

Source Water Protection Citizen Technical Advisory Committee (CTAC)
Source Water Assessment Plan Update - Subcommittee Meeting
September 21, 2018
Final Meeting Minutes
Meeting Location: Tidewater Utilities Conference Room

WELCOME & INTRODUCTIONS - Douglas E. Rambo, P.G., DNREC, Division of Water

Mr. Rambo called the meeting to order at 10:07 a.m. and welcomed everyone. Introductions were made around the room. The attendance list is included at the end of the meeting minutes.

CHAPTER 1: REVIEW AND COMMENT – Douglas E. Rambo, P.G., DNREC, Division of Water

Mr. Rambo said, “At last month’s meeting, we went through Chapters 1 and 2 and discussed possible edits to the Plan. I mentioned I would take the first cut. In the e-mail I sent out yesterday to those who attended last month’s meeting, I mentioned if we should edit the Plan as it was written back in 1999 or if we should go with a whole rewrite. There are benefits to keeping the old information in the Plan so we don’t lose all the historical work that was done on the actual creation of the Program but then it’s hard to figure out what we really need to incorporate into those Chapters as updates so I will throw that out to the Committee for any comment.” At this time, discussion was open to the Committee.

Mr. Hassan Mirsajadi said, “What’s the need for the Plan?” Mr. Rambo responded, “What we’re trying to do is bring the Program more current to what is actually taking place now. The discussions on delineation probably won’t change much. It’s when we get into Contaminant Inventory’s and Susceptibility Determination – what sources of contamination aren’t we covering, what are we covering that hasn’t had any real impact on the Program, susceptibility to things that were not considered back in 1999 such as sea level rise, flood events, and things of that nature. They’re all going to have impacts. How do we incorporate them into the Program? Is there a need to incorporate them into the Program?”

Ms. Cathy Magliocchetti said, “As I mentioned at the first meeting we had, the District of Columbia is currently undergoing an update of their Source Water Assessment Plan and it might be interesting for everyone to know that they’re taking it on primarily as an update so retaining the information that was in the original plan and updating it, particularly looking at recommendations that were made in the assessment and following up on what actions were taken, if any, based on those recommendations and how to improve upon those moving forward. So I might suggest that you look at this in the same way as more of an update of a plan as you would to turn it into more of a living document as opposed to a static report.” Mr. Rambo thanked Ms. Magliocchetti.

Ms. Sheila Shannon said, “And like you did, in areas where something has changed or something is noted as this was the original composition and if something has changed entirely it could be noted that way.”

Ms. Betzy Reyes stated “You could write down the date next to some of the sections, which is what you did in some instances”.

Mr. Rambo said, “I was trying to throw all possibilities out there for different things to try in the document and I wanted to find out what works best for everyone.”

Mrs. Laura Mensch said, “I know when I had to write my Program when it was first designed, it had original intentions, and that actually changed over time so I took everything and made a historical background section that explained a lot of the initial work and why it was done and then moved on from that so it might be something that would work in this case, too, where explaining a reason why things were done in a historical background section and then note this is the background of it but moving forward maybe there’s different parameters that were looking for as opposed to an overview as it stands right now separated out.”

Mrs. Amber Bataille said, “Based on how Chapters 1 and 2 are written, they’re just an overview of the Program itself and as a Source Water Hydrologist in the Program, I don’t think, I wasn’t here in 1999, but I don’t think that the key of the partner has changed that much so this is a good overview of where we are at and why we are doing what we are doing and then moving forward this is what changed, kind of with a historical background. In terms of major changes, I don’t see Chapters 1 and 2 needing a complete rewrite because the complete rewrite is going to rewrite what we already have.”

Mr. Todd Keyser said, “And to build on those last two comments, adding appendices with the original table, the original participants, the original number of systems could help.”

Committee continued to discuss.

Mr. Rambo said, “We would have an appendix that was the actual appendices of the original document. When I sent out the original document last month, I only took out the front Chapters. I didn’t give out all the appendices with all the meeting minutes, different scenarios, list of public water systems, etc. at the time that this was originally published. We only have a couple of hard copies of that document left.”

Mr. Rambo continued, “Does anyone have any comments on Chapter 1 and the edits that were sent out?”

Ms. Reyes said, “In Table 1, the total number of systems, did not add up correctly.” Mr. Rambo replied, “I will fix that.”

