

COMMONWEALTH OF PENNSYLVANIA
ENVIRONMENTAL HEARING BOARD

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SLUDGE FREE UMBT, *
JIM AND DONNA DELLATORE, * EHB
MIKE AND DIANE ZIMMERER, * Docket No.
DEBRA AND TOM BODINE, * 2014-015-L
JOHN AND TRACY GORMAN, *
BOB AND TERRY SCHNEIDER, *
Appellants *

vs. *

COMMONWEALTH OF *
PENNSYLVANIA, DEPARTMENT *
OF ENVIRONMENTAL *
PROTECTION, AND SYNAGRO, *
a/k/a SYNAGRO *
MID-ATLANTIC, INC., *
Permittees *

* * * * *

DEPOSITION OF
MICHAEL BRUNAMONTI
September 30, 2014

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DEPOSITION

OF

MICHAEL BRUNAMONTI, taken on behalf of the Appellants herein, pursuant to the Rules of Civil Procedure, taken before me, the undersigned, Rhonda K. Thorpe, a Court Reporter and Notary Public in and for the Commonwealth of Pennsylvania, at the offices of the Department of Environmental Protection, Northeast Regional Office, Two Public Square, Wilkes-Barre, Pennsylvania, on Tuesday, September 30, 2014, beginning at 11:24 a.m.

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A P P E A R A N C E S

JORDAN B. YEAGER, ESQUIRE

Curtin & Heefner, LLP

2005 South Easton Road

Suite 100

Doylestown, PA 18901-7103

COUNSEL FOR APPELLANTS

MICHAEL T. FERRENCE, ESQUIRE

Pennsylvania Department of Environmental
Protection

Office of Chief Counsel

Northeast Regional Office

Two Public Square

Wilkes-Barre, PA 18711-0790

COUNSEL FOR PERMITTEE, PA DEP

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A P P E A R A N C E S (cont'd)

JULIE D. GOLDSTEIN, ESQUIRE
Fox Rothschild, LLP
Stone Manor Corporate Center
2700 Kelly Road
Suite 300
Warrington, PA 18976-3624

COUNSEL FOR PERMITTEE, SYNAGRO

ALSO PRESENT:

PETER PRICE, Synagro representative

I N D E X

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WITNESS: MICHAEL BRUNAMONTI

EXAMINATION

By Attorney Yeager

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ATTORNEY

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NONE MADE

P R O C E E D I N G S

MICHAEL BRUNAMONTI, HAVING FIRST BEEN
DULY SWORN, TESTIFIED AS FOLLOWS:

EXAMINATION

BY ATTORNEY YEAGER:

Q. All right. Sir, my name is
Jordan Yeager. I'm counsel for the
Appellants in this case. Have you
participated in a deposition before?

A. Yes.

Q. Okay. So as you know, it's a
question and answer session. It's not a
memory test. If you don't remember
something, just tell me you don't
remember. If you don't understand my
question or part of my question, let me
know and I'll try to rephrase it. If
you need to take a break, which I don't
expect you'll need because we're --- it
should be short, but just let me know.
All right?

A. Okay.

Q. The court reporter can only take

1 down words, so nods and shakes and
2 uh-huhs and uh-uhs don't come out so
3 well. So if you can --- and if you run
4 into a problem with it, I'll remind you;
5 okay?

6 A. Yeah.

7 Q. All right. Thank you. So what's
8 your position within DEP?

9 A. Program manager in the clean
10 water program, Northeast Regional
11 Office.

12 Q. And how long have you held that
13 position?

14 A. Approximately two years.

15 Q. Okay. And what were you doing
16 before that?

17 A. I was the environmental engineer
18 manager in the permits section, clean
19 water program.

20 Q. Environmental engineer
21 manager ---?

22 A. Manager in the permits section in
23 the clean water program.

24 Q. And how long had you been doing
25 that?

1 A. Approximately, I think it's
2 2006 ---

3 Q. Okay.

4 A. --- I began that position.

5 Q. And what were you doing prior to
6 that?

7 A. I was the planning chief in the
8 sewage planning section. At the time it
9 was the water management program, which
10 is now the clean water program.

