis, Data Management Division Manager, Bureau of Clean Water and Andrew Hall, Environmental Group Manager, Bureau of Clean Water

Mr. Hall informed the Committee of that the Bureau of Clean Water has developed a draft proposed rulemaking that would provide clarity and consistency for when unauthorized discharges must be reported. Existing regulations in 25 Pa. Code § 91.33 require immediate DEP notification for any unauthorized discharge that would endanger downstream users, result in pollution, or damage property and are an important part of successful implementation of the Clean Streams Law. Once finalized, the Department will revisit the technical guidance document (TGD) and intends to incorporate practical examples of reporting in the updated TGD. The Department requests the Committee’s support for this revised draft proposed rulemaking.

Ms. Uhler was encouraged by this development and is hoping that these examples will be referenced on the MS4 webpage for municipalities. Dr. Jackson recommended that the Department should include information on when complainants can expect to receive a response.

Motion: Ms. Uhler made a motion to support the draft proposed rulemaking, with Dr. Light seconding the motion. Motion passed unanimously.

PUBLIC COMMENT – Jenifer Christman, Chair

No public comments were offered virtually or in-person.

GENERAL DISCUSSION/AGENDA TOPICS REQUEST – Jenifer Christman, Chair

Ms. Christman requested feedback from the committee regarding future agenda items. Ms. Christman suggested the Department could include a discussion on chemical contaminants and new pollutants of concern relevant to monitoring the statewide water network. Mr. Genchur

requested an update on the status of MS4 program permits. Ms. Whitcomb offered an update of the five-year update to the Department's Nonpoint Source Management Plan. Bob Haines reminded the Committee of an update on the Hammer Creek Alternate Restoration Plan (ARP), which will be discussed during September meeting. Mr. Haines asked Committee members to confirm that they have received their reappointment letters in the mail. All members present acknowledged that they had. Ms. Christman would like an update on the infrastructure funding for Clean Water programs.

OFFICER ELECTION DISCUSSION – Jenifer Christman, Chair

Ms. Christman requested feedback from the Committee regarding the elections, which will occur in July. Mr. Genchur, Ms. Uhler, and Andrew Dehoff expressed interest in joining a discussion in preparation for the elections.

ADJOURNMENT – Jenifer Christman, Chair

Motion: Charles Wunz made a motion to adjourn the meeting. Mr. Dehoff seconded the motion. All voting members present voted to adjourn the meeting. The meeting adjourned at 11:56 a.m.