

WATER RESOURCES ADVISORY COMMITTEE (WRAC) Meeting

November 16, 2023 9:30 a.m.

Susquehanna Room A/B
DEP Southcentral Regional Office
1601 Elmerton Avenue, Harrisburg, PA 17110

and

Microsoft Teams

Agenda

Call to Order, Introductions and Attendance – Jenifer Christman, Chair

The meeting was called to order by Jenifer Christman at 9:31 a.m. A roll call was conducted, and of the 16-member committee, 12 were present and 4 were not present. A quorum was established.

The following committee members were present:

Myron Arnowitt – Clean Water Action
Harry Campbell – Chesapeake Bay Foundation
Alexandra Chiaruttini – The York Water Company
Jenifer Christman – Western Pennsylvania Conservancy
Kent Crawford, Ph.D. – USGS (Retired)
Andrew Dehoff – Susquehanna River Basin Commission
Matthew Genchur – Resource Environmental Solutions (RES)
John Jackson, Ph.D. – Stroud Water Research Center
Cory Miller – University Area Joint Authority
Stephen Rhoads – Shell (Retired)
Namsoo Suk (in for Steven Tambini) – Delaware River Basin Commission
Beth Uhler – Center for Watershed Protection
Charles Wunz, P.E. – Wunz Associates

The following committee members were not present:

Shirley Clark, Ph.D., P.E. – Pennsylvania State University
Theo Light, Ph.D. – Shippensburg University
Dean Miller – Pennsylvania Water Environment Association

Review and Approval of Minutes from July 20, 2023 Meeting – Jenifer Christman, Chair

No additions or edits were proposed. John Jackson motioned to approve the minutes seconded by Andrew Dehoff. All members were in favor of the motion, none opposed. Motion carried.

PAG-02 NPDES General Permit Reissuance (Informational) – Krystal Bloom, Bureau of Clean Water

Ms. Bloom presented on the proposed revisions for the reissuance of the National Pollutant Discharge Elimination System (NPDES) General Permit for Discharges of Stormwater Associated with Construction Activities (PAG-02).

Ms. Bloom informed the committee that the current permit is set to expire December 7, 2024 and that the PAG-02 workgroup consisting of DEP staff and County Conservation District staff met more than fifteen times over the course of 2022-2023 to develop proposed recommendations for the permit reissuance. Ms. Bloom further explained that the proposed permit incorporates changes in anticipation of the final PCSM Manual. Ms. Bloom addressed questions and comments from the Committee.

Charles Wunz asked what makes a qualified professional regarding site inspections and wanted to know if a P.E. would meet the criteria. Ms. Bloom responded that in order to be considered a qualified site inspector an individual would need to meet one of the three criteria just reviewed. Sean Furjanic added that in general a P.E. would be considered qualified to perform site inspections.

Stephen Rhoads commented on changes being made regarding legal instrument recording for stormwater control measures (SCMs) and stated that DEP's proposal to have the documentation before permit application is aggressive and would rather see it as a requirement for permit issuance. Ms. Bloom responded that the requirement is to have the documentation before the pre-construction meeting not before permit application. Mr. Rhoads acknowledged that he misunderstood the proposed requirement.

Beth Uhler commented that she appreciates the improvements to the Notice of Termination (NOT) process and transfer of responsibility when it comes to the Postconstruction Stormwater Management (PCSM) SCMs which should help with continuity with the MS4 permit program.

Draft 2024 Assessment Methodology (Informational) – Dustin Shull, Bureau of Clean Water

Mr. Shull presented an overview of the draft *Water Quality Assessment Methodology for Surface Waters* ("Assessment Book") which describes the current methods used by DEP to assess the surface waters of Pennsylvania for Section 303(d) and 305(b) Clean Water Act requirements. Mr. Shull reviewed the changes DEP has made since the latest edition of the Assessment Book was released in 2021. Mr. Shull addressed comments and questions from the Committee.

Kent Crawford asked if the Eutrophication Cause Method requires 24-hour continuous monitoring. Mr. Shull responded that DEP has established some preliminary indicators, like ETI (Eutrophication Taxonomic Index), and if field staff do not see signals from the preliminary indicators they will not deploy continuous instream monitoring, however, 24-hr instream monitoring is required for this method. Mr. Crawford wanted to know if the dataset for this method is ongoing or was it just to develop the method. Mr. Shull responded that the dataset was just for the development of the method.

Myron Arnowitt asked about the range of contaminants looked at regarding the Potable Water Supply Assessment Method and wanted to know if it was based on the types of discharges in the watershed or based on the general chemistry. Mr. Shull replied that for these assessments specific water chemistry data will be collected as well as general water chemistry data based on parameters in criteria which makes for a targeted approach. Mr. Shull added that the Susquehanna River Assessment is a good example where DEP used Manganese data, because it is a state-wide use, to make decisions on the data. Mr. Shull added that when DEP is specifically targeting potable water supply assessments DEP considers all the criteria in Chapter 93 and collects for them specifically. Mr. Arnowitt clarified that he is not suggesting DEP tests for every substance in Chapter 93, but rather have a targeted assessment when aware of significant discharges upstream or in the area of a potable water supply. Mr. Shull agreed.