11 Q. Okay. And how long had you been
12 in there?

13 A. Probably about 12 years.

14 Q. Okay. Prior to that?

15 A. I was a sanitary engineer in the
16 permits section, water management
17 program.

18 Q. For how long?

19 A. Since 1979.

20 Q. Okay.

21 A. That was when I started.

22 Q. Okay. And advanced degrees?

23 A. Bachelor of Science in
24 environmental engineering.

25 Q. Start with the Department right

1 out of college?

2 A. No.

3 Q. What did you do before?

4 A. I worked for EPA for just short
5 of two years.

6 Q. Okay. Doing what?

7 A. In the drinking water program.

8 Q. So as the sanitary engineer in
9 the permits section, what were you
10 doing?

11 A. We reviewed NPDES permit
12 applications, water quality management
13 permit applications. I also, for a
14 period of time, was what was called a
15 project manager in the EPA construction
16 grants program where we worked with
17 communities with the permitting and
18 managing the grants for construction of
19 new or expanded sewage treatment
20 facilities.

21 Q. Okay. And what were you doing as
22 planning chief of the sewage planning
23 section?

24 A. I supervised the sewage planning
25 section which handles Act 537, sewage

1 planning, the Chapter 94 waste load
2 management program. We also managed the
3 PENNVEST program out of that section at
4 that time.

5 Q. Okay. And what were you doing as
6 environmental manager of the permits
7 section?

8 A. The permits section handles NPDES
9 permits for sewage and industrial waste.
10 They also handle water quality
11 management permits for construction of
12 treatment facilities. Various other
13 ancillary duties, but those were the
14 main functions.

15 Q. Okay. Any professional role
16 connected with biosolid applications?

17 A. Well, back when I was the
18 planning chief, at that time, for a
19 short period of time, the biosolids
20 program was under the planning section
21 as a result of some reorganization.
22 When I was in the permits section, we
23 did not --- we were not involved with
24 the biosolids permitting aspects. But
25 then when I moved back into my current

1 position, I oversee both the planning
2 and the permits section and the
3 operations section. So I do have a role
4 now.

5 Q. Okay. And what is your --- so
6 what is your role now?

7 A. I manage. I'm the program
8 manager. We have the permitting
9 section, which consists of a supervisor,
10 which is --- and six engineers, and then
11 the planning section, which Darryl Fritz
12 is the planning chief, and he supervises
13 a staff of sewage planning specialists.
14 Also, our biosolids person is under that
15 program, and there's two or three
16 engineers in that section also. And
17 then we have the monitoring and
18 compliance section, which that's
19 supervised by Pat Mizinski (phonetic).
20 That's our field staff that goes out and
21 handles all the inspections of sewage
22 and industrial waste facilities,
23 responds to complaints, that type of
24 stuff.

25 Q. For biosolids as well?

1 A. No, Tim pretty much --- Craven is
2 our biosolids. He is assigned, handles
3 the majority of those duties.

4 Q. Front end and back end?

5 A. I don't know if I understand what
6 you mean.

7 Q. Both the approval process and the
8 compliance process?

9 A. Yes.

10 Q. You said monitoring ---

11 A. Yes.

12 Q. --- and compliance ---

13 A. Yes.

14 Q. --- is a task that you oversee.

15 A. Right.

16 Q. And is there any --- does the
17 Department do any --- have any
18 monitoring compliance activities for
19 biosolids applications?

20 A. Tim is basically our biosolids.
21 At one time, we would call him the
22 biosolids coordinator. There's been
23 various terms thrown around, but he is
24 our main staff person in the clean water
25 program.

1 Q. But my question is about
2 monitoring and compliance. Is that done
3 as it relates to biosolids applications?

4 A. Yes. Tim ---

5 Q. Okay.

6 A. --- has certain duties which
7 characterizes his compliance monitoring.

8 Q. Okay. So I was asking you about
9 what your role is as it relates to the
10 approval of applications to apply
11 biosolids. Can you describe what your
12 role is?

13 A. Approval to apply, meaning?
14 Well, the entire process consists of
15 various elements.

16 Q. I'm asking about what your role
17 is.

18 A. I supervise. I manage the
19 program, meaning the three sections I
20 identified. Certain activities come to
21 my desk as far as signing approval,
22 signing permits.

