

WATER RESOURCES ADVISORY COMMITTEE (WRAC) Meeting

March 16, 2023 9:30 a.m.

Rachel Carson State Office Building – 12th Floor Conference Room
400 Market Street, Harrisburg, PA 17105

and

Microsoft Teams

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NGE2MDEzZmYtZmU1YS00NjBiLWlwNTAtZjQwZTlzNjEzZTMx%40thread.v2/0?context=%7b%22Tid%22%3a%22418e2841-0128-4dd5-9b6c-47fc5a9a1bde%22%2c%22Oid%22%3a%22b24d8ba1-e645-4ccd-bbf7-14bcd3de0b76%22%7d

Join by phone

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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. A roll call was conducted, and of the 16-member committee, 10 were present and 6 were not present.

The following committee members were present:

Myron Arnowitt – Clean Water Action
Harry Campbell – Chesapeake Bay Foundation
Jenifer Christman – Western Pennsylvania Conservancy
Kent Crawford, Ph.D. – USGS (Retired)
Andrew Dehoff – Susquehanna River Basin Commission
Theo Light, Ph.D. – Shippensburg University
Cory Miller – University Area Joint Authority
Dean Miller – Pennsylvania Water Environment Association
Steven Tambini – Delaware River Basin Commission
Charles Wunz, P.E. – Wunz Associates

The following committee members were not present:

Alexandra Chiaruttini – The York Water Company
Shirley Clark, Ph.D., P.E. – Pennsylvania State University
Matthew Genchur – White Township
John Jackson, Ph.D. – Stroud Water Research Center
Stephen Rhoads – Shell (Retired)
Jeff Shanks – Waste Management

Review and Approval of Minutes from November 17, 2022 Meeting – Andrew Dehoff, Vice-Chair

No corrections or edits were proposed. Steven Tambini motioned to approve the minutes seconded by Jenifer Christman. All approved, none opposed. Motion carried.

Draft Proposed Rulemaking: Water Quality Standards Site-Specific Criteria and Development – Kristen Schlauderaff, Bureau of Clean Water

Ms. Schlauderaff informed the committee that an additional amendment to 25 Pa. Code Chapter 16 will be proposed as part of the 10th triennial review of water quality standards. Since the proposed rulemaking was presented to the committee at the November 17, 2022 meeting, DEP has become aware of the availability of EPA-approved analytical test methods for free cyanide. DEP intends to delete the department derived method and the footnote in Table 2(a) of Chapter 16 that states EPA has not approved analytical methods for free cyanide.

DEP is recommending updates to the site-specific criteria development process found in 25 Pa. Code Section 93.8(d) and a site-specific methylmercury water quality criterion for portions of Ebaughs Creek. The proposed updates will provide clarification on requesting site-specific criteria and information to be included with a request. DEP is proposing the addition of a new section, 93.8d(a.1), which recognizes the conditions under which site-specific criteria may not be requested.

In 2015, the York County Solid Waste Authority (YCSWRA) initiated a site-specific criteria request to replace the application of the statewide total mercury criterion of 0.05 µg/L with a site-specific dissolved methylmercury criterion for the protection of human health. The final recommended ambient water quality criterion for methylmercury was determined to be 0.00004 µg/L. The proposed rulemaking is anticipated to be presented to the Environmental Quality Board (EQB) and published in the *Pennsylvania Bulletin* in the third quarter 2023 with the 45-day public comment period ending in the third or fourth quarter 2023. DEP is requesting the committee's support to move forward with this proposed rulemaking.

Jenifer Christman asked why the statewide total mercury criterion was replaced with the methylmercury criterion. The statewide mercury criterion is not being replaced. Ms. Schlauderaff responded that methylmercury represents the most current recommendation regarding mercury criteria and is the most toxic form of mercury to people, commonly encountered through consumption of fish. The proposed regulation removes the application of the statewide criterion for mercury in Ebaughs Creek and adds a methylmercury site specific criterion in its place.

Kent Crawford asked if there is another nearby stream where sampling can be done to determine the methylmercury concentrations in fish as a comparison to determine if the updated criterion is needed.

Ms. Schlauderaff responded that this criterion is very specific to Ebaughs Creek; site-specific criteria studies are very focused and do not involve comparisons to other water bodies.

Kent Crawford made a motion that the committee concurs with DEP's draft proposed rulemaking being presented to the EQB, seconded by Charles Wunz.

Concentrated Animal Feeding Operation (CAFO) PAG-12 Update – Kate Bresaw, Bureau of Watershed Restoration and Nonpoint Source Management

Ms. Bresaw stated most of the comments received related to the inclusion of forms and procedures for assuring that permit holders implement Best Management Practices (BMPs) consistent with the requirements of an applicable TMDL. The permit has been administratively extended until March 31, 2024. A revised draft will be

presented to WRAC, AAB and EPA in May 2023 with the intention of publishing it in the *Pennsylvania Bulletin* in August 2023 with a 30-day comment period. The final draft is anticipated to be published in the *Pennsylvania Bulletin* in October 2023. Existing permittees will maintain coverage under the extended permit; however, DEP may not grant coverage to new facilities until the final permit is reissued and in agreement with EPA policy.

