

**Draft Minutes of the
September 26, 2014, Meeting of the
Water Resources Advisory Committee (WRAC)**

Dr. Robert Traver called the meeting to order at 9:38 a.m. on Friday, September 26, 2014, in Room 105 of the Rachel Carson State Office Building, Harrisburg, PA.

The following committee members were present:

Robert Cavett, Merck & Co.
Andrew Dehoff, Susquehanna River Basin Commission
Sherene Hess, League of Women Voters
Jeff Hines, York Water Supply
John Jackson, Stroud Water Research Center
Gary Merritt, NSG
Cory Miller, University Area Joint Authority
Stephen Rhoads, Shell Oil
Jeff Shanks, Waste Management
Dr. Robert Traver, Villanova University
Chuck Wunz, Wunz Associates

The following committee members were not present:

Myron Arnowitz, Clean Water Action
Don Bluedorn, Babst, Calland, Clements, Zomnir
Harry Campbell, Chesapeake Bay Foundation
Arthur Gazdik, Groundwork Civil, LLC
Dean Miller, Pennsylvania Water Environment Association
Jennifer Reed-Harry, PennAg Industries Association
John Schombert, 3 Rivers Wet Weather

The following DEP staff members were present:

Sean Gimbel, Office of Water Management
Kelly Heffner, Office of Water Management
Laura Henry, Policy Office
Rod Kime, Bureau of Point and Non-Point Source Management
Paula Sviben, Office of Water Management
Michele Tate, Citizens Advisory Council

The following guests were also present:

Neal Brofee, PennDOT
Aaron Maurer, Waste Management
Teresa McCurdy, TD Connections
Bryan Ruhl, PennDOT

Approval of Minutes –

A motion to approve the minutes of the May 14, 2014, meeting was made by Jeff Hines and seconded by John Jackson. The minutes were approved by unanimous vote.

DEP Update – Deputy Secretary Kelly Heffner provided an update on the following matters being addressed by the Office of Water Management: DEP’s response to EPA and the U.S. Army Corps of Engineers proposed rule concerning the Waters of the United States; DEP’s In Lieu Fee proposal; changes to DEP’s Nutrient Credit Trading Program; preparing for the development of the next Triennial Review of Water Quality Standards; the development of a bacteria water quality standard; addressing comments and issues raised during the public comment period for the draft revisions to DEP’s Temporary Crossings general permit (GP-8); DEP’s Regional Agricultural Watershed Assessment Program Initiative; the development of technical guidance for sequencing batch reactors; and changes to the MS4 program resulting from a negotiated settlement between DEP and PennFuture regarding an MS4 permit issued to Upper Gwynedd Township, Montgomery County.

Role of WRAC –

Deputy Secretary Heffner and Committee members discussed the role of WRAC at length and three issues emerged from this discussion.

The first issue dealt with the timing of when DEP engages WRAC in the development of regulations, guidance and policies. WRAC members wanted to be engaged much earlier in the development process than they have been recently. Deputy Secretary Heffner explained the Department’s internal procedures for developing regulations, permits, and technical guidance documents. A very substantial amount of internal deliberation and vetting takes place before these policies are shared with the public. Programs work with legal counsel, regional office staff and staff from other programs in developing policies, which in turn must be reviewed and approved by executive staff before being shared outside DEP. As a result, policies tend to be fairly well developed before being shared with advisory committees and the public. Members cited the process for developing the Triennial Review of Water Quality Standards as an acceptable level of involvement throughout the entire process.

Committee members also voiced concerns with the frequency of meeting cancellations. Deputy Secretary Heffner indicated the decision to cancel meetings is based upon DEP having a sufficient number of agenda items approved for external review and discussion. Even though the Office of Water Management has been working on a number of important issues (see the DEP Update above), those issues have not been developed and vetted sufficiently for presentation to WRAC. The Office of Water Management expects to finish development of these items in the near future, which should reduce the likelihood of meeting cancellations.

The third issue dealt with the possibility of creating additional roles for WRAC, specifically opportunities to review existing policies or discuss issues that are likely to arise in the future. Deputy Secretary Heffner acknowledged a value in the Committee performing some type of review role, and cited DEP’s stormwater program as one that likely would benefit from such a review. Dr. Traver indicated WRAC would have to work out the format that would best accommodate a review of existing programs. For

example, is it best to form a special committee to investigate an issue or would it be best for WRAC to incorporate a program review as a regularly occurring agenda item in the future?

Review of WRAC Bylaws –

The discussion about WRAC’s Bylaws involved a number of potential changes to the Committee’s Bylaws. Items discussed included the following: Changing “Secretarial duties” to “Administrative duties” in Article VI, dividing Article II into two separate sections for added clarity, revising language in Article III pertaining to consequences for members who miss three or more consecutive meetings, and deletion of a typographical error in Article VI where a remnant of a draft version of the document, “March 2007 2”, was not entirely removed from the Bylaws. The Committee agreed that changes to the Bylaws will need to be distributed to the Committee for further discussion and consideration at a future meeting.

General Discussion –

Dr. Traver brought up the need to conduct a broad review of DEP’s stormwater program. Many scientific and technical advances in stormwater management occurred since DEP last made major changes to its stormwater program.

Public Comment Period –

A member of the public asked if WRAC would be interested in addressing the issue of barges transporting brines. The regulation of barge traffic is largely the work of the U.S. Coast Guard and not DEP. As a result, WRAC is not likely to be involved in the matter.

Next Meeting Dates

The next scheduled WRAC meeting is November 12. Meeting dates for 2015 will be discussed at this meeting.

Adjourn – The meeting adjourned at 11:37 a.m.