23 Q. Let's focus specifically on
24 biosolids; okay? What do you do in
25 managing and supervising that program

1 specifically?

2 A. I'm Darryl Fritz's direct
3 supervisor. Tim Craven reports to
4 Darryl Fritz. Tim, as I mentioned
5 earlier, handles pretty much all of the
6 biosolids activities in our region.
7 Certain things in the course of his
8 daily activities, he reports to Darryl
9 about. Sometimes those things make it
10 to my desk if there's a need to talk
11 about them or discuss them. Certain
12 approvals in that program will get to my
13 desk for signature.

14 Q. Which?

15 A. That would be the --- largely be
16 the generator permits such as the PA and
17 not --- I rely on Tim to keep these
18 numbers straight, but the PAG 07, 08s,
19 09s. Those actual permits require
20 signature by the water quality manager,
21 program manager.

22 Q. So do you have a day-to-day role
23 that you can describe as it relates to
24 the biosolids program?

25 A. I wouldn't characterize it as day

1 to day. I mean, we have a staff, again,
2 that --- a staff that Tim, being at the
3 level he's at, is our day-to-day
4 biosolids person. I rely heavily on his
5 expertise and experience. And again, I
6 have a supervisor in that section who I
7 count on to elevate things to me if
8 there's a need for my involvement.

9 Q. Okay. And what types of issues
10 get elevated to you as they relate to
11 biosolids?

12 A. In this particular case that's
13 under appeal, there was a lot of --- it
14 seemed to me more than the usual amount
15 of public interest in the area. That
16 came to me by way of discussions between
17 Darryl and Tim. And ultimately, the
18 three of us discussed the fact that
19 there was quite a bit of interest from
20 neighboring property owners. That type
21 of thing is brought to my attention. We
22 talk about it.

23 Q. So what did you talk about?

24 A. Basically Tim's review of the
25 30-day notices. Was there anything that

1 we needed to take a closer look at or to
2 ensure we've handled the notices
3 properly?

4 Q. Is that a question you asked Tim?
5 Are you relating a question that you
6 asked him?

7 A. Well, I couldn't remember if I
8 explicitly asked that question.

9 Q. So I'm trying to --- I'm trying
10 to understand what was said during this
11 discussion. So if you can tell me what
12 was said, that's what I'm asking.

13 A. If I had to give you a synopsis,
14 I mean, it was basically to ensure that
15 Tim had conducted or fulfilled whatever
16 the Department's obligations were in
17 reviewing and processing one of these
18 notices.

19 Q. What did you do to communicate to
20 Tim that you wanted to ensure that?

21 A. I mean, we talked and he gave a
22 summary of what he looked at and what
23 the concerns were that were being raised
24 by some of the property owners.

25 Q. So what did he tell you?

1 A. In a nutshell, I think basically
2 we concluded that the concerns that were
3 being raised were evaluated and that the
4 --- Tim's site review and review of the
5 submittals confirmed that these sites
6 met the requirements for Class B
7 biosolids.

8 Q. I appreciate the summary. Now,
9 why don't you give me as much specifics
10 about what was said as you can.

11 A. I don't think I could give you
12 much more than that. I mean, there's 30
13 people in this program and they report
14 to three section chiefs. On any given
15 day, I talk about a whole bunch of
16 stuff.

17 Q. Okay. How long was this
18 conversation, you think?

19 A. Oh, it happened probably --- it
20 didn't all happen in one time. I
21 mean, ---

22 Q. Oh, okay.

23 A. --- it may have been some
24 informal discussions.

25 Q. How many total ---?

1 A. Or some --- I'd say a handful.

2 Q. Okay. About six times, five
3 times?

4 A. I ---.

5 Q. Oh, I'm sorry. You said a
6 handful. I don't have six fingers.

7 A. I couldn't give you a number. I
8 mean, it was more than once.

9 Q. Okay.

10 A. Probably less than ten.

11 Q. Okay. What was the shortest of
12 those conversations, 30 seconds? I'm
13 trying to figure out what was talked
14 about and how often it was talked about
15 and what was said.

