



**Minutes of the
July 25, 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, July 25, 2019 in Room 105 of the Rachel Carson State Office Building, Harrisburg, PA. Participation in this meeting of 14 members represents a quorum.

The following committee members were present:

Harry Campbell, Chesapeake Bay Foundation
Shirley Clark, Pennsylvania State University
Jenifer Christman, Western Pennsylvania Conservancy
Kent Crawford
Andrew Dehoff, Susquehanna River Basin Commission
Matthew Genchur, White Township
Jeff Hines, York Water Company
John Jackson, Stroud Water Research Center
Theo Light, Shippensburg University
Gary Merritt, NSG
Stephen Rhoads
Charles Wunz, Wunz Associates

The following committee members were present (via phone):

Myron Arnowitz, PA Clean Water Action
Jeff Shanks, Waste Management

The following committee members were not present:

Cory Miller, UAJA/PDMA
Dean Miller, Pennsylvania Water Environment Association
Steve Tambini, Delaware River Basin Commission
Sara Whitney, Pennsylvania Sea Grant

The following DEP staff members were present:

Roger Adams, Bureau of Waterways, Engineering and Wetlands
Gena Ardito, Bureau of Clean Water
Thomas Barron, Bureau of Clean Water
Heidi Biggs, Bureau of Clean Water
Jay Braund, Bureau of Clean Water
Brian Chalfant, Policy Office
Nathan Crawford, Bureau of Clean Water
Laura Edinger, Policy Office
Shelby Freyermuth, Office of Water Programs
Doug Goodlander, Bureau of Clean Water
Robert Haines, Bureau of Clean Water
Audrey Kulberg, Policy Office
Matt Kundrat, Bureau of Clean Water



Rodney McAllister, Bureau of Clean Water
David Mittner, Bureau of Safe Drinking Water
Michelle Moses, Bureau of Regulatory Counsel
Chris Ryder, Bureau of Regulatory Counsel
Kristen Schlauderaff, Bureau of Clean Water
Maria Schumack, Bureau of Clean Water
Steve Taglang, Bureau of Clean Water
Jesse Walker, Office of Chief Counsel
Gary Walters, Bureau of Clean Water
Amy Williams, Bureau of Clean Water
Rebecca Whiteash, Bureau of Clean Water

The following guests were also present:

Serena Dimagno, Water Works Operators Association of PA
Josie Gaskey, PACA
Rachel Gleason, PCA
Grant Gulibon, PA Farm Bureau
David Hess
Beth Kern, Chesapeake Energy
Ron MacGillivray, DRBC (via phone)
Neil Manganaro, PA American Water
Alex Ridyard, Philadelphia Water Department
Erik Ross, Milliron and Goodman
Bryon Ruhl, PennDOT
Keith Salador, CAC
Trisha Salvio, Chesapeake Bay Foundation
Tom Wilson, W Engineering, LLC

Review and Approval of Minutes from May 23, 2019 Meeting –Kent Crawford made a motion to approve the minutes. Jeff Hines seconded the motion. The motion was approved by unanimous vote.

Manganese Draft Annex – Rodney McAllister from the Bureau of Clean Water, presented proposed rulemaking to revise the water quality standards for manganese (Mn). This proposed rulemaking consists of two main recommendations to the Environmental Quality Board: (1) to move the point of compliance of the current potable water supply criterion for Mn to the point of existing or planned surface potable water supply withdrawal, as required by 2017 Act 40 § 6; and (2) to implement a new threshold human health criterion for Mn as a toxic substance to protect against the known toxic effects of Mn. WRAC members engaged in extensive conversation about this proposed rulemaking with each other and with DEP staff before voting 12-2 to accept the motion below that was made by Charles Wunz seconded by Jenifer Christman:

1. To acknowledge the legislative requirement in Act 40 of 2017 to propose a regulation moving the point of compliance for Mn to the point of all existing or planned surface potable water supply withdrawals.
AND

2. To support proposing a regulation, either through the Annex or by discussion in the Preamble (whichever is the most legally appropriate) that adds Mn to Table 5 in section 93.8c as a toxic substance for human health at the level of 0.3 mg/l. The compliance point for this standard will be met in all surface waters, as described in section 96.3(c).
AND
3. To recommend that the Environmental Quality Board request public comment on this combined approach for consideration in developing a final regulation.