Mrs. Mensch said, “Can I ask an overview question of this procedure that we’re all doing together? I missed the first meeting and I’m wondering what’s your time scale? Are you hoping to address Chapters in meetings and then move on? I know I got documents yesterday and I haven’t had a chance to read all the Chapters yet so I’m hoping I can still submit comments.”

Mr. Rambo told Mrs. Mensch she could still submit comments and then replied, “We have, in essence, a year to get our update per the request of our Administrator, Steve Smailer. We

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informally went through Chapters 1 and 2 last month mainly because they were going to be the easiest ones to edit. Knowing that at upcoming meetings we'll be handling the Delineation and the Contaminant Inventory and the Susceptibility sections. So, if you read through them and see things you want to change or modify, you can download them from the Group.IO page and make edits to them and make sure 'Track Changes' is on and I'll incorporate them into the document." Mr. Rambo continued, "What I'm also going to do is on the Group.IO page, I am going to post the remaining Chapters without any edits for you to download and you can look at them and make notes on them and have them ready for upcoming meetings as well."

Mr. Rambo asked if there were any further comments on Chapter 1. He said, "Under the existing Program, I wasn't sure if you wanted to keep the mention of Whole Basin Management Program. This is something that would fit into a historical section if we chose to go that way." Mr. Keyser asked if any of those reports are still available online so that they can be referenced into the document? Mr. Rambo said, "I think you can but I can check with Michael Globetti."

Committee continued to discuss.

Ms. Magliocchetti said, "In going through Chapter 1, I didn't see any references to the Water Resources Center (WRC) and the relationship with DNREC and the WRC. I'm not sure if it's appropriate to put it in Chapter 1 but just a suggestion to think about." Mr. Rambo said, "It is indirectly referenced through two of the existing Programs – the Christiana Basin Clean Water Partnership, which they are co-chair with Chester County Water Resources Authority, and the Water Resources Protection Area Program for New Castle County, which they manage for the County. In Chapter 2, they're very active participants in the Program. Martha (Ms. Narvaez) of the WRC is here today."

Mrs. Mensch said, "I'm looking at the Pesticide Program and I would want to rewrite it and update a few things and reword it. Does DNREC have a policy on things like groundwater knowing that USGS went to a standardized having it as one word?" Mr. Rambo replied, "We are trying to correct all of that and match what the USGS has. John Barndt was one of the primary writers of this document in 1999 and he always hyphenated ground-water." Mrs. Mensch continued to discuss and stated that she hyphenated it, too, and then when that change was happening she did a 'Find and Replace' in all of her documents. Mr. Matthew Grabowski said, "I think for the purpose of this document it would be one word and we follow the USGS. They did this a few years ago as part of their website rewrite that it's all going to one word."

Committee continued to discuss.

Mr. Mirsijadi indicated that the Total Maximum Daily Load definition needs to be updated. He also asked about the Christina Basin Task Force and if it was still active. Ms. Narvaez replied that it is referenced in here as the Christina River Basin Water Quality Management Strategy. Mr. Rambo said that "the Source Water Program knows of it as the Partnership" and Ms. Narvaez replied "that would be the correct reference for it today."

Mr. Keyser stated that the definition for CSGWPP (Comprehensive State-Wide Groundwater Protection Plan) needs to be updated and that EPA has discussed with the DNREC Waste Programs that they would like to see Delaware update their CSGWPP.

Mr. Mirsijadi stated that he believed that the Piedmont Basin Riparian Source Inventory Project was a Whole Basin Initiative project. Mr. Rambo agreed and indicated that he would contact Mr. Stephen Williams in our Division of Watershed Stewardship to see if he had any input related to the Whole Basin Program.

Mr. Rambo said, "I had a question about putting the Source Water Law in there. I've added a small section in Chapter 2."

Mrs. Mensch said, "You have a tab for all of the initial paragraphs. Is that still a stylized thing that you do?" Mr. Rambo replied, "I am not tied to this particular format. I will welcome any proposed changes." Mrs. Mensch said, "When I do revisions, I'll make a note about formatting in addition to content."

Mr. Keith Mensch said, "For the definition of the Public Water System Supervision (PWSS) Program, it shouldn't say Supply. It's not just the PWSS Program that interacts with the Source Water Protection Program. It's Capacity Development as well because they do all new systems and they do Source Water Assessment reviews from DWSRF loan applications so I'm wondering if I can change this to something more holistic that would include both Programs." Mr. Rambo said, "Sure." Mr. Mensch said, "So either Division of Public Health in general or maybe Office of Drinking Water?" Mr. Rambo and Mr. Mensch discussed to make it Office of Drinking Water or the Division of Public Health, Office of Drinking Water. Mr. Rambo continued, "Remember this was written in 1999 and however you want to best explain the coordination, we can incorporate that."