16 A. A few minutes, I'd say, maybe.

17 Q. Okay. What kinds of questions in
18 a situation --- if you don't remember
19 specifically, generally, in a situation
20 like that, what kinds of questions would
21 you ask Tim to come to your own comfort
22 that all the concerns that were being
23 raised by the residents had been
24 adequately considered? Would you just
25 ask that, have you considered everything

1 that they raised? Or would you probe
2 deeper than that?

3 A. It depends on the circumstances.
4 I think in this case there were concerns
5 about slopes, there was concerns about
6 runoff that might occur, endanger a
7 threatened species, various things that
8 came out in the course of those
9 discussions.

10 Q. So what did you do to come to a
11 comfort that Tim had adequately
12 considered impacts on endangered
13 species?

14 A. My understanding after we talked
15 about it was, is there's a --- the part
16 of the process is we're required to show
17 evidence that the PNDI checks were run
18 for the site, and then if anything came
19 back in the way of a red flag, that
20 appropriate measures or steps were taken
21 to address those.

22 Q. Did you do anything to come to
23 your own conclusion that --- first of
24 all, do you remember whether there were
25 red flags that popped here?

1 A. I believe there was one species
2 of concern or ---.

3 Q. So did you do anything to come to
4 your own comfort that adequate steps
5 were being taken to protect that
6 species?

7 A. I mean, I rely very heavily on
8 Tim in these matters, and I think he
9 provided me --- showed me what our
10 obligations are and what was determined
11 through that process and how it was
12 being addressed and ---.

13 Q. What did he tell you?

14 A. Oh, I don't remember the
15 specifics of it other than that there
16 was, I think, at least one species of
17 concern. And there was a certain
18 minimum isolation distance that had to
19 be maintained from that area where it
20 was identified perhaps.

21 Q. Okay. Did he show you engineered
22 plans that reflected distances that were
23 being maintained or any other elements?

24 A. I don't recall exactly. I know
25 there is a map that I did look at where,

1 based upon --- I believe it's based upon
2 when Tim does his site visit. They look
3 at the features that are identified on
4 that map, and based upon their
5 walkthrough, sometimes they adjust some
6 of that information to ensure that these
7 requirements are met.

8 Q. They meaning who?

9 A. Tim and I guess the land applier
10 it would be or the ---

11 Q. Okay.

12 A. --- biosolids applier.

13 Q. Okay. Other than Tim and Darryl,
14 did you talk about this project with
15 anybody else within DEP prior to the
16 time the appeal was filed?

17 A. No.

18 Q. Is it Reisinger? Do you know Mr.
19 Kenneth Reisinger, Reisinger (changes
20 pronunciation), Bureau Director of
21 Bureau of Waste Management, Harrisburg?

22 A. I don't recall ---

23 Q. Okay.

24 A. --- myself discussing anything
25 with him.

1 Q. Okay. So you said there was more
2 than a usual amount of public concerns
3 that were raised?

4 A. That's my judgment because ---

5 Q. Yeah.

6 A. --- based upon what I heard from
7 Tim was that there were phone inquiries,
8 calls, concerned citizens that contacted
9 him on a number of occasions.

10 Q. Other than the discussions that
11 you told me about that you had with
12 Darryl and Tim, did you do anything else
13 in relation to this project to ensure
14 that those public concerns were being
15 addressed?

16 A. No. Again, I relied heavily on
17 what my staff informed me and ---.

18 Q. Did you talk to any members of
19 the public?

20 A. I don't believe I did.

21 Q. Did you prepare any
22 correspondence?

23 A. I did have some input on letters
24 that we sent back to some of the
25 concerned citizens.

1 Q. We've had previously marked as
2 Fritz One two letters, both dated
3 January 8th, 2014. One is to Mrs.
4 DeGenaro and one is to the Zimmerers.
5 Are these the letters you were talking
6 about?

7 A. Yes, I believe so.

8 Q. If you look at the last page of
9 each, there's a list of bccs and you're
10 the first ---

11 A. Correct.

12 Q. --- on that list.

13 A. Yeah.

14 Q. Do you know whether the
15 information contained in these letters
16 is accurate? Do you have personal
17 knowledge?

