

**Minutes of the
June 19, 2009 Meeting of the
Water Resources Advisory Committee (WRAC)**

The regular meeting of the WRAC was called to order at 9:33 a.m. by Chairperson Stephen Rhoads on Wednesday, June 19, 2009 in Room 105 of the Rachel Carson State Office Building, Harrisburg, PA.

The following committee members were present:

David M. Anderson, P.G., Moody & Associates, Inc.
Donald C. Bluedorn II, Esquire; Babst, Calland, Clements & Zomnir
Carol R. Collier, Delaware River Basin Commission
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; **WRAC Chairperson**
Edith Stevens, League of Women Voters of PA
Dr. Robert Traver, Villanova Urban Stormwater Partnership
Bob Wendelgass, Clean Water Action; **WRAC Vice Chairperson**
E. Charles Wunz, P.E., Herbert Rowland & Grubic, Inc.

The following committee members were not present:

Buddy Beach, P.E., CONSOL Energy (retired)
Robert M. Cavett, Merck & Company, Inc.
Matthew J. Ehrhart, Chesapeake Bay Foundation
Art Gazdik, P.E., Ross Township
D. Ty Gourley, University of Pittsburgh

The following DEP staff members were present:

Duke Adams, Office of Policy and Communications
Pam Bishop, Bureau of Regulatory Counsel (BRC)
Douglas Brennan, BRC
Phil Consonery, Bureau of Water Standards and Facility Regulation (BWSFR)
Ron Furlan, BWSFR
Ron Gilius, Bureau of Oil and Gas Management
Kevin McCleary, BWSFR
Ann Smith, Water Planning Office (WPO)
John Wetherell, BWSFR
Andrew Zemba, WPO

The following guests were also present:

Mary Anna Babich, EQT Energy
Harry Campbell, Chesapeake Bay Foundation

Teresa Copenhaver, Triad Strategies
Terry Dayton, Foundation Coal
Janis Dean, Citizens Advisory Council to DEP (CAC)
George Ellis, PA Coal Association
Kevin Garber, PA Coal Association
Tony Gaudlip, Range Resources
Stan Geary, Consol Energy
Micheal Killion, Buchanan Ingersoll & Rooney
Kathy Kunkel, Electric Power Generation Association
Brian Lipinski, EXCO-North Coast Energy
Megan Luck, McNees Wallace & Nurick, LLC
Sean McGovern, PA Coal Association
Anne Misak, Clean Water Action
Erik Ross, Delta Development
Larry Sanders, EXCO-North Coast Energy
Becky Snyder, Hart Resource Technologies
Carla Suszkowski, Range Resources
John Troutman, Buchart Horn, Inc.
R.Timothy Weston, PA Chamber of Business & Industry
Shannon Williams, Harrisburg Authority
Stephanie Wissman, PA Chamber of Business & Industry

General WRAC Business

Approval of Minutes

The minutes of the April 8, 2009 meeting were approved as presented.

Unfinished Business

A WRAC member inquired about whether the Department had taken any action on the creation of a stakeholders' group to discuss issues involved with high total dissolved solids (TDS) in the Monongahela River. DEP staff stated that they had no response at this time, but that they would respond to the inquiry before the Committee's next regular meeting on July 15, 2009.

New Business

Chapter 95, Wastewater Treatment Requirements

Kevin McLeary, kmcleary@state.pa.us, Chief, Facility Permits Section, and **Ron Furlan**, rfurlan@state.pa.us, Manager, Planning and Permits Division of the Bureau of Water Standards and Facility Regulation (BWSFR), presented proposed changes to Chapter 95.

Changes include minor language amendments to improve clarity. New subsection 95.5(c) states that, if TMDLs for abandoned mine drainage discharges exist, the wasteload allocations in the TMDL should be the basis for the effluent limitations, in lieu of any less stringent effluent

limitations established in Chapter 95. Section 95.10 was also created to address effluent standards for new sources of wastewaters containing high Total Dissolved Solids (TDS) concentrations.

WRAC members asked questions about the following:

- The method(s) used to develop the various TDS limits
- The technology needed to meet proposed limits and whether it is currently available in Pennsylvania
- How the new requirements would apply to existing permitted discharges
- Why particular substances were chosen for regulation, while others would not be regulated
- Whether dilution could be an adequate solution to meet TDS limits
- Why a discharge standard was chosen over an in-stream or use standard
- Why April 1, 2011 was chosen as the deadline for implementation
- Whether environmental cost-benefit analyses were performed

Speakers from the audience and WRAC members commended the Department on being proactive on the TDS issue, but most added that the details of the issue have not been studied enough to enact the proposed regulations at this time. Mr. Furlan said that the Department would return with responses to WRAC members' comments and concerns at the committee's next regular meeting on July 15, 2009.

Chapter 96, Water Quality Standards Implementation

Ann Smith, annsmith@state.pa.us, of the Water planning Office (WPO) presented proposed revisions and additions to Chapter 96. Ms Smith was assisted by **Andy Zemba**, azemba@state.pa.us, of the WPO and **Douglas Brennan**, dobrennan@state.pa.us, of the Bureau of Regulatory Counsel.

Ms Smith outlined the new subchapter on the use of offsets and tradable credits from pollution reduction activities in the Chesapeake Bay watershed. She briefly described the subsections on definitions and methodology; and she went into more detail on TMDLs, NPDES permit requirements, and the requirements for eligibility, certification, and registration for the Chesapeake Bay watershed.

WRAC members asked questions about the following:

- The public notice period
- The requirements for and frequency of verification of credits, and who is responsible for such verification
- Whether the current wording of the subsection allows enough flexibility for expansion of the program
- Whether current wording allows for trading between watersheds, and whether that is the Department's intent
- The relative weighting of credits across the watershed
- Whether non-agricultural methods of credit generation could be used
- What incentives exist or could be used to encourage nutrient trading

The Department requested WRAC approval of the changes to Chapter 96 at the July 15 meeting.

Other Business

Duke Adams, ranadams@state.pa.us, of the Policy Office notified the WRAC of the Agriculture Advisory Board's (AAB) request to the Department that someone from the AAB be appointed to the WRAC. Mr. Adams requested to know the will of the Committee at its next meeting.

The meeting was adjourned at 1:58 p.m.