

**Draft Minutes of the
January 8, 2009 Meeting of the
Water Resources Advisory Committee (WRAC)**

The regular meeting of the WRAC was called to order at 9:32 a.m. by acting Chairperson Stephen Rhoads on Thursday, January 8, 2009 in Room 105 of the Rachel Carson State Office Building, Harrisburg, PA.

The following committee members were present:

Buddy Beach, P.E., CONSOL Energy (retired)
Donald C. Bluedorn II, Esquire; Babst, Calland, Clements & Zomnir
Robert M. Cavett, Merck & Company, Inc.
Carol R. Collier, Delaware River Basin Commission
Matthew J. Ehrhart, Chesapeake Bay Foundation
Art Gazdik, P.E., Ross Township
Jeffrey Hines, York Water Company
John K. Jackson, Stroud Water Research Center
Gary Merritt, Inter Power Development Corp.
Cory Miller, University Area Joint Authority
Nick J. Pinizzotto, Western Pennsylvania Conservancy
Stephen Rhoads, Pennsylvania Oil & Gas Association; **acting Chairperson**
Edith Stevens, League of Women Voters of PA
Dr. Robert Traver, Villanova Urban Stormwater Partnership
Bob Wendelgass, Clean Water Action
E. Charles Wunz, P.E.; Herbert, Rowland & Grubic, Inc.

The following committee members were not present:

David M. Anderson, P.G., Moody & Associates, Inc.; WRAC Chairperson
D. Ty Gourley, University of Pittsburgh

The following DEP staff members were present:

Duke Adams, Office of Policy and Communications
Dana Aunkst, Bureau of Water Standards and Facility Regulation (BWSFR)
Pam Bishop, Bureau of Regulatory Counsel
Phil Consonery, BWSFR
Ron Furlan, BWSFR
John Hines, Bureau of Watershed Management
Ken Murin, Bureau of Watershed Management
Meg Murphy, Bureau of Regulatory Counsel
Cathy Curran Myers, Office of Water Management
Tom Starosta, BWSFR
John Wetherell, BWSFR

The following guests were also present:

George Bibikos, K & L Gates, LLP
James Braums, Atlas America

Janis Dean, Citizens Advisory Council to DEP
Charity Fleenor, Penn Virginia Oil & Gas
Tony Gaudlip, Range Resources
Jeremy Hirtz, Atlas Energy
Steve Hoffman, Independent Regulatory Review Commission
William Kolovich, Atlas America
Ken Komoroski, K & L Gates, LLP
Chris Lammando, Independent Oil and Gas Association/WBGR
Erik Ross, Delta Development
Matt Royer, Chesapeake Bay Foundation
Steve Rupert, Range Resources
Dan Snowden, PennDOT
Bruce Snyder, Range Resources
Carla Suszkowski, Range Resources

General WRAC Business

Jeff Hines moved to accept the minutes of the October 8, 2008 meeting, as presented.
The motion was adopted.

Permit by Rule

John Hines, Acting Director of the Bureau of Watershed Management, johines@state.pa.us, presented on DEP's work to develop a Permit-by-Rule (PBR) process for authorizing earth disturbance activities. PBR's would simplify the permitting process and place more accountability on the licensed professionals who approve projects' plans and final construction. This would allow DEP and delegated conservation district staff to (1) reduce the time spent in the office reviewing permits and plans, and (2) increase the time spent performing inspections and enforcement in the field. Mr. Hines listed proposed criteria that would specifically prevent or allow the use of a PBR for a given activity. He also made clear that the PBR will be an option under Chapter 102 and will not replace any of the existing permitting options already available for earth disturbance activities.

WRAC members asked questions and offered advice on various topics including technical review, the use of buffer averaging, high-quality watersheds, and flexibility in light of changing science in stormwater management. Matt Royer of the Chesapeake Bay Foundation voiced concerns about the technical review requirements under the Clean Water Act.

At the request of Mr. Hines, the WRAC will convene for a special meeting on February 25, 2009 to review and discuss an outline of the draft Chapter 102 amendments that would incorporate PBR requirements.

Marcellus Shale Drilling: Wastewater Issues

Cathy Curran Myers, Deputy Secretary for Water Management, cathmyers@state.pa.us, presented specific details on the composition of hydrofracture wastewater and the problems it creates for treatment. She also described three possible treatment options that are being explored by the DEP:

1. Reuse of some of the wastewater in further hydrofracture work
2. Deep well injection/sequestration of concentrated brine
3. Dehydration and crystallization of salts for possible industrial use.

Ms Myers responded to questions about past and current enforcement issues and plans for future policy in this area.

H₂O PA Plan: Draft Guidelines for Water and Sewer Projects

Nicki Kasi, BWSFR, ybkasi@state.pa.us, presented highlights of the H₂O PA Program. Ms Kasi announced that the Commonwealth Financial Authority (CFA) approved the program guidelines on December 9, 2008 and that the deadline to apply for the first round of project funding under the program is February 13, 2009. She also described eligibility criteria for this funding and responded to WRAC members' questions about federal funding, the point system used by the CFA for evaluating projects, and the availability of information relating to the H₂O PA Program.

Other Business

The Chair updated the WRAC on the progress of the Chapter 105 Taskforce and announced that a summary of the taskforce's recommendations and the DEP's proposals will be presented at the WRAC's April 8, 2009 meeting.

Don Bluedorn moved that a discussion of Watershed Permitting, with or without DEP involvement, be added to the April meeting agenda.

The motion was adopted.

Don Bluedorn moved that the minutes record that the WRAC requested an update on the status of the Triennial Review.

The motion was adopted.

Election of Officers

Don Bluedorn nominated Stephen Rhoads for WRAC Chairperson, and Edith Stevens nominated Bob Wendelgass for WRAC Vice-Chairperson. Both were elected unanimously.

The chair adjourned the meeting at 11:40 a.m.