18 A. I believe it's accurate.

19 Q. Based on what Tim has told you?

20 A. Largely, yes.

21 Q. What other source?

22 A. Well, I would say I'd have to say
23 it's Tim, myself and Darryl, if
24 anything.

25 Q. Okay. Well, did you look at any

1 plans?

2 A. I don't believe I looked at
3 anything other than the site mapping
4 that Tim had shown us during the course
5 of our discussions.

6 Q. Okay. And did that show slope
7 calculations?

8 A. I couldn't say for sure.

9 Q. Did it show soil characteristics?

10 A. I'd have to look at the map again
11 to see exactly what all was on there,
12 but it was more or less a map that Tim
13 was using more or less as his barometer
14 to do his walkthrough, I think, when he
15 did the site visit. So it may have had
16 all that stuff on there, but I can't say
17 for sure.

18 ATTORNEY YEAGER:

19 Give me just one second.

20 OFF RECORD DISCUSSION

21 BY ATTORNEY YEAGER:

22 Q. I'm going to show you a document.
23 I'm not going to mark it yet unless
24 you're able to identify it, and then
25 we'll have it marked; okay? Bear with

1 me just ---.

2 ATTORNEY YEAGER:

3 These are Bates range 267
4 to 269 from the documents that we
5 produced. Michael, they are
6 colored mapping photos ---.

7 ATTORNEY FERRENCE:

8 These were received from
9 the Department's files?

10 ATTORNEY YEAGER:

11 Both received from the
12 Department's files ---

13 ATTORNEY FERRENCE:

14 Yeah.

15 ATTORNEY YEAGER:

16 --- and produced by ---
17 produced back by us, because we
18 produced this stuff back ---.

19 ATTORNEY FERRENCE:

20 Right.

21 BY ATTORNEY YEAGER:

22 Q. Can you just first tell me
23 whether you recognize these?

24 A. I couldn't say I recognize these
25 exactly, but they're similar to the type

1 of mapping that I recall Tim showing
2 that would show, you know, isolation
3 distances from certain features, but I
4 couldn't swear that I looked at this
5 exact ---

6 Q. Okay.

7 A. --- depiction.

8 Q. But that's the ---.

9 ATTORNEY YEAGER:

10 I'm going to have these
11 marked. We'll just have them
12 marked collectively --- I'm
13 getting a --- Julie, getting a
14 set.

15 A. I think it's because the color is
16 maybe different, but I can see where
17 there's ---

18 BY ATTORNEY YEAGER:

19 Q. Go ahead.

20 A. --- some writing on here that
21 kind of --- I recall where Tim might
22 have made some field notes on these
23 maps, so it sort of looks like, if not
24 the exact same map, very similar to what
25 we looked at at one point.

1 ATTORNEY YEAGER:

2 Why don't we have it
3 marked while I'm getting Michael
4 his set?

5 OFF RECORD DISCUSSION

6 ATTORNEY YEAGER:

7 Michael, I'm handing you
8 three pages.

9 ATTORNEY FERRENCE:

10 Yeah, thank you.

11 ATTORNEY YEAGER:

12 So we've had these marked
13 --- these three documents marked
14 collectively as Brunamonti One.

15 (Brunamonti Exhibit One
16 marked for
17 identification.)

18 BY ATTORNEY YEAGER:

19 Q. And it's our Bates numbers 267,
20 268 and 269. And I understand that you
21 can't say that those are exactly what
22 you looked at. Is that the level of
23 detail of the maps that you were looking
24 at, roughly?

25 A. I can't say for sure, but it

1 appears to have --- my recollection is
2 this looks similar to what I had looked
3 at at one point.

4 Q. Okay. The work that you did with
5 NPDES, it was never E&S related;
6 correct, NPDES?

7 A. No. It was NPDES permits for
8 sewage and industrial wastewater
9 discharge.

10 Q. Point source, off point source?

11 A. I should back up a little bit
12 because we --- over time, the Department
13 has been reorganized, so there is a
14 component presently where we deal with
15 the MS4 program, ---

16 Q. Okay.

17 A. --- which is sort of a non-point
18 source program, but ---.

19 Q. Did you ever see any kind of
20 engineered plans that showed runoff
21 coefficients or runoff calculations for
22 these sites?

