

WATER RESOURCES ADVISORY COMMITTEE (WRAC) Meeting

November 17, 2022 9:30 a.m.

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

and

Microsoft Teams

https://teams.microsoft.com/l/meetup-join/19%3ameeting_OTlmMzQ4ZmUtYWJkZS00ZTM0LWJkZDMtOTBIYTdjYWRkMDky%40thread.v2/0?context=%7b%22id%22%3a%22418e2841-0128-4dd5-9b6c-47fc5a9a1bde%22%2c%22oid%22%3a%22b24d8ba1-e645-4ccd-bbf7-14bcd3de0b76%22%7d

Join by phone

Toll number: +1 267-332-8737

Conference ID: 761 256 875#

Agenda

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 9:32 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)
John Jackson, Ph.D. – Stroud Water Research Center
Cory Miller – University Area Joint Authority
Stephen Rhoads – Shell (Retired)
Steven Tambini – Delaware River Basin Commission

The following committee members were not present:

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

Review and Approval of Minutes from September 15, 2022 Meeting – Jenifer Christman, Chair

No corrections or edits were proposed. John Jackson motioned to approve the minutes seconded by Kent Crawford. All approved, none opposed. Motion carried.

Draft Proposed Rulemaking: Triennial Review of Water Quality Standards (TR#10)– Kristen Schlauderaff, Bureau of Clean Water

Ms. Schlauderaff presented an overview of the draft proposed rulemaking for Water Quality Standards. Proposed updates and corrections include 17 new or updated human health (HH) and aquatic life (AL) water quality criteria, exceptions for fishable/swimmable uses and minor edits to Chapters 93 and 16. The Department of Environmental Protection (DEP) developed one new HH water quality criterion for 1,4 – Dioxane, updated two existing HH criteria with EPA 304(a) recommendations and updated eleven existing department-derived criteria (7 criteria became more stringent and 4 became less stringent).

The DEP is recommending adoption of a statewide HH criterion of 0.3 mg/L for 1,4-dioxane which was previously evaluated in the 2013 triennial review (TR#8). Additional data was collected from National Pollutant Discharge Elimination Systems (NPDES) permitted discharges and resulted in 1,4-dioxane being present in treated wastewater effluent from 5 out of the 6 regions in Pennsylvania. The Environmental Protection Agency (EPA) has identified 1,4-dioxane as a likely human carcinogen.

Aquatic life water quality criteria contain three major components which include magnitudes, duration period and frequency. EPA generally recommends duration periods of 1 hour and 4 days for acute and chronic criteria respectively and a frequency of no more than once every 3 years on average. The DEP is recommending new or updated water quality criteria for cadmium, carbaryl and tributyltin and is consistent with EPA's current 304(a) recommendations.

States are required to re-examine water body segments that do not meet fishable/swimmable uses. The water contact sports use has been removed from the Harbor Area and central channel to Outer Erie Harbor/Presque Isle Bay and for portions of the Delaware River Basin and Delaware Estuary and replaced with secondary recreation use according to Delaware River Basin Commission (DRBC) water quality regulations. The warm water fishes (WWF) and migratory fishes (MF) aquatic life uses have been removed or modified for portions of the lower Delaware River.

Kent Crawford asked if the DEP is anticipating any of the new or updated criteria will be exceeded based on historical information (i.e., tributyltin greater than 6,000 mg/L). Ms. Schlauderaff responded that some of the criteria is new so it would not have been implemented in a permit. After reviewing existing surface water quality data, none of the parameters were determined to be a concern.

Kent Crawford asked if pushback was anticipated from the regulated community. Ms. Schlauderaff stated not at this point.

John Jackson suggested providing guidance or minimum data that will be accepted in instances of exceedance. Ms. Schlauderaff responded that the assessment and monitoring books are being updated and language has been added to address minimum data requirements and how samples should be collected for various parameters.

John Jackson asked what the Dissolved Oxygen (DO) exception is for the Yellow Breeches Creek. Ms. Schlauderaff stated there is a Cold Water Fishes (CWF) segment of the Yellow Breeches Creek that has an exception to specific criteria for DO. Prior to 2013, the exception in the drainage list removed DO1 and added DO4. The DO4 criterion was specific to High Quality-Cold Water Fishes (HQ-CWF) streams and was the only numeric criterion in Chapter 93 for a High Quality Water. The DEP generally does not specify numeric criteria for special protection waters in Chapter 93 because the appropriate level of protection for all special protection waters is "maintenance of existing

quality” as described in §93.4a, which is unique for each waterbody (i.e., site-specific). Thus, the DEP appropriately removed DO4 from Chapter 93, Table 3 during the 8th triennial review of water quality standards (2013). However, since DO4 was listed as an exception to criteria and was removed from Table 3, the DEP needed to replace the reference to DO4 for the Yellow Breeches Creek with the numerical value for DO4, which is a minimum of 7.0 mg/L. While this section of the Yellow Breeches did not meet the qualifications to be classified as a HQ-CWF stream, the Environmental Quality Board chose to adopt this exception to DO criteria to protect the world-class fishery in the downstream CWF section of the Yellow Breeches Creek.

