

**Draft Minutes of the
May 16, 2012 Meeting of the
Water Resources Advisory Committee (WRAC)**

This regular meeting of WRAC was called to order at 9:50 a.m. by Chairperson Robert Cavett on Wednesday, May 16, 2012 in the Susquehanna Room, DEP Southcentral Regional Office, Harrisburg, PA.

The following committee members were present:

Myron Arnowitt, Clean Water Action
Robert Cavett, Merck & Co.
Matthew Ehrhart, Chesapeake Bay Foundation
Jeff Hines, York Water Company
John Jackson, Stroud Water Research Center
Gary Merritt, NSG
Paul Swartz, Susquehanna River Basin Commission
Steven Rhoads, Shell Gas
Art Gazdik, Ross Township
Cory Miller, University Area Joint Authority

The following committee members were not present:

Rob Traver, Villanova University
Chuck Wunz, Wunz Associates
Jim Davis, Waste Management
Jennifer Reed-Harry, PennAg Industries Association
Edith Stevens, League of Women Voters, PA
Don Bluedorn, Babst, Calland, Clements, Zomnir
John Schombert, 3 Rivers Wet Weather

The following DEP staff members were present:

Duke Adams, Office of Water Management
Sean Gimbel, Policy Office
Theia Hofstetter, Bureau of Point/Non-Point Source Management
Paul Curry, Bureau of Point/Non-Point Source Management
Diane Wilson, Bureau of Conservation and Restoration
Jesse Shull, Bureau of Point/Non-Point Source Management
Chuck Thurner-Diaz, Bureau of Conservation and Restoration
Olivia Carlson, Bureau of Conservation and Restoration
Kevin Kelly, Bureau of Conservation and Restoration
Michelle Moses, Bureau of Regulatory Counsel
Sid Freyermuth, Bureau of Waterways Engineering and Wetlands
Joshua Graybeal, DEP Intern
Tom Barron, Bureau of Point/Non-Point Source Management
Tom Bold, Bureau of Waterways Engineering and Wetlands
Jason Oyler, Bureau of Regulatory Counsel

The following guests were also present:

Nancy Evans, PPL
Sarah Miller, Independent Regulatory Review Commission
Bryon Ruhl, PennDOT
Alisha Wells, PA Chamber
Jeff Shanks, Waste Management
Josie Gaskey, PA Coal Association
Erick Ross, Gmerek Government Relations, Inc.

Approval of Minutes

The minutes of the January 11, 2012 meeting were approved on motion.

Integrated Water Report – Gary Walters (gawalters@pa.gov), Bureau of Point and Non-Point Source Management, provided an update on the Integrated Water Report, which is available at DEP’s website for public comment through May 22, 2012.

Chapter 105, Dam Safety and Water Management Fees Rulemaking (25 Pa Code, Chapter 105) – Sidney Freyermuth (sfreyermut@pa.gov) and Tom Bold (tbold@pa.gov), Bureau of Waterways, Engineering and Wetlands, along with Jason Oyler (joyler@pa.gov), Bureau of Regulatory Counsel, provided an overview of the Final Chapter 105 Fees Rulemaking Package. The main area of concern was fees not being charged to state, county or municipal agencies or municipal authorities.

DEP sought formal action by WRAC to move the package to the EQB as a final rulemaking. A motion to approve the package was made by Steve Rhoads and seconded by Paul Swartz. The motion was further amended by Jeff Hines, and Gary Merritt. The following final amended motion was acted upon and passed by a vote of ten in favor and one opposed.

WRAC endorses moving the Final Chapter 105 fees rulemaking to the Environmental Quality Board for consideration. WRAC recommends that DEP amend the rulemaking to remove the fee exemption for state, county or municipal agencies or municipal authorities found at 105.13(a). In addition, WRAC recommends DEP consider adding a provision to waive or partially waive a fee when modifications to a dam are required by the Mining Safety and Health Administration because of overlapping jurisdictions.

Technical Guidance Document (TGD)# 362-4180-006; Civil Penalty Assessment Informal Hearing Procedure for Water Quality Operations – Theia Hofstetter (thhofstett@pa.gov) and Paul Curry (pcurry@pa.gov), Bureau of Point and Non-Point Source Management, provided an update on TGD # 362-4180-006. This guidance should

provide consistency to how the penalty assessment process will be implemented across regions.

By-laws Discussion – Duke Adams (ranadams@pa.gov), Office of Water Management discussed the issue after some members raised concerns at the January 11, 2012 meeting that the By-laws have not been reviewed for some time. Members would like to adopt language that clearly allows for participation by teleconference.

General Discussion

As part of WRAC's motion to approve the Triennial Chapter 93 rulemaking at the January 11, 2012 meeting, the members noted that they would like to work with DEP on the Molybdenum and Sulfates components of the rulemaking. Duke Adams shared DEP's plan to work with an ad hoc WRAC workgroup for a full day meeting at the close of the comment period to evaluate comments and any new data presented. Several WRAC members expressed concern with this approach and believe that multiple meetings are needed on this issue. Duke Adams noted that he will share this concern with DEP Executive Staff and report back on how DEP intends to proceed.

Another item raised for a future agenda topic is an update on the Nutrient Trading Program and a discussion on the process and outcomes of the Credit Auction.

Public Comment

Josie Gaskey made public comment that she echoes the concerns of some WRAC members who believe that a WRAC ad hoc workgroup should have multiple meetings on the Molybdenum and Sulfates issue as it relates to the Chapter 93 Triennial Rulemaking.

Alisha Wells made public comment that she echoes the concerns of some WRAC members who believe that a WRAC ad hoc workgroup should have multiple meetings on the Molybdenum and Sulfates issue as it relates to the Chapter 93 Triennial Rulemaking.

The meeting was adjourned at 12:35 p.m.

The next scheduled meeting of WRAC is scheduled for July 12, 2012 beginning at 9:30 am in Room 105 of the Rachel Carson State Office Building.

Proposed future meeting dates for 2012: July 12, October 10.