PAG-05 NPDES General Permit Reissuance – Harmonie Hawley, Bureau of Clean Water

The PAG-05 General Permit expires December 28, 2023 and covers thirty-one groundwater remediation systems. DEP is proposing that all existing permittees submit a renewal Notice of Intent (NOI) to maintain existing coverage. Under the proposed general permit, new coverage will specify an expiration date of coverage that corresponds to the PAG-05 expiration date. Beginning in 2025, the due date of the annual report and the annual installment date of the NOI fee will be due by the anniversary of the expiration date of the general permit as opposed to the current date of January 28. Under the current permit, the annual installment of the NOI fee is not required if the permittee advises DEP in writing by the due date of the payment that the operation has ceased discharging. The proposed permit states that the annual installment of the NOI fee for non-exempt facilities must be paid unless DEP approves the permittee's Notice of Termination before the due date.

Manual for Land Treatment of Wastewater Update – Kevin McLeary, Bureau of Clean Water

The draft manual is anticipated to be published in the *Pennsylvania Bulletin* the second quarter 2023. The manual will be revised based on public comments and presented to WRAC prior to publication as a final draft in the *Pennsylvania Bulletin* the fourth quarter 2023. The major complaint received about the manual was lack of organization. The draft manual reorganizes content in a logical progression and will include a more detailed flowchart. A chapter on planning will be added as well as detailed information on process design, including storage and sprinkler requirements. The draft manual eliminates systems that are not used in Pennsylvania. Mr. McLeary asked the committee to review the manual and provide comments by the end of April.

Harry Campbell, Kent Crawford, Jenifer Christman and Andrew Dehoff volunteered to review the manual and compile comments for formal submission to DEP. Jenifer will reach out to Shirley Clark and ask for her technical assistance in reviewing the manual.

Clean Water Procurement Program Draft Guidance – Rob Boos, PENNVEST

The pay-for-performance program was established to purchase nutrient and sediment reductions that will improve water quality and help Pennsylvania meet goals and objectives under the Watershed Implementation Plan (WIP). Twenty-two million dollars was appropriated for the program from American Rescue Plan Act funding. The program establishes procedures where proposals can be submitted and essentially bid on, providing nutrient and sediment reductions that will then be applied to the WIP. Qualified bidders must have a DEP-approved verification plan for reduction. Entities must be in good standing to be a qualified bidder.

Any standard BMP that is already approved for use in the Chesapeake Bay Nutrient Tracking Tool (CBNTT) is eligible. Ineligible projects include those already participating in the Nutrient Credit Trading Program and any BMP that was implemented prior to October 1, 2023. Technically qualified submittals are reviewed and ranked based on seven criteria. Once a contract is in place, payments and reductions are provided on an annual basis.

Kent Crawford asked how the poundage of nutrients and sediment removed is calculated. Mr. Boos replied it is calculated using the CBNTT.

Harry Campbell asked if there is a plan to cap how much money a single entity can receive. Mr. Boos said this is currently being evaluated and the goal of the program is to get the most reductions for the least cost. They want as many participants as possible.

Myron Arnowitt asked if there is a sense of dollar-per-ton reduction. Mr. Boos responded this is yet to be determined. Myron asked what the recourse is for participants who do not deliver verified reductions. Mr. Boos stated they will not receive payment.

Charles Wunz asked if the practice that is being used to generate nutrient credits can also be used to generate carbon credits. Mr. Boos said he does not think that would be a conflict.

General Discussion/Agenda Topics Request – Andrew Dehoff, Vice-Chair

Kent Crawford asked if DEP could discuss the implications of the Independent Regulatory Review Commission's (IRRC) disapproval of DEP's request to decrease the manganese standard from 1.0 mg/L to 0.3 mg/L. Josh Lookenbill responded that he does not know if there are any implications at this point.

Andrew Dehoff asked if the process needs to be started again. Josh responded that there has been no additional action since DEP has withdrawn the rulemaking. The work that was done demonstrated the need for an updated manganese criterion. When DEP will pursue these efforts is unclear at this time.

Andrew Dehoff mentioned the committee's by-laws require a selection of a chair at its first meeting following the new fiscal year and that two weeks' notice must be given to the members of the upcoming vote. Kent Crawford and Andrew Dehoff stated they are satisfied with Jenifer being the Chair.

Jenifer Christman asked if DEP would consider identifying a human health expert for the committee. Bob Haines agreed to pursue this request.

Public Comment Period – Andrew Dehoff, Vice-Chair

No public comments were made.

Adjourn – Andrew Dehoff, Vice-Chair

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