

**Draft Minutes of the
January 10, 2007 Meeting
of the Water Resources Advisory Committee (WRAC)**

The scheduled meeting of the WRAC Committee was called to order at 9:40 a.m. by Vice-Chairperson Steve Rhoads on January 10, 2007 in Room 105 of the Rachel Carson State Office Building, Harrisburg, PA.

The following committee members were present:

Tim Schaeffer, Ph.D., Audubon Pennsylvania
Buddy Beach, P.E.
Carol Collier, Delaware River Basin Commission
Gary Merritt, Inter Power Development Corp
Cory Miller, University Area Joint Authority
Don Bluedorn II, Esquire, Babst, Calland, Clements, Zomnir
Steve Rhoads, Pennsylvania Oil & Gas
Bob Wendelgass, Clean Water Action
Robert Cavett, Merck & Company, Inc.
Matthew Ehrhart, Chesapeake Bay Foundation
Brian Dempsey, Pennsylvania State University

The following committee members were not present:

Art Gazdik, P.E., Ross Township
Nick Pinizzotto, Western Pennsylvania Conservancy
Howard Neukrug, P.E., Philadelphia Water
David Anderson, P.G., Chairperson, Moody & Associates, Inc.
John Jackson, Stroud Water Research Center
Richard Wardrop, P.G., Shaw Environmental & Infrastructure
Edith Stevens, League of Women Voters of PA

The following DEP staff members were present:

Phil Consonery, Bureau of Water Standards and Facility Regulation (BWSFR)
Joe Lee, Bureau of Watershed Management
Shamus Malone, Office of Water Management
Andy Zemba, Office of Water management
Kelly Heffner, Office of Policy & Communications
Nicki Kasi, BWSFR
Michelle Moses, Office of Chief Counsel
Heidi Pletcher, BWSFR
Josh Lookenbill, BWSFR
Dean Auchenbach, Bureau of Watershed Management
Thomas Barron, BWSFR
Pam Bishop, Office of Chief Counsel
Troy Conrad, Bureau of Watershed Management

The following non-members were also present:

Dan Snowden, PennDOT
Keith Ashley, Pennsylvania Builders Association
Jeff McNelly, ARIPPA
Nate Rozic, Reliant Energy
Mark Burkhead, PennDOT
David Piller, Exelon / EPGA
Donna Newell, PennDOT
Amy Jacoby, P&G
Joe Umholtz, Bureau of Oil & Gas Management
Antonia Zawisa, PennDOT, EQAD

General WRAC Business

Vice-Chairperson Steve Rhoads called the meeting to order at 9:40 a.m. in the absence of Chairperson Dave Anderson.

Review and Approval of October and November 2006 Minutes

Revisions were made to the October 13, 2006 meeting minutes and the May 10, 2006 meeting minutes under **Other Business**.

- The following change was made to the minutes of the October 13, 2006 WRAC meeting to reflect an actual motion made by Steve Rhoads regarding Chapter 85. The statement: “WRAC endorsed the submission of the proposed amendments to Chapter 85” was changed to show that WRAC clearly endorsed these regulations to the Environmental Quality Board for action.
- The following change was made to the minutes of the May 10, 2006 WRAC meeting to include the term lengths of the Chairperson and Vice-chair. The statement: “The current 2-year term expires this year for present members,” was changed to include a 1-year term for the Chairperson and Vice-chair as reflected in the bylaws.

Motion was made by Bob Wendelgass to accept the revision to the minutes. Motion was passed unanimously.

Chapter 85, Bluff Recession, Setback Rules & Regulations

Andy Zemba, azemba@state.pa.us and **Shamus Malone**, smalone@state.pa.us gave a presentation as a follow-up to the October 13, 2006 meeting. The Water Planning Office staff discussed data that was used to recommend changes to Chapter 85. WRAC requested feedback from the Water Planning Office if any problems arrived concerning the City of Erie’s position on any rules or regulations put before them.

Chapter 92, NPDES Permitting, Monitoring and Compliance Clean Water Act (Section 316b)

Josh Lookenbill, mlookenbil@state.pa.us, discussed the proposed revisions to Chapter 92. These provisions will provide the regulatory basis for implementation of the Federal 316(b) program. This program relates to the design and function of cooling water intake structures.

Chapter 105, Dam Safety and Waterway Management

Troy Conrad, tconrad@state.pa.us, discussed the proposed changes to the Chapter 105 regulations and solicited ideas, suggestions and advice on these changes from WRAC members. The Chapter 105 regulations cover dam safety, water obstructions and encroachments, activities in wetlands, government flood control projects, and the submerged lands of PA (lake & stream bottoms). Some of the proposed changes include requiring proof of financial responsibility for all Hazard Potential Category 1 Dams, the conversion of existing waivers to permit-by-rules, creation of a three-tier system for General Permits, providing additional wetland compensation options, requiring compensatory mitigation for stream impacts and enabling County Conservation Districts to charge a review fees for the processing of General Permits. The revision of the Department's existing Chapter 105 regulations will take about approximately two years.

Chapter 102, Erosion of Sedimentation Control

Dean Auchenbach, dauchenbach@state.pa.us, discussed proposed changes to the Chapter 102, Erosion and Sediment Control regulations. The proposed changes include a new section addressing agriculture, the addition of Post Construction Stormwater Management requirements, anti-degradation requirements, and buffer requirements to perennial and intermittent streams, lakes, ponds and reservoirs for both agriculture and non-agricultural earthmoving activities.

New Business

The Ad Hoc Work Group appointed by the Chair, consisting of Don Bluedorn and Bob Wendelgass, provided an overview of proposed revisions to WRAC's bylaws. Changes covered four major areas: clarification, meeting frequency, quorum, and the use of alternates/proxy. The changes will be submitted to DEP for review.

The meeting was adjourned by Vice-chair, Steve Rhoads, at 1:55 pm.