

WATER RESOURCES ADVISORY COMMITTEE (WRAC)

July 21, 2022 9:30 a.m.

Rachel Carson State Office Building – Room 105
400 Market Street, Harrisburg, PA 17105

Minutes

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

The meeting of the Water Resources Advisory Committee was called to order by Jenifer Christman at 9:30 a.m., virtually via Microsoft Teams and in-person in Room 105, Rachel Carson State Office Building, Harrisburg, PA. A roll call was conducted, and of the 16-member committee, 9 were present and 7 were not present.

The following committee members were present:

Harry Campbell – Chesapeake Bay Foundation
Alexandra Chiaruttini – The York Water Company
Jenifer Christman – Western Pennsylvania Conservancy
Shirley Clark, Ph.D., P.E. – Pennsylvania State University
Kent Crawford, Ph.D. – USGS (Retired)
Andrew Dehoff – Susquehanna River Basin Commission
John Jackson, Ph.D. – Stroud Water Research Center
Cory Miller – University Area Joint Authority
Stephen Rhoads – Shell (Retired)

The following committee members were not present:

Myron Arnowitt – Clean Water Action
Matthew Genchur – White Township
Theo Light, Ph.D. – Shippensburg University
Dean Miller – Pennsylvania Water Environment Association
Jeff Shanks – Waste Management
Steven Tambini – Delaware River Basin Commission
Charles Wunz, P.E. – Wunz Associates

Review and Approval of Minutes from May 19, 2022 Meeting – Jenifer Christman, Chair

No corrections or suggested edits to the May 19, 2022 meeting minutes were proposed by any committee member. Kent Crawford motioned to approve the meeting minutes, seconded by Andrew Dehoff. All approved, none opposed. The minutes were unanimously approved.

Informational Item: Revisions to Surface Water Protection – Underground Bituminous Coal Mining Operations – Sharon Hill, Office of Mining Programs

Ms. Hill summarized the proposed revisions to the Technical Guidance Document (TGD) which focus on the potential effects to streams and wetlands and how the mining operator monitors and reports those effects. The revisions include updates to the biological protocol for stream assessments which now correspond to the Department of Environmental Protection's (DEP) overall policy, removing control streams from the stream monitoring protocol allowing for other methods and clarifying the stream recovery process. A working draft of the TGD was presented to the Citizens Advisory Committee (CAC). The recommendations provided by CAC are currently being reviewed in preparation of a revised TBD that will be published for public comment.

John Jackson asked what the timeframe is between when an area is mined and when subsidence occurs. Ms. Hill responded that it usually happens quickly but can occur later. Shadow inspectors monitor and track subsidence progression.

Kent Crawford asked if the new TGD refers to the guidance document that is already published. Ms. Hill responded that it refers to the current DEP policy on biological assessment but doesn't limit itself to this specific document so if the document is updated, the more recent revisions will be adopted. Kent asked if the assessments on stream slope and stream width are the responsibility of DEP or the operator. Ms. Hill stated it is the responsibility of both.

Jenifer Christman asked if mining operators receive wetland creation credits when mining activities create additional wetlands. Ms. Hill was unsure and stated that they are wrestling with how to depict wetlands in the Act 54 report. Alexandra Chiaruttini said they should be receiving credit since it is for compliance purposes and Jenifer Christman agreed and asked if DEP could provide clarification.

Informational Item: Draft Final Rulemaking: Chapter 105 Revisions and Amendments – Andrew Klinger, Bureau of Waterways Engineering and Wetlands

Mr. Klinger stated that this presentation is postponed until the next committee meeting in order to complete consultation with PennDOT before presenting to advisory boards.

Informational Item: Update of DEP Guidance on Wastewater Land Treatment Systems and Reuse – Kevin McLeary, Bureau of Clean Water

Mr. McLeary stated the current land treatment manual is being revised and a pre-draft version will be presented to WRAC. Based on the comments received, a draft manual will be published in the Pennsylvania Bulletin in the fourth quarter 2022. Following a public comment period and additional revisions, a final manual is anticipated to be published in the fourth quarter 2023.