Ms. Magliocchetti said, "Under Section 1.6, for EPA's purposes, hyphenate set-aside."

Mr. Mensch said, "Under Section 1.6, is it correct to talk about DWSRF grant in terms of Delaware's DWSRF? Should it be defined as EPA's grant because I don't think that is mentioned. It says the 'State's Drinking Water State Revolving Fund'. Is that correct?" Ms. Magliocchetti said, "I think technically that's correct." Mr. Mensch said, "But what specifies set-aside is that funded from?" Mr. Rambo said, "Source Water is funded from the 15%." Mr. Mensch said, "And they have all 15%?" Mr. Rambo replied, "No, we share with UIC." Mr. Mensch said, "Because this implies and is written such that I'm not sure what 15% meant." Mr. Rambo said, "The first year of the DWSRF we were allowed to use the full 15% for the Program." Mr. Mensch said, "I'll probably propose some minor wording changes on that."

Mrs. Mensch said, "I move that 'website' be consolidated into one word throughout the document." Mr. Keyser seconded the motion.

Mr. Grabowski asked Mr. Rambo when he would like comments and edits to him so he can incorporate them and send out. Mr. Rambo replied, "Our next subcommittee meeting is

November 29, 2018, so if I can get comments and edits by October 31, 2018, I can incorporate the changes.”

Mrs. Bataille said, “I recommend leaving a marked-up version with comments on the site but also have a clean version.”

CHAPTER 2: REVIEW AND COMMENT – Douglas E. Rambo, P.G., DNREC, Division of Water

Mr. Rambo began to discuss Chapter 2. He said, “Chapter 2 goes through the Public Participation process during the creation of the original Source Water Assessment Program and how we anticipated the Public Participation Process to continue during the Source Water Program. There weren’t too many edits in the initial paragraphs and no changes to the table.” Mr. Keyser said, “And then does this become an appendices? I was going to suggest paragraphs 3 and 4 rewrite it to reflect today. We don’t need to know all of the details in a new plan about something that happened 20 years ago. As much as it’s pertinent to the history, it needs to be put in the history.” Mrs. Mensch said, “That’s a good point to go through the document wherever those initial constructs are mentioned and move them out to its own section and then move forward.”

Mr. Ashley Kunder said, “We need to update the members list as well.” Mr. Rambo referred Mr. Kunder to the location of where the updates are.

Committee discussed how primary, secondary, and alternates are decided.

Mrs. Mensch said, “There was discussion that Table 2.1 is confusing and should be stricken or updated.” Mr. Rambo said he is going to update the Table. Mrs. Mensch said she didn’t know if there was reason to preserve the Table because they are the initial committee members. Mr. Rambo continued to discuss contents of the Table. Mr. Rambo said, “I do want to preserve this, question is, do we put it in the appendices or do we keep it in the main chapter?” Discussion continued. Mr. Mensch said, “Why have names at all and just put the positions and that way you won’t have to update it.” Mrs. Mensch said, “It’s confusing to have this Table in here and I know you adjusted the title so that it’s clear that these are the initial members but I don’t see that as helpful in this document right now. My opinion is too definitely either move it to a separate historical section or the appendix.”

Mr. Mirsijadi said, “Maybe those tables can go into an appendix?”

Mr. Kunder said, “Maybe make a note thanking the original members.”

Mrs. Mensch asked Mr. Rambo if he was keeping all of the comments made. Mr. Rambo said he will be keeping them and explained how he will be keeping them. Mr. Rambo added, “The meeting minutes for each subcommittee meeting will also be added as an appendix in the document.”

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Mrs. Mensch added in Section 2.2, remove the apostrophe from the word 'Committees' in the heading. She continued, "Also, did you say the Whole Basin Assessment Team no longer exists?" Mr. Rambo replied, "It dissolved towards the first couple of years of the Source Water Program. Once all the Whole Basin reports were completed, they ended." Mrs. Mensch asked if anyone will be replacing them and Mr. Rambo said it's possible to put the NRCS State Technical Committee on there. Mrs. Bataille stated, "What about the Water Supply Coordinating Council?" Mr. Rambo said that is also a possibility.