John Jackson confirmed with Mr. Shull that some sites assessed in an area will have causation assigned in a more traditional way but sites with more data the CADDIS approach could be used for stressor identification. Mr. Shull confirmed Mr. Jackson's assertion and added that the example of Perkiomen Creek used in the Assessment Book where DEP implements a cause and effect survey design to show dramatic increases in certain pollutants which helps to make those determinations through CADDIS for assigning a particular cause. Mr. Jackson further asked if

DEP's Integrated Report will at some point indicate which sites have undergone the more rigorous stressor identification. Mr. Shull responded that DEP does not currently have an identifier in the database for these more intense assessments but can track causes assigned that do not have criteria due to use of the stressor identification tool. Mr. Shull added that although DEP does not currently have identifiers in place it has the tools necessary to make that happen in the future. Mr. Jackson continued that having the ability to identify these sites would help watershed groups better manage their pollutants of interest and to do their own monitoring in an effort for pollution reduction. Mr. Shull added that when DEP does these more intense assessments, DEP writes the reports that are then shared with interested parties that establishes data used to establish a baseline to measure progress. Mr. Jackson asked if DEP plans to share its library of bacteria monitoring data with regard to higher tech sources tracking with interested groups that do their own monitoring as those groups would need this information to build their own libraries. Mr. Shull agreed that those groups that have not developed their own libraries would need to use the DEP's library.

TMDL and ARP Update (Informational) – Mike Morris, Bureau of Clean Water

Mr. Morris provided an update on DEP's Total Maximum Daily Loads (TMDLs) and Advance Restoration Plans (ARPs). Mr. Morris provided a brief explanation of TMDLs and ARPs and how each strategy might be useful in different circumstances. Mr. Morris provided an update on current and future projects. Mr. Morris addressed comments and questions from the Committee.

Drew Dehoff asked if ARPs were once called Alternate TMDLs. Mr. Morris confirmed and responded that the name was changed due to the fact that there is no "alternative" to a TMDL in that the idea is that there is not an alternative to a TMDL, but rather to try something first before developing a TMDL.

Myron Arnowitt wanted to know if DEP uses the Environmental Justice (EJ) Screening Tool when developing TMDLs and ARPs in terms of where resources get targeted in EJ areas. Mr. Morris acknowledged that DEP has considered that idea especially in projects where pathogens are a concern mainly due to sewage problems in areas of economic need.

Jenifer Christman asked who DEP is working with on the Alder Run ARP in Erie County. Mr. Morris replied that it was Western Pennsylvania Conservancy (WPC) then he corrected himself and said that Alder Run was a TMDL so DEP is not working with anyone on that TMDL and added that DEP is working with the Western Pennsylvania Conservancy on the Trout Run ARP.

John Jackson recommended that DEP should avoid targeting sediment only as a pollutant with their TMDLs and ARPs as it sends the message that there is a single stressor which the entire scientific community believes is not the case. Mr. Jackson further commented that work done in limestone watersheds can be challenging to get ecological uplift as the soils are very porous and hard to map and pollutants can be discharged to a stream unaltered. Mr. Jackson recommended that DEP should be careful in portraying instream channel work as being the solution to fixing an impaired watershed as the stream channel represents only 1% of an unhealthy watershed. Mr. Jackson added that many studies have shown that instream channel work provides no ecological uplift and DEP needs to do a better job of educating watershed groups of this fact. Mr. Morris responded that he mostly agrees with Mr. Jackson in that just doing stream channel work will not fix the watershed. Mr. Morris continued that stream restoration used to address stream bank erosion and floodplains covered in legacy sediments, is a tool to be used in conjunction with upland BMPs (Best Management Practices) to restore a watershed. Mr. Morris questioned, regarding ecological uplift, if just considering a response in the macroinvertebrate community is a good idea or should a response in the wetland community along a stream also count for something. Mr. Jackson countered that the criteria for delisting an impaired stream is very specific in that if the condition of impairment is not changed then the impairment is not changed and just because the practices to address the impairment did not work does not mean the goal should be changed. Mr. Jackson requested an email from Mr. Morris to get more information about the French Creek project. Mr. Morris added that according to DEP assessment method a stream can be impaired for habitat regardless of the macroinvertebrate results, so DEP does not take a macroinvertebrate

only approach when it comes to determining if a stream is impaired. Mr. Jackson countered that if a stream was declared impaired for habitat in the absence of animals, he would say the watershed is impaired. Mr. Morris resigned that they are mostly in agreement and that what is needed is a demonstration of comprehensive restoration to include the entire watershed and that stream restoration apart from watershed restoration is not likely to work.