23 A. I don't believe I looked at
24 anything that would --- that had that
25 level of detail.

1 Q. Okay.

2 A. To the best of my recollection, I
3 did not.

4 Q. Do you know, do you regularly
5 review these files for these kinds of
6 approvals?

7 A. No. Again, I rely largely on ---

8 Q. On Tim?

9 A. --- our staff to do the brunt of
10 the work and I manage the program.

11 Q. But you don't do a detailed
12 review of the file and come to your own
13 professional conclusion about whether an
14 approval is appropriate; correct?

15 A. I don't do a detailed review of
16 the file, but I do, as the manager, have
17 a role in concurring that what we're
18 doing is acceptable as far as whenever
19 we issue a permit or an approval.

20 Q. Is there anything that you
21 haven't already told me that you can
22 tell me about what you do in --- or what
23 you did as it relates to this project,
24 to come to a determination that what the
25 Department did was appropriate?

1 A. No. I would say the 30-day
2 notices are largely the --- the
3 on-the-ground review is done by our
4 staff people in all of our permit
5 programs and approvals. And in this
6 case Tim did the brunt of the work, in
7 reviewing the submittals and ---.

8 Q. When someone says somebody did
9 the brunt of the work, that suggests
10 that there might be additional work
11 that's done. And I'm just trying to ---
12 my sense, sir, is that you relied on
13 Tim, and that you trusted Tim to be
14 doing a good job, but that you didn't
15 conduct your own professional review.

16 A. No, I don't ---.

17 Q. Is that accurate?

18 A. Yes. I don't do a concurrent or
19 second review of these submittals.

20 Q. Okay.

21 A. I rely largely on staff to do
22 that work.

23 Q. Okay. Have you ever had any
24 experience or training with biosolids
25 other than what you've told me about?

1 A. I don't recall when it was, but I
2 know I've had at least one training that
3 I attended in the biosolids program.

4 Q. Roughly how long ago?

5 A. It was probably within the last
6 ten years.

7 Q. It was a course?

8 A. I believe it was a day-long
9 course that our folks put together ---

10 Q. Okay.

11 A. --- out of Central Office.

12 Q. Do you remember what the subject
13 was?

14 A. It dealt largely with the
15 biosolids program.

16 Q. I mean within that.

17 A. Meaning?

18 Q. What the topics were, what was
19 discussed.

20 A. Biosolids, the Department's
21 biosolids program as far as how it's
22 administered.

23 Q. Okay. Have you ever played any
24 role in referring projects to the DRBC?

25 A. As a permit review engineer, we

1 would --- we've interacted with DRBC
2 with certain size and types of
3 wastewater treatment facilities.

4 Q. Have you ever played a role in
5 referring a project to the DRBC or in
6 directing an applicant that they should
7 take a project to DRBC?

8 A. Yes. Yes.

9 Q. Okay. How would you come to ---
10 how would you, within the Department,
11 come to a conclusion about whether a
12 project was appropriate for referral to
13 the DRBC?

14 A. There are certain --- the DRBC
15 has certain parameters that we would ---
16 that would trigger that.

17 Q. Okay. And do you have a list of
18 those parameters? How does the
19 Department go about making the decision
20 about whether a project meets those
21 parameters?

22 A. Well, I could give you an
23 example. In construction of sewage
24 treatment facilities, I believe there's
25 a --- there had been a threshold of any

1 facility over 50,000 gallons per day.
2 DRBC would want to participate in the
3 review of that and prepare a docket.
4 That number might have been reduced to
5 10,000 gallons per day in certain parts
6 of the watershed at one point in time.

7 Q. Are there any projects under your
8 supervision now that are --- the types
9 of projects that you handle that are
10 candidates for DRBC referral?

11 A. Yes, for point source, sewage
12 treatment plants that meet certain
13 thresholds, as I explained ---.

14 Q. Who makes --- I'm sorry. I
15 didn't mean to interrupt.

16 A. Well, DRBC makes those
17 determinations. I mean, they set those
18 rules or those requirements, and we, as
19 one of the states that's part of the
20 basin, we advise applicants that they
21 will need docket approval if they exceed
22 those thresholds.

