

**Draft Minutes of the
May 14, 2014, Meeting of the
Water Resources Advisory Committee (WRAC)**

Dr. Robert Traver called the meeting to order at 9:40 a.m. on Wednesday, May 14, 2014, in Room 105 of the Rachel Carson State Office Building, Harrisburg, PA.

The following committee members were present:

Myron Arnowitz, Clean Water Action
Harry Campbell, Chesapeake Bay Foundation
Andrew Dehoff, Susquehanna River Basin Commission
Jeff Hines, York Water Supply
Gary Merritt, NSG
Dean Miller, Pennsylvania Water Environment Association
Jennifer Reed-Harry, PennAg Industries Association
Stephen Rhoads, Shell Oil
Jeff Shanks, Waste Management
Dr. Robert Traver, Villanova University

The following committee members were not present:

Don Bluedorn, Babst, Calland, Clements, Zomnir
Robert Cavett, Merck & Co.
Arthur Gazdik, Groundwork Civil, LLC
Sherene Hess, League of Women Voters
John Jackson, Stroud Water Research Center
Cory Miller, University Area Joint Authority
John Schombert, 3 Rivers Wet Weather
Chuck Wunz, Wunz Associates

The following DEP staff members were present:

Sean Gimbel, Office of Water Management
Rod Kime, Bureau of Point and Non-Point Source Management
Michelle Moses, Bureau of Regulatory Counsel
Paula Sviben, Office of Water Management
Ted Tesler, Interstate Waters Office
Gary Walters, Bureau of Point and Non-Point Source Management

The following guests were also present:

Annaliese Blankenship, Chesapeake Energy
Lauren D'Amico, Chesapeake Energy
Jim Erb, American Petroleum Institute
Angela Kruse, Range Resources
Tom Shervinskie, Pa Fish & Boat Commission
James Wheeler, Pa State Association of Township Supervisors

Approval of Minutes –

A motion to approve the minutes of the April 11, 2014, meeting was made by Stephen Rhoads and seconded by Gary Merritt. The minutes were approved by unanimous vote.

2014 PA Integrated Water Quality Monitoring and Assessment Report & 2013

Assessment Methods – Gary Walters of the Bureau of Point and Non-Point Source Management presented a summary of the final 2013 Assessment and Listing Methodology (Methodology). The Methodology contains a collection of protocols that are used to assess the water quality of surface waters as required by the Federal Clean Water Act. Mr. Walters outlined the 15 new or revised protocols which include the following: *Streambed Sediment Collection Protocol; Continuous Instream Monitoring Field Methods; Wadeable Semi-quantitative Fish Sampling Protocol for Streams; Periphyton Standing Crop and Species Assemblages; Habitat Assessment; Benthic Macroinvertebrates; Fish Community Sampling Methods; Surface Water Collection; Taxonomy Reference List; An Index of Biotic Integrity for Benthic Macroinvertebrate Communities in Pennsylvania's Wadeable, Freestone, Riffle/Run Streams; Water Use Assessment Decision-Making Based on Physicochemical and Bacteriological Sampling; Impairment Cause Definitions and Impairment Source Definitions*. Draft versions of the new or revised protocols were presented to WRAC on July 12, 2012, and later were published for public comment on September 28, 2013.

Mr. Walters then offered a summary of the *2014 Integrated Water Quality Monitoring and Assessment Report (Integrated Report)*, which was published for a 45-day public comment period on April 26, 2014. The *Integrated Report* includes both a narrative description of the Commonwealth's water quality management programs and various lists depicting the status of the Commonwealth's surface waters as required by sections 303(d) and 305(b) of the Federal Clean Water Act. Mr. Walters gave a statewide summary of the status of streams assessed in the *2014 Integrated Report*, which included the number of stream miles assessed, stream miles supporting water uses, impaired stream miles, impaired stream miles with a Total Maximum Daily Load (TMDL) and restored stream miles. Mr. Walters provided an overview of DEP's Integrated Report webpage (http://www.depweb.state.pa.us/portal/server.pt/community/water_quality_standards/10556/draft_integrated_water_quality_report_-_2014/1702856) and showed how to navigate the Water Attribute Viewer and Extracts (WAVE) GIS tool. WAVE is accessible via DEP's Integrated Report webpage and enables the public to access detailed assessment data about individual surface waters.

WRAC members had the following questions for Mr. Walters concerning the Methodology and Integrated Report:

Q: Were there any changes to the protocols between draft and final publications?

A: There were no major changes, just one minor clarification and a few grammatical and typographical edits.

Q: How is sediment addressed within the development of a TMDL?

A: TMDLs are calculated based upon modeling, the model accounts for sediment already in the stream and sediment coming off the land.

Q: What is the schedule for TMDL development?

A: The schedule is still being developed.

Q: How many TMDLs does Pennsylvania need to do?

A: That figure is unavailable at this time. It will be negotiated with EPA.

Q: How many miles of streams remain unassessed?

A: Eighty percent of waters are done. All wadeable stream miles have been completed at least once. DEP is beginning the second round of assessments on these streams.

