



**Minutes of the
May 28, 2020 Meeting of the
Water Resources Advisory Committee (WRAC)**

Skype Meeting

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AGENDA

Call to Order, Introductions and Attendance –Kent Crawford, Vice-chair

The meeting of the Water Resources Advisory Committee (WRAC) was called to order by Kent Crawford at 9:40 AM, via Skype due to the social distancing orders enforced during the covid-19 pandemic. A roll call of members was conducted. Participation in this meeting of 16 members represented a quorum.

The following committee members were present:

Myron Arnowitt, PA Clean Water Action
Harry Campbell, Chesapeake Bay Foundation
Jenifer Christman, Western Pennsylvania Conservancy
Shirley Clark, Pennsylvania State University
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
Cory Miller, University Area Joint Authority
Dean Miller, Pennsylvania Water Environment Association
Jeff Shanks, Waste Management
Sara Whitney, Pennsylvania Sea Grant
Charles Wunz, Wunz Associates

The following committee members were not present:

Stephen Rhoads
Steve Tambini, Delaware River Basin Commission

The following DEP/DCNR staff members were present:

Brian Chalfant
Adam Duh
Becky Dunlap
Drew Foley



Shelby Freyermuth
Kenda Jo Gardner
Bob Haines
Melissa Harrison
Kevin Hess
James Horton
Andy Klinger
Kathleen Kolos
Abdulhossain Liaghat
Josh Lookenbill
Jignasha Manek
Mark Matlock
Allyson McCollum
Rachael Melvin
Michelle Moses
Jay Patel
Kristin Peacock-Jones
Domenic Rocco
Bryan Ruhl
Chris Ryder
Jill Whitcomb

The following guest were present that were identified on the Skype meeting:

Tom Batroney
Abby Foster
Rachel Gleason
Jen Orr-Greene
Scott R. Hughes
PACA
T. Salvia
Curtis Schreffler
Michael Schroeder
Namsoo Suk

Additional guests were present but only identified by a phone number.

Review and Approval of Minutes from January 30, 2020 Meeting – Kent Crawford, Vice-chair

No comments or concerns were raised regarding the previous meeting's minutes. Shirley Clark made a motion to approve the minutes; John Jackson seconded the motion. The decision to approve the minutes from the January 30th meeting was unanimous.

Chesapeake Bay Program Update – Jill Whitcomb, Chesapeake Bay Office



Jill Whitcomb presented an update regarding the Phase III WIP statewide implementation progress as well as Countywide Action Planning (CAP) implementation progress that has been occurring despite the complications the covid-19 pandemic has created.

Statewide reporting has been of increased concern for the Chesapeake Bay Office. They are actively working to make improvements to DEP's cross-program reporting procedures to ensure reporting is being completed and that the information reported aligns with the Chesapeake Bay Program's reporting standards. Another related concern is duplicate reporting. Ms. Whitcomb is hopeful that the Federal Partner Pilot Reporting Program will help to divulge information regarding where data overlaps are occurring so that the Department can avoid reporting overlap in the future.

The Healthy Waters, Healthy Communities StoryMap has been in development with input from the Chesapeake Bay Office which is an interactive informational online resource. The goal of Healthy Waters, Healthy Communities is to effectively communicate to those who are not familiar with Chesapeake Bay terminology what is being done to reduce pollution in Pennsylvania's share of the Chesapeake Bay Watershed and why it is important for the community to have healthy waters.

The pandemic has created challenges not just for statewide implementation, but also for local action concerning the Phase III WIP. While some aspects of counties' implementation plans are at a halt due to social distancing, the Countywide Action Planning (CAP) and its implementation has experienced success during this time. Training has been a huge focus lately as well as providing virtual interaction on a weekly - if not daily - basis with the county lead entities and county contacts.

Ms. Whitcomb shared an anticipated timeline for the phased development plans to be created and implemented: Phase 1 begins Winter 2019/2020 and lasts 6 to 8 months and Phase 2 begins Summer 2020 which will also last 6 to 8 months. Current updates on phased plan development completions are as follows: Lancaster and York counties (Tier 1); Franklin county (Tier 2); Adams county (Tier 3).

Funding the CAP currently is being drawn from two sources: Environmental Stewardship Fund (ESF) and the Chesapeake Bay Implementation Grant (CBIG). ESF Funding will apply to the pilot counties and Tier 2 counties for a total of \$800,000 annually providing \$100,000 of funding per year for each county. CBIG funding applies only to pilot counties upon the implementation of their CAPs. A total of \$790,000 is currently allocated for this use which must be spent by the end of the federal fiscal year (September 30, 2020). Currently the Chesapeake Bay Office is currently communicating with the EPA in efforts to obtain an extension due to the disruption delays that covid-19 has caused. Funding for CAPs is subject to change as the uncertainty of availability of funds during the pandemic remains.