Mrs. Mensch said, "In Section 2.3, this will be a record of all of the outreach from this point going forward that we're going to do with the new version?" Mr. Rambo said, "We'll update this to reflect public meetings were held at the beginning of August 2018 through the time the document is completed. This section will be updated."

Ms. Magliocchetti said, "In Section 2.3, it mentions that 'at the time of the original assessment over 500 letters were mailed to public water systems'. Are you doing the same for this or not as part of the process this time?" Mr. Rambo replied, "It's not a part of the process this time since there is a subcommittee of the State CTAC. It went out to all members of the CTAC and that will be reflected. We have reached out to the public members who have not shown an active participation in the past and actually have recovered a couple of them that are going to start participating starting at the November CTAC meeting."

Mrs. Bataille discussed Section 2.3 and what the CTAC meetings are intended to do and to show DNREC's completed assessments as part of the meetings and at least show what was completed in a public forum. She said, "It seems, right now, there is no potential for public comment. I don't want to have public hearings for each assessment that we do but at least have some sort of public comment that can take place." Mrs. Bataille continued to discuss and asked the Committee if they felt the assessments should be part of the talks and discussions at the regular bi-annual CTAC meetings in a public forum.

Mr. Mirsijadi stated that there were some presentations on source water assessments at the beginning of the SWAPP.

Mr. Rambo said, "Usually at the opening of the CTAC meetings the status of Source Water Assessments is discussed." Mrs. Bataille said, "It doesn't actually get in depth of the Assessments." She continued to discuss and said, "If we at least discuss them at the regularly scheduled CTAC meetings, it would at least be a public meeting forum and accept public comments. I feel like sometimes our Assessments go out to the systems and it's the systems responsibility to make it available to their customers but there's no public forum." Mr. Rambo replied, "They are available to some extent on our website and the website pretty much is our public exposure for the Program. The public can't see some things due to security concerns." Mr. Rambo and Mrs. Bataille continued to discuss.

Mr. Keyser said, "I agree. I think it's worthwhile to provide a map, a name of the system, and an update. If the Wellhead Protection Area polygon has changed in some fashion, there are ordinances written based upon these defined polygons." The committee continued to discuss. Mrs. Bataille said, "Just a summary is all that is needed."

CHAPTER 3: SOURCE WATER AREA DELINEATION DISCUSSION – Douglas E. Rambo, P.G., DNREC, Division of Water

Mr. Rambo said he will post the electronic copy of Chapter 3 to the group site and let everyone review and make edits. He said, “Chapter 3 is Delineation and will probably be making a lot of changes to that Chapter mainly because the delineation methods aren’t what we are currently using.” He also stated for everyone to begin looking at Chapter 4, ‘Contaminant Source Inventory.’ Mr. Rambo also discussed potential changes needed in Chapter 4. He said, “Is the listing on Page 4-13 of ‘Discrete Sources’ a comprehensive list of sites that need to be reviewed for Source Water? Are there additional sources to be included?” Mr. Rambo addressed Mr. Keyser, “Are there sources that can be removed? We have the TRI inventory in our database. How much affect do they have?” Mr. Keyser replied, “The short answer right now, it really doesn’t.” Mr. Rambo said, “So, could we put something else in its place? One other thing missing could be golf courses. They use a lot of fertilizer and pesticides.” Mrs. Mensch said, “That’s something I could see bringing up at the Pesticide Advisory Committee before adding it.” Mrs. Mensch stated she believes the next meeting is in December and Mr. Rambo could get an invite.

Ms. Shannon said, “When you list the point sources and say something like a wastewater spray irrigation on a NPDES permit, it would be an NPDES permit that’s not being met or some failure in wastewater spray irrigation because sometimes people can read wastewater spray irrigation and then they think that any proposed wastewater spray irrigation is going to contaminate the groundwater. Is there a way to spell that out?” Mr. Rambo replied, “We have to identify existing and potential sources of contamination. A properly operating wastewater spray facility is not going to be an issue.” Ms. Shannon said, “Can that be noted? Because all wastewater spray irrigation is not a source of contamination.” Mr. Rambo said, “We also include tire piles which are generally not a contaminant, however, once they catch on fire that’s when it becomes a problem.” Mr. Kunder suggested changing the heading to say “Potential Point Sources”. Committee continued to discuss.

Mr. Rambo invited everyone to review Chapters 3 and 4 and he will post them on the group site for comments. Any comments for Chapters 1 and 2 are due to Mr. Rambo by October 31, 2018. “At the November 29, 2018, meeting, we will try to wrap up Chapters 1 and 2 and review suggested comments of Chapters 3 and 4”, Mr. Rambo said.