23 Q. Is there a document that you look
24 to to determine whether a project meets
25 the threshold?

1 A. I don't recall the particulars on
2 it. I'm removed from the day-to-day
3 work as a permit engineer, but there are
4 --- DRBC does have a set of requirements
5 that's, I believe, in writing that we
6 looked at.

7 Q. Do you know whether the project
8 site here drains into any exceptional
9 value wetlands?

10 A. I don't. My recollection is that
11 it does not, but --- it's Allegheny
12 Watershed, which I don't believe ---
13 might be cold water fisheries, I think,
14 in our requirements.

15 Q. If a wetland serves as a habitat
16 for a threatened or endangered species,
17 does that make it an exceptional value
18 wetland?

19 A. I can't answer that question.

20 Q. Okay. If you're reviewing a
21 project that is within the Delaware
22 River Basin and the DRBC has more
23 stringent standards, does the Department
24 within your section apply those more
25 stringent standards? For example, for

1 water quality.

2 A. I believe --- and again,
3 harkening back to my days as a permit
4 engineer, that's part of the docket
5 process when they do their docket
6 process, that they set effluent limits
7 for sewage treatment plants that
8 override our limits. We would
9 incorporate the more stringent limits
10 into the permit.

11 Q. Okay. So if you have a biosolids
12 project and it's in a watershed that has
13 higher standards under the DRBC's water
14 code than under the state regs, would
15 your section apply those higher
16 standards?

17 A. Again, I'm talking earlier with
18 regard to point source, discharges from
19 sewage plants, that type of thing. I
20 don't know that. In the biosolids
21 program, the permitting structure's
22 different. It's handled differently in
23 the sense that it's a --- the general
24 permits, per se, have been set up in a
25 way that there are protections in place

1 there by the requirements of those
2 permits and the requirements that attach
3 to applying to biosolids, that they
4 don't --- you know, we're not issuing a
5 point source permit. We're granting an
6 approval to apply biosolids provided you
7 meet certain requirements.

8 Q. Is that a no to my question about
9 whether you apply the higher DRBC
10 standards?

11 A. We would apply them if DRBC were
12 to inform us that there was some higher
13 standard, but I'm not aware of that
14 occurring in any biosolids cases.

15 Q. Well, the standards are set out
16 in the DRBC's water code; correct?

17 A. DRBC has their own set of water
18 quality standards.

19 Q. And those apply by region;
20 correct? They vary by region?

21 A. Well, they have their own --- I
22 wouldn't want to speak chapter and verse
23 to their regs, but they have a certain
24 --- yeah, they have certain sections of
25 the basin that are broken out.

1 Q. Right, different sections have
2 different sets of identified ---?

3 A. I believe so, under their
4 requirements.

5 Q. So that's information that is ---
6 that's known to the Department, the
7 standards that are set out in the DRBC's
8 water code?

9 A. It's public information that's
10 available to us. I wouldn't say I know
11 every ---.

12 Q. I'm not asking about whether
13 you ---

14 A. It's there for us to refer to.

15 Q. --- know the details of it.
16 Yeah, yeah, it's there for you to refer
17 to.

18 A. Yes.

19 Q. Okay. So does the Department,
20 when you've got a set of standards from
21 the Basin Commission, because of the
22 location of a project, that are higher
23 than the Department's standards, does
24 the Department apply the higher DRBC
25 standards?

1 A. If they're applicable, but my
2 only --- and I would --- the caveat
3 being that point source discharges, I'm
4 aware of us doing that. I don't know
5 that there's an analogous mechanism in
6 place for us to do something different
7 with biosolids, land application of
8 biosolids.

9 Q. Are you familiar with the special
10 protection waters standards that the
11 DRBC has?

12 A. Somewhat, yes.

13 Q. And is it your understanding that
14 that's limited --- that those special
15 protection water standards only apply
16 for point source and not for non-point
17 source pollution?

18 A. Could you repeat that? I don't
19 know if I'm following.

20 Q. I gathered from what you were
21 saying that you understood that those
22 standards might only apply for point
23 source pollution and not for non-point
24 source pollution. Is that your position
25 or your understanding?

1 A. To the extent that it does not
2 result in --- I shouldn't say it doesn't
3 apply, but in practice, DRBC's
4 requirements largely affect our point
5 source program for permitting sewage and
6 industrial waste permits. I'm not aware
7 of any parallel mechanism in place that
8 would require us to do anything
9 different with biosolids because it's
10 located in one location or another
11 within the watershed.