Mr. Dehoff asked Mr. Morris to talk more about community partnership for ARP implementation and wanted to know if organizations like WPC and Trout Unlimited are the types of organizations DEP is targeting. Mr. Morris replied that finding good partnerships is DEP's biggest hurdle at this point. Mr. Morris added that many of the community groups do not have the resources necessary to fully implement the ARPs developed by DEP which is concerning because it may mean that ARPs may get shelved until adequate partners are found. Mr. Morris continued that DEP has considered finding a way to bring in professional partner assistance on some projects. Mr. Morris provided an example of the Hammer Creek project where the Nature Conservancy came onboard as a partner that brought lots of professional experience. Mr. Dehoff wondered aloud if there was a way for SRBC (Susquehanna River Basin Commission) to get more involved like on the Chiques Creek project. Josh Lookenbill added that SRBC is helping out with aspects of the Hammer Creek project and Octorara Creek project. Mr. Dehoff added that SRBC is currently recruiting for a position at SRBC for a Grants and Special Projects Coordinator that is designed to get groups together and find funding for similar projects. Jenifer Christman added regarding the Trout Run and French Creek projects that WPC was challenged by a foundation to find federal dollars for the projects and in coordination with DEP made it happen.

Beth Uhler commented about instream channel work that when referring to stream restoration, in general, there should be a differentiation between different techniques and circumstances when applying as a solution.

Harry Campbell commented that he agrees with the comments Mr. Jackson made regarding lack of ecological uplift with some of these projects and suggested this topic for a future WRAC meeting topic. Mr. Campbell added that the Chesapeake Bay Foundation (CBF) is developing an ARP for Marsh Creek and is one of those organizations with the resources to develop and implement 319 plans and ARPs. Mr. Campbell continued that recently CBF acquired Federal Omnibus funding to jump start the Half Moon and Pequea Creek Plans and would be willing to have folks from CBF provide a presentation on how it was accomplished to this group.

Kent Crawford requested that Mr. Jackson provide more information on the study that he cited in his earlier comments. Mr. Crawford continued that he agreed with Mr. Morris that instream work is important if streambank erosion is a major issue and added that Stephen Rhoads made a good point a while ago at another WRAC meeting suggesting that we should be asking ourselves what we are really getting from the millions of dollars we are spending on stream restorations and what is the value of it. Mr. Crawford highlighted Mr. Jackson's recommendation that money and efforts should be placed elsewhere other than instream work and requested to hear from Mr. Rhoads on this matter.

Stephen Rhoads commented that this discussion on TMDLs and ARPs has been very valuable and added that the point the he was trying to make a while ago was that DEP and the advisory boards need to be a better job of evaluating what they are really getting for all the money they are spending. Mr. Rhoads added that Mr. Jackson comments is what is needed in terms of dialogue with DEP and for DEP to respond holistically and to hold itself, WRAC, and all involved accountable to what is needed for the environment.

WRAC Membership Discussion (Informational) – Brian Chalfant, DEP Policy Office

Mr. Chalfant lead a general membership discussion with the Committee. Mr. Chalfant reviewed the purpose of WRAC, general by-laws, and the current membership. Mr. Chalfant informed the Committee on the status of recruiting a human health/toxicology expert for the committee. Mr. Chalfant asked current members if they had any recommendations on additions or changes to membership, including current members who wish to not be

reappointed to let DEP know. Mr. Chalfant also informed the Committee of a DEP form that can be filled out if members have interest in other advisory committees.

Stephen Rhoads suggested contacting the Act 2-Clean-up Standards Advisory Board which has qualified individuals for filling the role of a toxicology expert.

John Jackson jokingly stated that he would like to find another Stephen Rhoads and added that on a serious note, Mr. Rhoads brought a unique perspective and skill set to help move the Committee forward.

Namsso Suk (Alternate for Steve Tambini with DRBC) added that Mr. Tambini can utilize DRBC toxicology experts if needed.

Kent Crawford suggested a member of the Agricultural community from Penn State or Ag Research Service.

Jenifer Christman added that for current members there have been times when a sub-committee topic has come up and the subject matter expert members were unavailable to serve on the committee which is a challenge for WRAC.

General Discussion/Agenda Topics Request – Jenifer Christman, Chair

Ms. Christman addressed the 2024 meeting dates.

Ms. Christman asked the Committee about any topic requests and suggested that based on today's discussion future agenda topic may include stream restoration, water quality, ecological response, etc.

Alex Chiaruttini requested a presentation on TMDL allocations and what DEP is doing related to new sources, unused allocation, etc.

Bob Haines asked the Committee to please send an email on any topic ideas that they may have. Mr. Haines added that the Nutrient Trading Program update is being planned for late Spring or Early Summer WRAC meeting.

John Jackson wanted to extend his appreciation to Steve Rhoads for his service to WRAC. Other members agreed and shared their appreciation with Mr. Rhoads.

Public Comment Period – Jenifer Christman, Chair

No public comments

Adjourn – Jenifer Christman, Chair

Kent Crawford motioned to adjourn the meeting, seconded by John Jackson. All approved, none opposed. Motion carried.