

**Minutes of the
October 7, 2009 Meeting of the
Water Resources Advisory Committee (WRAC)**

The regular meeting of the WRAC was called to order at 9:35 a.m. by Chairperson Stephen Rhoads on Wednesday, October 7, 2009 in Room 105 of the Rachel Carson State Office Building, Harrisburg, PA.

The following committee members were present:

David Anderson, P.G., Moody Associates, Inc.
Buddy, Beach, P.E., Consol Energy (Retired)
Rob Cavett, Merck & Co., Inc.
Carol Collier, Delaware River Basin Commission
Jeff Hines, P.E., The York Water Company
John Jackson, Ph.D., Stroud Water Research Center
Gary Merritt, P.G., Northern Star Generation
Cory Miller, University Area Joint Authority
Jennifer Reed-Harry, PennAg Industries Association
Stephen Rhoads, PA Oil & Gas Association (Chair)
Edith Stevens, League of Women Voters of PA
Robert Traver, PhD., P.E., Villanova Urban Stormwater Partnership
Bob Wendelgass, Clean Water Action (Vice Chair)
E. Charles Wunz, P.E., Herbert, Rowland & Grubic, Inc.

The following committee members were not present:

Donald C. Bluedorn, II, Esq., Babst, Calland, Clements, Zomnir
Matthew J. Ehrhart, Chesapeake Bay Foundation
Arthur Gazkik, P.E., Ross Township
D. Tyler Gourley, University of Pittsburgh
Nick Pinizzotto, Western PA Conservancy

The following DEP staff members were present:

Duke Adams, Policy Office
Dana Aunkst, Bureau of Water Standards and Facility Regulation
Janis Dean, Citizens Advisory Council
Marcus Kohl, Office of Water Management
Rick Shertzer, Bureau of Water Standards and Facility Regulation

The following guests were also present:

Charles Abdalla, Penn State Cooperative Extension
Mary Anna Babich, EQT Production Co.
William Cannon, Allegheny Energy for Electric Power Generation Association
Andrew Joyner, ARM Oil & Gas Solutions
Mike Killion, Buchanan, Ingersoll
Sarah Miller, IRRC

Erik Ross, Delta Development
Dan Snowden, PennDOT
Becky Snyder, Hart Resource Tech
Carla Suszkowski, Range Resources
John Troutman, Buchart Horn
R. Timothy Weston, K&L Gates

General WRAC Business:

Jennifer Reed-Harry of PennAg Industries Association was introduced to the Committee as a new member of WRAC.

Approval of Minutes

The minutes of the July 15, 2009 meeting were approved on motion with no corrections.

New Business

Chapter 93, Proposal of Chloride Criteria

Rick Shertzer, rshertzer@state.pa.us, Environmental Program Manager, Water Quality Standards Division of the Bureau of Water Standards and Facility Regulation, presented the Department's proposal to amend Chapter 93 – "Developing a Water Quality Criteria for Chloride to Protect Aquatic Life." The new criteria suggest adopting EPA's National Criteria as of 1988 for chloride.

WRAC members asked questions and commented about the following:

- EPA standards translation and consistencies into low flow
- Applying standards statewide
- Clarification that this is an Instream criteria goal
- Use as a TMDL standard
- Change now versus Chapter 96 recommendations in 2002 of WRAC Committee
- Status of work on sulfates issues and why focus on chloride instead of sulfates
- Concerns that new standard might severely curtail industry
- Concerns about implementation and expense moving forward and the extent of impact on all streams
- How would NPDES permitting be affected
- Whether chloride is the first of many criteria in Chapter 93 that will be looked at
- Planned roll out of the permitting policy with the new regulation
- Reviews on a case by case basis

Marcus Kohl will get back to the WRAC members on the question of how many miles of stream are in non-attainment status. *(Answer added: We anticipate 172 miles listed for salinity/TDS/chlorides in the upcoming Integrated Report.)*

DEP plans to bring this proposal before the EQB while continuing to work on the sulfates issue by December 2009/January 2010. It was pointed out that the attempt will be to keep Chapter 93 and 95 proposals on a parallel track; however they will remain two separate issues.

After no suggestion of questions for the EQB to pose to the public, Bob Wendelgass made the motion to move the package forward to the EQB as a proposed rulemaking. The motion was seconded and adopted by majority vote.

Update on WRAC Adhoc Subcommittee on TDS

David Anderson provided an update on the status of the adhoc subcommittee. This included information from the two previously held subcommittee meetings. Materials from the subcommittee meetings, including meeting minutes, the mission statement, and sector group presentations are or will be posted on the WRAC website.

The next meeting of the subcommittee is scheduled for Friday, October 16, 2009, at DEP's Southcentral Regional Office.

Suggestions for Next Meeting's Agenda

It was suggested that at a future meeting the Committee have a discussion on meeting procedures and the adoption of a two meeting cycle when WRAC is asked to look at proposed regulations/changes and give a formal recommendation. The first meeting would be for a presentation and questioning session and then WRAC would present its recommendation at the second meeting after a chance for any necessary additional review/questioning.

It was suggested that formation of a subcommittee regarding watershed issues be discussed. It was also suggested a broad based policy discussion on watershed management be presented by DEP at the next scheduled meeting.

2010 Meeting Dates

The scheduled meeting dates for WRAC for 2010 are as follows:

January 20, 2010 (*changed to Feb. 19*)
April 14, 2010
July 14, 2010
October 13, 2010

The meeting was adjourned at 10:50 a.m.