Proposed PAG-01 General Permit for Stormwater Associated with Small Construction Activity and Renewal of PAG-02 General Permit for Stormwater Associated with Construction Activity–

Nathan Crawford – Bureau of Clean Water - presented an overview of the proposed new PAG-01 general permit for stormwater discharges from small, low-impact construction activities. The proposed PAG-01 would apply to earth disturbances less than five acres (subject to additional qualifiers) and would be limited to 20,000 square feet of impervious surface or 12% of impervious over project site (whichever is less). The goal is to simplify preparation and reviews of post-construction stormwater management (PCSM) plans for small projects. Mr. Crawford discussed eligibility requirements that include: discharges to HQ/EV waters and combined sewer systems are not eligible; use of PCSM BMPs in areas of known sinkholes or closed depressions is prohibited; soils contaminated above residential Act 2 standards are not eligible; projects must be on the same or contiguous tax parcels except off-site support activities; non-stormwater discharges are prohibited except certain authorized discharges; and no runoff from off-site impervious areas may flow onto project site.

Mr. Crawford also discussed the proposed renewal of PAG-02, the existing general permit for all stormwater discharges from construction activities. He explained: expiration of coverage; permittee assurance of personnel training; prohibition of certain discharges; and E&S and PCSM Plan templates.

Contaminants of Emerging Concern – Amy Williams – Bureau of Clean Water - presented a summary of “emerging contaminants” sampling in surface waters and sediments across the state conducted by bureau staff in collaboration with other organizations, including the United States Geological Survey, since 2012. Emerging contaminants in this sampling included : pesticides, herbicides, pharmaceutical compounds, endocrine-disrupting compounds, polychlorinated biphenyl compounds, polybrominated diphenyl ethers, and polycyclic aromatic hydrocarbons. Beginning in the summer of 2019, sampling for per- and poly-fluoroalkyl substances will also occur at 21 of DEP’s Water Quality Network sites. Ms. Williams and her colleagues plan to publish the results of this emerging contaminants sampling initiative in scientific publications and in an internet-based “story map” format.

Chapter 105 Update – Roger Adams – Bureau of Waterways Engineering and Wetlands- updated WRAC on efforts and plans to revise parts of 25 Pa. Code Chapter 105.

- DEP’s last comprehensive revisions of the Chapter 105 regulations occurred on October 11, 1991 (21 Pa. B. 4911; October 12, 1991).
- DEP amended the Chapter 105 regulations on January 7, 2011, to address issues raised in an audit by the Auditor General’s office by clarifying existing requirements and revising

outdated sections in the Chapter 105 regulations pertaining to dams and reservoirs (41 Pa.B. 219; January 8, 2011).

- DEP also amended the Chapter 105 regulations on February 15, 2013, to update existing fees and to include additional fees for activities performed by DEP.
- This proposed rulemaking would amend the Chapter 105 regulations by: clarifying existing requirements; deleting or updating obsolete and antiquated requirements; incorporating new or revised sections and definitions; and correcting previous typographical errors discovered in certain sections since previous rulemaking efforts were finalized.

Mr. Adams expressed a goal of getting a proposed rulemaking package revising Chapter 105 to the Environmental Quality Board in the first quarter of 2020. A draft Annex should be available towards the end of 2019.

General Discussion – John Jackson introduced a new member of WRAC: Matthew Genchur. Mr. Genchur is currently employed by White Township, Indiana County, PA, working in stormwater management, floodplain management, and code enforcement. Matt has nearly 20 years of experience in water resource and watershed planning, GIS mapping and analysis, and working with communities and agencies statewide on collaborative water related efforts. He currently chairs the Indiana County Stormwater Education Partnership, a local group that brings together academia, several levels of government, and non-profits to solve flooding and stormwater related concerns.

Action Items

1. DEP presentations requested by WRAC members:
 - a. Impairment of the Susquehanna River -**presented at 5/23/19 meeting.**
 - b. The Science of Manganese – **presented at 5/23/19 meeting.**
 - c. Integration of the modifications to the Stormwater Management Control Manual and Chapter 102 into Mining and Reclamation for Coal/Non-Coal and Waste Management
 - d. ePermitting for Chapter 102 during beta-testing
 - e. Ongoing measures of adaptive management using Alternative Restoration Plans
 - f. Agricultural Operations Inspections - **presented at 3/28/9 meeting.**
2. 6-9 month look ahead on potential regulatory and non-regulatory topics to WRAC for comment:
 - a. Chesapeake Bay Update
 - b. Water Allocation Permit Applications
 - c. Act 162 of 2014 Implementation Plan
 - d. Design Standards for Wastewater Facilities

Public Comment – None

A motion was made for the meeting to adjourn by Stephen Rhoads and was seconded by Myron Arnowitz. The meeting adjourned at 12:40 p.m.