The process for creating a CAP takes tremendous effort, stakeholder input, and a lot of buy-in to end up with a plan that is implementable, realistic, feasible, and able to produce results. Tools and resources have been provided to help support CAP development which include the Community Clean Water Planning Guide and the Community Clean Water Planning Toolbox. The Planning Guide includes an introduction to the planning process, clearly defined directions, timeline with expectations, and real-world examples from pilot counties. The Planning Toolbox is customized for each county and outlines county-specific information in a more technical



format which should be used by the County Coordinators when formulating a detailed CAP. Tools and resources for the implementation of CAPs have also been created to provide support to the counties. The Community Clean Water Implementation Guide will help prepare and support local partners when transitioning to the implementation stage as it contains information, strategies, key contacts, and more. The Community Clean Water Implementation Toolbox, much like the Planning Toolbox, will be customized for each county and include county-specific information that is intended to be used by the County Coordinators.

John Jackson asked about the status of the initiated lawsuit and how it might affect the program. Ms. Whitcomb was unable to address the status of the lawsuit directly, but she did say that the Chesapeake Bay Office's mission remains the same: continue with the Phase III WIP implementation planning and continue working with stakeholders and counties to make improvements to the water quality of local water sources as well as the Chesapeake Bay. John also mentioned how state revenues have been dramatically impacted due to covid-19 and asked if the Chesapeake Bay Office is anticipating issues brought on by the lack of revenue. While Ms. Whitcomb agreed that there are a lot of uncertainties regarding revenue, she also confirmed that this project remains a priority for the DEP, their partnering agencies, and the stakeholders. EPA is providing more funding through their most effective basins allocations to Pennsylvania and the Department is also working collaboratively with the EPA and the Pennsylvania State Conservation Commission (PSCC) to provide a passthrough of funds from the EPA to the PSCC to implement agricultural BMPs in areas of highest impact. Ms. Whitcomb is hopeful that this project will remain a priority and stated the Chesapeake Bay Commission delegates continue to be supportive of DEP's efforts.

Harry Campbell asked for clarification regarding the role of local water quality monitoring in the Phase III WIP efforts. Ms. Whitcomb explained that water quality monitoring helps identify what exactly is going on in a landscape. At the local scale, there are desired water quality monitoring efforts that can be used to determine which areas the counties can focus their efforts on to result in the biggest impact on the local water quality. Improving local water quality will in turn create a positive impact on the water quality of the Chesapeake Bay.

John Jackson requested that Ms. Whitcomb provides to the members some real-world examples as to how a county has acted on their specific infrastructure, how they set local goals, how local goals are tied to Bay goals to be able to paint a picture of the CAP project that is not so hypothetical. Jill is going to work with Bob Haines so that during a future meeting, representatives from counties can share their experiences themselves.

State Water Plan – James Horton, EIT, Office of Water Resources Planning

Mark Matlock gave a quick update to say that the State Water Plan section had cancelled their April meeting and that they will continue to meet virtually throughout the year. The next scheduled meetings are to occur in July and October with a few others potentially being added. They are currently in the process of appointing people for the Statewide Committee. The first Statewide meeting will hopefully occur in August. He does not foresee any issues with being able to follow the original timeline for the project.

James Horton presented on the history of the State Water Plan & Act 220 which demonstrated why having a State Water Plan is important. Following the history recap, Mr. Horton discussed the importance of establishing effective data sharing procedures with the river basins has proven to be a challenge. Exchanging information can be challenging due to things such as differentiations in storage methods and data security protocols. Exchanging data efficiently is extremely important, so this is one of the issues that is receiving a great deal of focus.

Mr. Horton shared that there has been a large amount of success achieved thus far because they are not starting from scratch, he also stressed that they do not have the resources, personnel, or time that they once had. Despite this, he believes that they will be able to overcome these shortfalls. James presented a two-year workplan that they have created that was designed to help accomplish the following:

- Updating the prior State Water Plan and Act 220
- Adopt Critical Area Resource Plans (CARPs) in the Potomac and Ohio planning areas
- Enhance web-based applications and tools
- Dive deeper into the Governor's 2018 Climate Action Plan

John Jackson asked what an example of a performance indicator would be concerning the Climate Action Plan tracking. Mr. Horton explained that no performance indicators have yet been defined – they just know that having performance indicators will be necessary. An example he gave that may be a possibility was measuring salinization and using that information to assess performance.

