

**WATER QUALITY ADVISORY COMMITTEE
JULY 1, 2003**

ATTENDEES:

NY Alan Fuchs, Chief Estuary Watershed Section Charles St. Lucia	DE DNREC John Schneider, Env. Prog. Administrator
EPA Wayne Jackson, Region II Denise Hakowski, EPA Region III	Dupont Alfred Pagano, Env. Consultant
PA DEP Ed Brezina, Env. Prog. Mgr. Michelle Moses, Program Council	Delaware Riverkeeper Network Maya van Rossum, Riverkeeper Tracy Carluccio, Director Special Projects
NJ DEP Debra Hammond, Water Quality Standards & Assmt.	Academy of Natural Sciences Not present
DRBC Carol Collier, Executive Director Bob Tudor, Deputy Executive Director Pamela Bush, Assistant General Council Ken Najjar, Branch Head Planning & Implementation Patricia McSparran, Water Resources Engineer Todd Kratzer, Water Resource Engineer Bob Limbeck, Watershed Scientist Jonathan Zangwill, Water Resources Planner Pamela V'Combe, Watershed Planner	Other attendees: Allan Ambler, National Park Service Peter Evans, DELEP

The meeting was called to order at 9:30 a.m by Ed Brezina of Pennsylvania DEP. Debra Hammond of New Jersey DEP will begin her term as chairperson at the next WQAC meeting. This will be Alan Fuchs last meeting and Charles St. Lucia will be taking over for New York.

The last item on agenda is the schedule. It is proposed that by the end of the calendar year the WQAC will present the draft regulations to the Commissioners for approval to go out for public notice as an official rulemaking activity of the Commission.

Patricia and Ed Brezina talked about the agenda prior to this meeting. Ed didn't realize until the mailing that DRBC was going to mail out the complete set of the Water Code and Water Quality Standards regulations for this meeting. There are some other sections in the document that are not scheduled for today and will need to be discussed in the future.

The TAC did make a presentation to the DRBC Commissioners last summer recommending that the toxics criteria that have been adopted and are in place for Zones 2 through 5, the tidal area, would be applied to Zones 1 and 6. Obviously no decision has been made so if the WQAC was going to recommend something different it would be put back to another session of the Commissioners. Bob Tudor said he would discuss the toxics issue with the Commissioners at the next Commission meeting.

Patricia McSparran stated that there is always the option to address the Commissioners and tell them the opposition to what the TAC recommended. Tom Fikslin suggested that the opposing people write a minority report and present it at the Commission meeting.

NY's position on the toxics criteria at this point is that NY already has more stringent criteria on that section of the river. They would like the TAC to go through and give them a comparison of the three sets of criteria in Zone 1 to determine what will be gained from this change.

1. Review of Agenda and Minutes of Previous Meeting

The agenda was approved. Ed Brezina suggested that everyone take the minutes from the last meeting and review them later. If there's any proposed changes, e-mail Patricia and she will send out a final set of minutes.

2. Special Protection Water Regulations

Beginning on page 53 section 3.40.4. The committee reviewed the changes Patricia has made since the last WQAC meeting on June 24th and 25th.

- 3.40.4 (A)(1)(b) In the first line, add "intrastate" before tributaries.
Add a period after Main Stem Control Points and delete "by discharges into the intrastate tributary watersheds within its jurisdiction."
- 3.40.4 (A)(2)(a) Delete "unless it is demonstrated affirmatively.....in the area in which the waters are located" and add "except as provided by section...." instead.
Keep "No degradation is allowed in OBW..... regulations in Section 3.40.4B."
- 3.40.4 (A)(2)(c) This is a new section which should be titled "Protection of Existing Uses."
- 3.40.4 (B)(1) Delete "due to having water quality better than established surface water quality criteria.....supply values."
- 3.40.4 (B)(2)(a) Delete "with water quality.....values."
Should say "Waters may be designated by commission.....Section 3.10"

Update definitions:

- Page 5 Outstanding Basin Waters: Send in suggestions for definitions to Patricia
- Page 7 Significant Resource Waters: Send in suggestions for definitions to Patricia
- 3.40.4 (B)(2)(b) Delete “local, state, and federal agencies or other governing bodies, and the public directly” and replace with “*directly* from any interested party”
- 3.40.4(B)(3) DRBC must have sufficient evidence to adopt a Resolution. Clarify that the Resolution is needed (it will specify which rules will apply).
- 3.40.4(B)(4)(a) Discharges Upstream of Special Protection Waters: Reference SEJ section where it discusses degradation in Significant Resource Waters.
- 3.40.4(B)(4)(e) Add “... drainage area of *Special Protection Waters* and Significant Resource Waters who have...”
- 3.40.4(B)(4)(f) Change “infeasible” to “insufficient to protect existing water quality”
- 3.40.4(B)(4)(h) In the last bullet – delete “subject to review under Section 3.8 of the Compact”
- 3.40.4(B)(4)(i) Reference the section number
- 3.40.4(B)(5) Is this a broad topic and applies to all non-point sources or just stormwater?
- 3.40.4(B)(5)(a) Add “and protected” after the word “maintained”
- 3.40.4(B)(5)(b) Contents (3rd bullet): before the word “control”, add “avoid, minimize, or”
 4th dash – add “and maintain infiltration”
 9th dash – PA proposed changing to:
 “Ensure the development, implementation, and maintenance of construction and post-construction stormwater BMPs to maintain existing water quality...”
- 3.40.4(B)(5)(b) Minimum Requirements:
 Require this for all area-wide plans

1st dash – Comments on this requirement: Consistent with DE, PA wants it removed, NJ is okay with it, AI is okay, NY has no comment, EPA must review

2nd dash – change “reduced” to “matched”
Change “or” after events to “and”?
States will check on stormwater requirements

3rd dash – change “or” after recharge to “and”?
See PA’s comments #6: PA proposed adding “...generated during the 2-year storm to *preserve the integrity of stream channels and to protect and maintain physical, chemical, and biological qualities of the receiving waters.*”

4th dash- See PA’s comment #7: PA suggested replacing language with “Alternatives to post-development stormwater infiltration shall be used in areas of limited soil capability, i.e. contaminated soil, high ground water table, limiting zone.”

BMP Definition - PA proposed the following definition: “Activities, facilities, measures, or procedures used to protect, maintain, reclaim and restore the quality of waters, and existing and designated uses.”

Page 67 (1st section) Must distinguish between existing impoundments that are exempt and future impoundments.
Add the words “the following are exempt” before Cannonsville Reservoir.

Page 69 Delete the last paragraph

Page 72 Table 12, Part A:
Dissolved Oxygen – delete “night time” in the last column

Page 73 Table 12, Part B:
Dissolved Oxygen – delete “night time” in the last column

If anyone has any other comments, they are to e-mail them to Patricia.

The next meeting of the Water Quality Advisory Committee will be held July 29th and 30th. There will need to be a meeting added for September to keep with the proposed schedule.

The meeting was adjourned at 2:30 p.m.