Current revisions to the manual include reorganizing content in a logical progression, a detailed project flowchart containing over 21 steps plus adding a chapter on planning and the required steps involved. Additional changes include the removal of systems not currently used in Pennsylvania.

Kent Crawford asked when the manual will be available for the committee to review. Mr. McLeary stated he is anticipating by the next committee meeting. Kent asked what the timeframe is for the committee to review and submit comments. Jay Patel replied the draft document is in the internal review process and it is tentatively scheduled to be drafted later this year.

Alexandra Chiaruttini suggested factoring the variable winter weather temperatures when considering storage and land application. John Jackson agreed that including climate change concepts in the revisions is important.

Informational Item: Pennsylvania Chesapeake Bay Program Update: Agriculture Compliance, Data Management and Funding Needs – Jill Whitcomb, Chesapeake Bay Program Office

Ms. Whitcomb presented a summary of primary environmental agricultural regulations including the agencies responsible for implementing those regulations. The DEP is responsible for regulating all Animal Operations (AOs) and Concentrated Animal Feeding Operations (CAFOs) while the State Conservation Commission (SCC) regulates Concentrated Animal Operations (CAOs).

Ms. Whitcomb highlighted Act 49 (Commercial Manure Hauler and Broker Certification Act) which aims to preserve water quality and is administered by the SCC and discussed the agriculture inspection programs including the Erosion and Sediment Control Program, National Pollutant Discharge Elimination System (NPDES) CAFO program and the Act 38 Nutrient Management Program.

Ms. Whitcomb discussed PracticeKeeper, a centralized geodatabase that has streamlined reporting efforts between all of the programs utilizing it, ensuring consistency between those programs. Conservation districts are receiving increased funding, most recently with the inclusion of \$6.8 million in the Conservation District Fund Allocation Program and Ag Conservation Technician funding in the 2022-2023 state budget.

Stephen Rhoads asked what kind of power the Chesapeake Bay Program Office has when problems are encountered with BMPs and implementation to ensure compliance with small operators. Ms. Whitcomb responded that violations can be cited with relevant Chapters (i.e., Chapter 102 and 91). Identification of the issue is documented in the inspection report as a violation and a timeframe is given to comply and address the issue. Stephen asked what share of the money being spent goes into the field to correct the problems. Ms. Whitcomb explained

that a large amount is not invested in nonpoint source pollution control projects in agriculture but with the addition of \$220 million in the Clean Streams Fund there will be a larger shift to the nonpoint source pollution control.

Jenifer Christman asked for clarification on delegated counties assessing compliance but are not considered the enforcement arm. Ms. Whitcomb explained they do not handle any enforcement activities (notice of violation, field orders, etc.). The obligation of delegated counties is to ensure relevant violations are documented.

John Jackson asked if there is any plan to address the Delaware and Ohio drainages and communicating with those agricultural communities. Ms. Whitcomb responded that, until there is staff support at the regional offices outside the Chesapeake Bay watershed, there will not be an expansion to those areas.

Informational Item Support Requested: Draft Final Rulemaking: National Pollutant Discharge Elimination System (NPDES) Schedules of Compliance – Maria Schumack, Bureau of Clean Water

Ms. Schumack presented the draft final rulemaking which pertains to Chapter 92a.51(a) which specifies the conditions under which a schedule of compliance may be established in a NPDES permit. The current regulation states that compliance must be reached within the 5-year permit terms unless a court allows longer time for compliance. The current revision states that compliance schedules issued to Combined Sewer Overflow (CSO) dischargers may exceed 5 years but may not exceed the implementation period outlined in an approved Long-Term Control Plan (LTCP).

A motion was made by Shirley Clark and seconded by Alexandra Chiaruttini to support moving the revised schedule of compliance forward. All approved, none opposed. Motion carried.

General Discussion/Agenda Topics Request – Jenifer Christman, Chair

No committee member suggested any discussion/agenda topic.

Public Comment Period – Jenifer Christman, Chair

No committee member made a public comment.

Adjourn – Jenifer Christman, Chair

John Jackson motioned to adjourn the meeting. All approved, none opposed. Motion carried.