Draft Guidance on Alternatives Analysis – Chapter 105 Alternatives Analysis Technical Guidance Document – Rebecca Dunlap, Regional Permit Coordination Office (RPCO) Draft Guidance on Trenchless Technology - Environmental Considerations for the Construction and Operation of Trenchless Technology – Andrew Foley, RPCO

Becky Dunlap presented a summary of the draft final version of the Chapter 105 Alternatives Analysis technical guidance document. Alternatives Analysis is currently required as part of existing regulation (Chapter 105, 13(e)(viii)). This technical guidance document, as well as the Trenchless Technology technical guidance document, does not include any new regulations – it simply is presented as guidance and as supplemental documentation for the regulatory documentation that already exists. The final draft does not include much new information; rather, the information from the previous draft has just been reorganized.

John Jackson asked if an alternative analysis will be expected to be provided for every project. Ms. Dunlap confirmed that not every project will be required to provide an alternative analysis; rather, one is only required for Chapter 105 joint permit applications and new builds.

Drew Foley presented a summary of the final draft version of the Trenchless Technology technical guidance document. A change has been made to Appendix A, which is referring to a risk assessment for projects. The Disclaimer has also been updated to include that the guidance does not require new permits, it is not meant to indicate that Trenchless Technology is always the least environmentally impactful, and that the guidance may not be necessary for small



projects that pose little to no risk. Language was also edited because there was a concern that the document contained too much regulatory language.

The anticipated public comment period for both technical guidance documents is Fall or Winter of 2020 with a final publication release to occur at the same time as the release of the Chapter 105 Regulation Annex. Once the publication is finalized, they plan to create tutorial videos for both technical guidance documents and proposed that the videos be posted to the DEP's Clean Water Academy webpage.

CAFO NPDES General Permit – Sean Furjanic, P.E., Bureau of Clean Water

Jay Patel spoke on behalf of Sean Furjanic regarding the CAFO NPDES General Permit and the recommended changes that address nuances that exist with the current renewal process.

Mr. Patel discussed the process that prompted the proposed change was originally initiated in 2018. As of 2018, CAFOs could renew their general permit coverage using their annual report submission on a yearly renewal basis rather than submitting a renewal notice every five years. Revisions are being requested because the intended benefits of this process have not been realized over the past 2 years. The unintended problems DEP has experienced due to the current renewal process include increased administrative burden for the DEP staff as well as the possibility for appeal of the CAFOs coverage with each annual report submission. Another issue recognized is how the current verbiage of PAG-12 allows for expiration of coverage if an annual report or notice of intent is not submitted to DEP by a specific date. Mr. Patel believes the removal of DEP's authority as well as the administrative burden experienced are not in DEP's best interests. Furthermore, an oversight of PAG-12 with respect to inspections has also prompted the need for change. Currently, only large dairy operations are required to conduct daily inspections of their water lines for evidence of leakage; however, EPA standards require operations such as large poultry and swine operations to also conduct daily water line inspections.

Mr. Patel presented several proposed changes to help mitigate these unintended issues that have been experienced. He first suggested that language be removed from PAG-12 which states a CAFO annual report will be considered a notice of intent as well as the removal of language insinuating the expiration of coverage if a timely submission of an annual report or notice of intent is not executed. He then recommended that further clarification was needed to explain that the annual fee associated with PAG-12 general permit coverage is an installment payment of the notice of intent fee that will not result in additional fees or required payments. Further clarification was also encouraged regarding how DEP will provide further instruction as to the form of the notice of intent and the manner of submission for renewal of coverage at the end of the five-year permit term. Lastly, Mr. Patel stressed the importance of correcting an error in Part A in order to clarify that all large CAFO's must perform daily water line inspections in order to be consistent with federal requirements.

Lastly, Mr. Patel presented the proposed timeline to help implement these changes prior to the beginning of 2021. Discussions with EPA have begun regarding the proposed changes to make sure no major roadblocks will be encountered. Another meeting was also proposed during the



Agriculture Advisory Board meeting in May to help push this process along. During that meeting it became evident that meeting in June may be too soon. Mr. Patel is still hopeful for a June meeting, but relayed that a July meeting is highly possible. The DEP is working diligently to turn around a final draft of the revised permit to the Board members so that the meeting can take place. It is crucial to have the changes be published as final before the end 2020 so the CAFO program can avoid experiencing the same issues next year.

General Discussion - John Jackson, Chair

John mentioned how their wish list of sorts named “Action Items” has been reinstated and asked committee members to keep that in mind. No members had any additional comments or any other concerns to bring up during general discussion.

Public Comment Period – John Jackson, Chair

There were no public comments expressed during this time.

Adjourn – John Jackson, Chair

A motion was made for the meeting to adjourn by Theo Light and was seconded by Jeff Shanks. The meeting adjourned at 12:01 p.m.

Next Meeting: July 29, 2020