Chesapeake Bay Updates –

Ted Tesler of the Interstate Waters Office presented an update on DEP's efforts to address the progress Pennsylvania has made with respect to the Chesapeake Bay Total Maximum Daily Load (TMDL) and the Chesapeake Bay Watershed Agreement. Mr. Tesler briefly outlined the history of the TMDL from when it was published in December 2010 through the development of the Phase 1 and Phase 2 Watershed Implementation Plans. Looking ahead, Mr. Tesler reported that Pennsylvania must meet the pollution reduction requirements by 2025, and EPA will be evaluating Pennsylvania's progress toward those reductions in 2017 when the Commonwealth must have practices and controls in place to achieve 60 percent of the required reductions.

Mr. Tesler described current progress toward the TMDL, which is based upon EPA's Chesapeake Bay Model. According to EPA's Bay model, Pennsylvania has met 27 percent of the nitrogen load reductions, 58 percent of phosphorous load reductions, and 40 percent of the total suspended solids load reductions that are required by 2025. Although Pennsylvania must achieve further reductions to meet the TMDL by 2025, Mr. Tesler pointed to flow-adjusted water quality trend data from the Susquehanna River Basin Commission that provide evidence that nitrogen, phosphorous and total suspended solids are decreasing at all monitoring sites within the Susquehanna River Basin.

Mr. Tesler then gave an overview of the new Chesapeake Bay Watershed Agreement, which included some history behind the Chesapeake Bay Executive Council, the existing agreement and the process in which the new agreement was developed. Mr. Tesler identified important features of the new agreement, which included the following: headwater states (NY, DE, and WV) are invited to sign-on, the agreement will cover a shorter period of time and reflect the goals of the overall partnership, there will be focused measurable outcomes, management strategies will be developed for outcomes, and jurisdictions will have flexibility to choose which outcomes they will participate in. The new agreement is expected to be signed in the spring/early summer of 2014.

WRAC members offered the following comments concerning the Chesapeake Bay update:

- Meeting the Bay TMDL will require more than voluntary actions and increased requirements for new construction moving forward.

- It appears that the most cost effective reductions will occur within the agricultural sector.
- DEP and the agriculture community face data collection issues, but we are trying to work through those problems. Currently, only best management practices (BMPs) that are tied to government funding are used in the model. However, there are 44,000 farms in Pennsylvania's portion of the Bay watershed, and many of those farms have implemented BMPs without government assistance. As a result, a substantial amount of beneficial work in the agricultural sector is not accounted for.
- Many small farms must meet regulatory requirements, but traditionally these farms have not completed or implemented the necessary plans.
- The agriculture community in Pennsylvania will have to go beyond simply complying with existing regulatory requirements in order to meet the reductions required by 2025.
- Pennsylvania is well-represented on the Goal Implementation Teams, as well as sub-teams, that are associated with the Chesapeake Executive Council.
- The Goal Implementation Teams could improve in regard to capturing feedback on the effectiveness of our efforts, whether with agriculture or stormwater, and using that feedback to make improvements moving forward. Our understanding of many of these complex processes needs improvement.
- It would be nice to find a way to address non-point sources of pollution. The point sources have been bearing the brunt of meeting the TMDL.

WRAC members also posed a number of questions concerning Mr. Tesler's presentation, which are summarized as follows:

Q: How will we achieve the nitrogen reductions needed by the 2017 evaluation and the 2025 TMDL requirements, especially considering how relatively flat nitrogen reductions appear to be in recent years?

A: The nitrogen goal is indeed a very ambitious goal. A piece of the issue lies in data collection/reporting that involves best management practices, but clearly additional efforts will be required to meet the goals.

Q: How does groundwater factor into the modeling?

A: Groundwater currently is factored into the calibration of the model, but future versions of the model may break out specific values attributed to groundwater.

Q: How do you get agreement on methodology and data?

A: There is an attempt to get EPA to identify the types of agriculture data that are

acceptable for use in the model. Then, DEP and the agriculture community can focus efforts on collecting those data. Additional difficulties arise because USDA, a major source of agriculture data, is unable to disclose data because of confidentiality laws.

Q: How do you get the agriculture community to buy in to the process in order to achieve the needed load reductions?

A: This is not easy, but DEP has been working on this. For example, DEP conducted a pilot project in the Soft Run Watershed (Mifflin County), where DEP inspected all farms in the watershed and worked with the farmers to ensure they were in regulatory compliance.

Q: What happens if Pennsylvania fails to make progress toward the goals?

A: Conceivably EPA could place backstops on activities, particularly those that are permitted.

General Discussion –

WRAC looks forward to meeting with the Secretary in order to discuss the role of the committee.

WRAC would like to be provided with some type of listing of regulations, technical guidance documents, permits, and policies relevant to the committee that DEP expects to consider over the course of the next 12 months.

Public Comment Period –

A commenter thanked WRAC for voicing the opinion at the April 11, 2014, meeting that DEP was failing to take full advantage of the committee.

Next Meeting Dates

WRAC meetings are scheduled for the following dates in 2014: July 16, September 17 and November 12.

Adjourn – The meeting adjourned at 10:45 a.m.