

A RESOLUTION establishing the Pollutant Minimization Plan Peer Review Advisory Committee.

WHEREAS, Resolution No. 2005-3, approved in May of 2005 (“the Resolution”), in part amended the *Water Quality Regulations* and *Comprehensive Plan* by the addition of a new Section 4.30.9., establishing pollutant minimization plan requirements for point and non-point discharges of toxic pollutants following issuance of a TMDL or assimilative capacity determination (“the PMP Rule” or “Rule”); and

WHEREAS, the Resolution also provided that “the Executive Director in consultation with the commissioners and the TMDL Implementation Advisory Committee will establish a peer review advisory committee to evaluate PMPs submitted in accordance with the Rule in light of the Commission’s aggregate goal for reducing PCB loadings and the particular circumstances of each discharge, including load reduction achieved prior to the promulgation of Section 4.30.9.”; and

WHEREAS, in the final “Whereas” clause of the Resolution, the Commission stated that the committee would “evaluate PMPs submitted to the Commission, advise the Executive Director, the Basin States and the dischargers of the anticipated effectiveness of the pollutant minimization measures proposed and identify additional pollutant minimization measures that may be practicable”; and

WHEREAS, in accordance with the Resolution, prior to and during the Commission’s public meetings of July 20, 2005 and December 7, 2005, the Commission solicited comment on the composition and charge of a PMP Peer Review Advisory Committee from members of the TMDL Implementation Advisory Committee, as well as from the public generally; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. Creation and Charge. A Pollutant Minimization Plan Peer Review Advisory Committee (PRAC) is hereby created to help the Commission and the Basin Community reduce PCB loadings to the Delaware Estuary. Specifically, the PRAC is asked to:
  - a. Advise the Commission, as well as state and federal agencies and dischargers, as to the anticipated effectiveness of pollutant minimization plans;
  - b. Identify additional pollutant minimization measures that have been demonstrated to be practicable and effective or which may be practicable and effective for certain types or classes of facilities; and
  - c. Consult with the TMDL IAC to help it assess progress in achieving PCB reductions as part of an adaptive management approach.

2. Tasks. To fulfill its charge, the committee is asked to:
  - a. Review and evaluate the PMPs and Annual Reports submitted by dischargers and assess the PCB reductions being achieved.
  - b. Determine the effectiveness of minimization approaches and make recommendations to the Executive Director, the Basin States and the dischargers as to the broader use, where appropriate, of approaches that are most effective.
  - c. Provide facility-specific and general advice to the Executive Director, the Basin States and the dischargers for improving the PMPs and Annual Reports required by the Rule.
  - d. Review and comment on periodic DRBC evaluations of the PMP program.
3. Membership. The PRAC shall include one or two members, as indicated, from each of the listed categories. It is desirable but not essential for all members to possess experience and expertise in waste treatment or site remediation:
  - a. Large Municipality (City) - 1
  - b. Small Municipality - 1
  - c. Indirect Discharger - 1
  - d. Electric Utility - 1
  - e. Industry/Transportation - 2
  - f. Academia - 1
  - g. American Council of Engineering Companies (DE, NJ or PA Chapter) - 1
  - h. National Brownfields Association – NJ or PA Chapter (or other Brownfields representative) - 1
  - i. Environmental Organization – 1
4. Term of Membership. Members shall initially be appointed by the Executive Director for staggered one, two or three-year terms. Thereafter, all members shall be appointed by the Executive Director for terms of three years. Each member may appoint an alternate with the approval of the Executive Director, to participate in his or her absence.
5. Subcommittees. The PRAC may form subcommittees, which may structure their membership and conduct their business in whatever manner best addresses their charter and needs, subject to the approval of the full PRAC.
6. Information Exchange. By means of its meetings, workshops, a web page and/or other mechanisms, the committee is encouraged to provide a forum for the exchange of ideas and information about measures for achieving reductions in PCB loadings.
7. Committee Chair. A Chair and Vice Chair shall be elected annually by the committee's members. Responsibilities of the Chair shall include: consulting with Commission staff and committee members on meeting agendas, conducting meetings, and reporting to the Commission. The Vice Chair shall perform these functions in the Chair's absence.

8. Meetings. Meetings of the full PRAC shall be scheduled on an as-needed basis and shall be open to the public. At least one full PRAC meeting shall be held during each calendar year beginning in 2006.
9. Reports to the Commission. The committee is asked to provide an initial report to the Commission within four months of its first meeting to define its anticipated work products and a proposed schedule for completing them.
10. The PMP Peer Review Advisory Committee shall be an advisory committee created in accordance with Section 3.10 of the Delaware River Basin Compact. Its functions shall be limited to those set forth above. Its advice and recommendations shall not constitute determinations of the Executive Director, the Commission or any Commission member as to the adequacy of any PMP to achieve the “maximum practicable reduction” standard.

This resolution shall take effect immediately.

/s/ Kevin C. Donnelly

Kevin C. Donnelly, Chairman *pro tem*

/s/ Pamela M. Bush

Pamela M. Bush, Esquire, Commission Secretary

Adopted: May 10, 2006