OPEN DISCUSSION / PUBLIC COMMENT

Mrs. Bataille commented, “As a Hydrologist, when the Assessments are completed, we have the contaminants of concern and some of them are listed as naturally occurring contaminants. They’re in the aquifer, for example, iron. I cannot do anything about the iron. To even some extent, sodium, calcium, and magnesium. There’s nothing we can do due to the geology where the well is going. All of a sudden, you’re exceeding iron because of the aquifer chosen and now I have to say because iron is a metal that you exceed standards for metals and there’s a secondary standard.” Mrs. Bataille and Ms. Shannon continued to discuss. Mrs. Bataille continued, “Do

we need to create, in terms of a contaminant category, a naturally occurring table on some of the secondary standards?”

Committee continued to discuss.

Mr. Rambo said, “If you go back to the Assessment Report in the water quality section, it says ‘although a system may exceed for a certain category, it does not mean that it is a water quality violation by the Office of Drinking Water.’” Mrs. Bataille replied, “It does say that and a section that says what your treatment processes are and why you’re treating.” Ms. Shannon added, “But they don’t see that on the CCR.” Mr. Rambo added, “And I think that’s where there’s room for improvement on language within the CCR. While the Source Water Assessment says that we have exceeded standards for iron, Tidewater Utilities is utilizing treatment methods that take iron out/remove it.” Ms. Shannon said, “We do that but maybe I can take a look at the Table and see if there’s something we can add like a footnote or something like that.” Mr. Mensch said, “It doesn’t matter - it just matters it’s there.” Mrs. Shannon said, “It’s the wording ‘exceeds standards’.” Committee continued to discuss on how to reword ‘exceeds standards’ and Mrs. Mensch suggested making Primary and Secondary contaminants. Mrs. Mensch continued after the committee discussed, “I’m wondering, if the committee agrees, that the matrix values need to be adjusted? Are other States going through revisions and do they have a matrix we can look at and compare?” Ms. Magliocchetti replied, “The original Assessments required by the 1996 Safe Drinking Water Act, Delaware is at the forefront of updating those Assessments. Most of them are about 20 years old. There is some work being done in the District of Columbia right now and they’re at about the same point in progress as Delaware is but we can certainly talk to the people who are doing the DC Assessment and find out what methodology they’re using to look at that. But in terms of looking to other States, not a lot of the other States are looking at updating their Assessments because there was no requirement to periodically update them.” Mrs. Mensch asked, “Do other States use the same matrix? Even if they’re not currently updating it you can see what matrix they use and if there’s more detailed risk Assessment involved where they categorize the compounds.” Ms. Magliocchetti said she suspects most matrixes are very similar to what Delaware used only because if you go back in time 20 years that’s probably what everyone was using.

Committee continued to discuss that the DNREC Assessment and the CCR that the water providers produce need to match up and be more detailed.

ADJOURN – Douglas E. Rambo, P.G., DNREC, Division of Water

Meeting adjourned at 12:01 p.m.

These minutes are not intended to be a detailed record. They are for the use of the Source Water Assessment and Protection Program, Source Water Assessment Plan Subcommittee members in supplementing their personal notes and recall of Committee discussions and presentations and to provide information to Committee members unable to attend. Minutes recorded and submitted by Kimberly Burris.

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Attendees are listed below alphabetically, last name first:

Bataille, Amber – DNREC, Division of Water, Source Water Protection Program
Coker, Shelly - Public
Duffy, Sean – City of Wilmington
Eisenbrey, Virginia – Artesian Water Company
Elliott, Ross – DNREC, Division of Waste & Hazardous Substances, Tank Management Branch
Grabowski, Matthew – DNREC, Division of Water, Water Supply Section Manager
Helmer, Heather – DNREC, Division of Water, Water Supply Section (Administration)
Keyser, Todd – DNREC, Division of Waste & Hazardous Substances
Kunder, Ashley – Department of Health and Social Services
Magliocchetti, Cathy – U.S. EPA Region 3
Mensch, Keith – DHSS, Division of Public Health
Mensch, Laura – Department of Agriculture
Mirsajadi, Hassan – DNREC, Watershed Assessment
Nardi, Mark - USGS
Narvaez, Martha – Water Resources Center
Rambo, Douglas – DNREC, Division of Water, Source Water Protection Program
Reyes, Betzy – USGS
Shannon, Sheila – Tidewater Utilities