Jenifer Christman asked Ms. Schlauderaff to explain again why Erie Harbor and the Delaware River have exceptions. Ms. Schlauderaff explained that certain areas of these water bodies are navigation channels and there are safety hazards. She stated there is ongoing work to re-evaluate the removals for the Delaware Estuary.

Kent Crawford made a motion to support the recommended changes to the Water Quality Standards seconded by John Jackson. All approved, none opposed. Motion carried.

Pre-Draft *Pennsylvania Post-Construction Stormwater Management (PCSM) Manual* – Dr. Robert Traver, Villanova University; Mark Bowen, NTM Engineering; Dr. Amanda Hess, Villanova University

Sean Furjanic prefaced the presentation and stated that all proposed changes to policy will be published in the Pennsylvania Bulletin for public comment. Updates to design standards will be documented on DEP’s website and an errata sheet which is a proposed appendix to the manual. The draft manual should be published soon. Due to the length of the manual, there will be a 60-day public comment period instead of the normal 30-day period for technical guidance.

Dr. Traver, Mark Bowen and Dr. Hess presented an overview of the manual which acknowledges and addresses climate change. The manual clarifies that diverse professionals are required, establishes PCSM objectives and includes design guidance for Stormwater Control Measures (SCMs).

Dr. Hess summarized how climate change is incorporated into design storm situations and new forms of stormwater analysis methods. Climate projections for Pennsylvania predict warmer, wetter and more intense weather. Dr. Hess discussed SWMM CAT, a monthly multiplier applied to precipitation that can be integrated into a continuous simulation model.

Mark Bowen summarized the PCSM objectives which include natural landscape SCMs, volume/quality management, managed release concept (MRC) and rate control. Chapter 3 of the manual is organized so the designer can select the SCM appropriate for the PCSM objective.

Dr. Traver stated that one major change is that 24-hour 2-year runoff is used for continuous simulation as opposed to 24-hour 2-year rainfall. This provides a more reflective understanding of the process. He stated post-construction inspection is critical.

Pierre MaCoy asked if any consideration to stormwater drainage wells has been made in the manual. Mark replied that stormwater drainage wells is covered under Alternative BMPs, a separate guidance on the DEP’s website.

John Jackson asked if the DEP is considering a timeline for making adjustments to previously constructed stormwater infrastructure. Sean Furjanic commented that there are no expectations for someone who made a good faith effort to design their facilities to make adjustments based on new guidance. Mark added that the manual includes retrofit of detention basins into naturalized structures.

Kent Crawford asked if the new manual includes a flow chart to help users navigate the document. Sean replied that there is one high-level chart that describes the hierarchy of stormwater management and the four objectives and how you need to work through them.

Harry Campbell asked how the DEP plans to incorporate the manual into Act 167 plans and corresponding ordinances associated with those plans. Sean replied that they will have an opportunity to update the model ordinance for MS4s and changes will be made based on the manual.

Stephen Rhoads expressed concern over the 60-day public comment period and suggested the DEP consider extending the comment period to at least 6 months and offering workshops to the regulated community in an effort to help understand how the manual is going to be implemented going forward.

Shirley Clark recommended that the DEP consider how they are going to decide what is qualified science and how they are going to create a process to evaluate research and how it will be incorporated in the manual.

Bipartisan Infrastructure Law Implementation and the State Revolving Fund Program – Jay Patel, Bureau of Clean Water

The Bipartisan Infrastructure Law (BIL) provides \$50 billion to the Environmental Protection Agency (EPA) to strengthen drinking water and wastewater systems. The Safe Drinking Water Act (SDWA) and the Clean Water Act (CWA) were reauthorized through BIL, reapproving the base funding and providing supplemental pots for the Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF). Key priorities include increasing investment in underserved communities and tackling forever chemicals and other emerging contaminants.

DWSRF totals \$197,450,000 which includes \$25,892,400 for base funds and \$171,503,300 for three supplemental pots (general supplemental, lead service line and emerging contaminant). The funds will be used to replace aging water lines, upgrade treatment plant components and finish water storage tanks. CWSRF totals \$136,253,600 and includes \$54,999,600 for base funds and \$80,754,000 for the general and emerging contaminants supplemental pots. Typical CWSRF projects include wastewater and stormwater infrastructure needs and non-point source pollution reduction. New to the CWSRF is a 2% allowance for technical assistance. The Bureau of Clean Water's long-term goal is to develop and establish a technical assistance program within the bureau, likely modeled after the Bureau of Safe Drinking Water's Small Systems Technical Assistance program.

2023 Meeting Dates – Jenifer Christman, Chair

The 2023 proposed meeting dates are January 19, March 16, May 18, July 20, September 21 and November 16. Jay Patel reminded the committee of the new incoming administration and stated the early part of next year will be transition based and priorities will be established during this time.

General Discussion/Agenda Topics Request – Jenifer Christman, Chair

Jenifer asked if any current or past member has a human health background. Stephen Rhoads said he is not aware of any. Jenifer stated the committee may want to take that into consideration in the future. John Jackson stated the DEP recruits committee members so mentioning it in today's meeting may prompt them to consider it.

Public Comment Period – Jenifer Christman, Chair

No public comments were made.

Adjourn – Jenifer Christman, Chair

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