12 Q. Okay. Let's talk about Chapter
13 --- you're familiar with Chapter 93?

14 A. Yes.

15 Q. You agree with me that the
16 standards that are set out in Chapter 93
17 apply, regardless of whether it's point
18 source or non-point source?

19 A. Yes. Well, I mean, we --- yes,
20 in the sense that if it's an
21 authorization that the Department is
22 granting. Whether it's point source or
23 non-point source, our programs are set
24 up to consider possible impacts on water
25 quality and there's safeguards in place

1 to meet those requirements.

2 Q. And so in the decision making
3 that goes on under your supervision for
4 approval of application of biosolids, is
5 there consideration of the water quality
6 standards discussed in Chapter 93?

7 A. Yes, in the broadest sense that
8 the general permits themselves that look
9 --- the generator permits, let's say.
10 Those permits themselves have certain
11 criteria that have to be met as to
12 what's in those biosolids.

13 Q. Those permits say you can't apply
14 the general permit if you're in a
15 special protection water; right?

16 A. The PAG --- the generator
17 permits ---.

18 Q. I'm talking about for biosolids,
19 for application of biosolids, land
20 application of biosolids.

21 ATTORNEY FERRENCE:

22 If you can identify what
23 you're ---?

24 BY ATTORNEY YEAGER:

25 Q. Well, do you know, can you

1 utilize the general permit for land
2 application of biosolids if you're in a
3 special protection water?

4 A. Our general permit for the
5 generator permits --- I would have to
6 rely on Tim when he --- when he does his
7 review of the site, the actual
8 application on particular sites that
9 attach to a lot of those permits. He
10 checks to see whether or not there's
11 anything there in the way of --- in our
12 Chapter 93, special requirements that
13 would attach because our stream criteria
14 would be high quality or exceptional
15 value.

16 Q. Do you know whether the DRBC's
17 standards are incorporated into Chapter
18 93?

19 A. I don't know if I could answer
20 yes or no on that. I'd have to ---.

21 Q. Okay.

22 ATTORNEY YEAGER:

23 All right. I don't have
24 any other questions, sir.

25 ATTORNEY GOLDSTEIN:

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I have no questions.

ATTORNEY FERRENCE:

Nor do I.

A. Okay.

* * * * *

DEPOSITION CONCLUDED AT 12:01 P.M.

* * * * *

1 COMMONWEALTH OF PENNSYLVANIA)
2 COUNTY OF CLEARFIELD)

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4

CERTIFICATE

5

I, Rhonda K. Thorpe, a Notary Public in
6 and for the Commonwealth of Pennsylvania, do
7 hereby certify:

8

That the witness whose testimony appears
9 in the foregoing deposition, was duly sworn by me
10 on said date and that the transcribed deposition
11 of said witness is a true record of the testimony
12 given by said witness;

10

11

12

13

That the proceeding is herein recorded
14 fully and accurately;

14

15

That I am neither attorney nor counsel
16 for, nor related to any of the parties to the
17 action in which these depositions were taken, and
18 further that I am not a relative of any attorney
19 or counsel employed by the parties hereto, or
20 financially interested in this action.

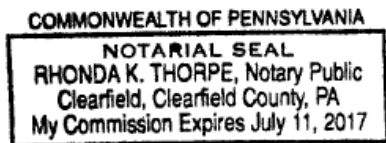
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Rhonda K. Thorpe
Court Reporter

24

25

ERRATA SHEET

AFFIDAVIT

State of Pennsylvania

County of Luzerne

I, Michael Brunamonti, certify under oath or affirmation that I have read the transcript of my testimony dated 09/30/2014 and that the transcript of my testimony is accurate with the following corrections:

Page	Line	Error	Correction	Reason
13	19	Mizinski	Muzinski	Spelling
21	6	endangeres a	endangered or	clarification

Are there additional corrections on a following page? NO YES

Signature of Deponent/Affiant

[Handwritten Signature]

Sworn to and subscribed before me, a Notary Public, on this

30th day of October, 2014.

[Handwritten Signature]
Notary Public

