

DELAWARE REGIONAL
WATER RESOURCES COMMITTEE

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PUBLIC MEETING/HEARING

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BEFORE: CAROL R. COLLIER, Chair
HEARING: Thursday, May 12, 2005
8:00 p.m.
LOCATION: Montgomery County Community
College
340 Dekalb Pike
Blue Bell, Pennsylvania

WITNESSES: Jim Hartman, Jan Bowers

Reporter: Danielle M. Zamias

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OPENING REMARKS

By Carol Collier

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TESTIMONY

By Jim Hartman

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TESTIMONY

By Jan Bowers

8 - 18

CERTIFICATE

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CHAIR CAROL R. COLLIER:

Okay. First before we start the formal hearing, you may have noticed that Donna over here was taking copious notes during the meeting time frame, and they will be posted on the DEP website as they will from other meetings across the Commonwealth, and we will have copies of those, the Committee will be able to use them. They are very helpful.

Now, the purpose of this hearing is to solicit input on water resources management issues in the Delaware Basin. This hearing satisfies the requirements of Section 3115 B1I of Act 220 of 2002, the Water Resources Planning Act, which requires that each regional committee to hold at least one combined public meeting and hearing within its region to solicit input on water resources management and water resources planning within the region.

Notice of this meeting was

1 published in the Pennsylvania Bulletin on
2 February 5th, 2005 and again on April 30th,
3 2005. The meeting was also advertised in
4 the Harrisburg Patriot News and the
5 Intelligence Record.

6 In order to give everyone an
7 equal opportunity to comment, I would like
8 to establish the following ground rules. I
9 think we can be a little loose on this.
10 I'm going to start with the witnesses who
11 have actually signed up on the registration
12 form, then any others who would like to
13 testify, they are certainly welcome to.
14 And we would like to limit all testimony to
15 ten minutes. When you do testify, please
16 state your name and address for the record,
17 we do have a court reporter, prior to
18 presenting your testimony, and speak
19 clearly. If you would, help with spelling
20 names and terms that may be generally
21 unfamiliar.

22 In addition to or in place of
23 oral testimony presented at today's
24 hearing, interested persons may also submit
25 written comments on this proposal. All

1 comments must be received by the Water
2 Planning Office on or before June 30th,
3 2005. Comments should be addressed to the
4 Department of Environmental Protection,
5 Water Planning Office, care of Lori Mohr,
6 P.O. Box 2063, Harrisburg, Pennsylvania,
7 17105-2063. And this is on a flyer in the
8 back of the room. Comments may also be e-
9 mailed to her e-mail address
10 laumohr@state.pa.us.

11 All comments received at
12 today's hearing as well as written comments
13 received by June 30th, 2005 will be
14 considered by the Regional Water Resources
15 Committee as we develop the regional
16 component of a state water plan. An
17 official comment and response document will
18 not be prepared for the comments received
19 at this hearing. Anyone interested in a
20 transcript of this hearing may contact the
21 reporter here this evening to arrange the
22 purchase of a copy.

23 For our first witness, Jim
24 Hartman, of the Pennsylvania Groundwater
25 Association. Mr. Hartman, if you could

1 step up to the podium for your testimony.
2 If you have any written comments, if you
3 leave them with us, that'd be great.

4 MR. HARTMAN:

5 Carol, I do not have any
6 written comments, but I will say that my
7 comments, about two minutes, so if anyone
8 else would like my additional eight minutes
9 ---. Do you need me to spell my name or
10 organization? It's Jim Hartman, H-A-R-T-M-
11 A-N, and the organization I represent is
12 the Pennsylvania Groundwater Association.

13 I have two issues which I'd
14 like to bring forth today. The first is
15 that there is a lack of state wide
16 residential well construction standards in
17 Pennsylvania. We feel this is necessary to
18 protect groundwater resources. Several
19 counties have adopted standards on their
20 own, but there is no state-wide standards
21 in existence in the Commonwealth.

22 Second issue is that
23 Pennsylvania does not require well drillers
24 to be licensed. We need to establish
25 minimum competency standards for those

1 having access to groundwater resources.
2 All surrounding states have licensing
3 requirements. We think that Pennsylvania,
4 without having being forced into it, should
5 develop our own standards beyond --- with
6 our surrounding areas. Thank you.

7 CHAIR COLLIER:

8 Thank you, Mr. Hartman. The
9 next speaker registered is Jan Bowers of
10 the Chester County Water Resources
11 Authority.

12 MS. BOWERS:

13 I'll gladly take your eight
14 minutes. I'm Jan Bowers with Chester
15 County Water Resources Authority, West
16 Chester, Pennsylvania. And I would like to
17 just provide a few comments for those of
18 you who are on the committee to think
19 about. First of all, I recognize that for
20 those two pages, summarizes an incredible
21 amount of thought from all of you and this
22 probably does not clearly articulate all
23 the details. So I may be saying things
24 that are already redundant to what you are
25 thinking, but I just wanted to put forward

1 a few thoughts as perhaps reminders, or
2 reinforcement, or if you hadn't been
3 thinking about them, things that I'd ask
4 you to look for.

5 First of all, to follow up on
6 John Hokstra's (phonetic) analogy --- not
7 analogy, but example of a municipality who
8 has gone out of their way to protect their
9 area as a rural character area. We really
10 do need to articulate carefully and clearly
11 how to guide economic develop decisions
12 about heavy water users into the right
13 areas so that we don't inadvertently cut
14 the legs out from under municipalities such
15 as that. And yet we do need to find ways
16 to effectively guide those heavy water use
17 industries into the right areas where
18 there's enough water, but also with a
19 desire for that kind of growth, and the
20 other resources, transportation, whatever
21 it might be, to support them. But we're
22 going to have to address that at the local
23 level. It needs to be clearly addressed in
24 the state and regional plan or we could
25 end up misguiding ourselves inadvertently.

1 Item number two is one that I
2 know some of you aren't going to want to
3 hear, but I need to say it. It has to do
4 with dams. And despite all the good
5 efforts and appropriate efforts to
6 eliminate orphaned dams and abandoned dams,
7 we still have to accept the fact that we
8 still have quite a few working dams in the
9 watershed. What we don't have are the
10 adequate resources to provide for dam
11 safety. Fortunately for Pennsylvania,
12 Bedford Lakes was in New Jersey,
13 unfortunate for New Jersey. It is a matter
14 of time before a similar situation can
15 happen in Pennsylvania. Pennsylvania has
16 probably the best dam safety program across
17 the country. It is a great regulatory
18 program, for those who are regulated, we
19 like to think it's tough, it's a tough one.
20 But even DEP doesn't have enough resources
21 to manage that program effectively, and
22 certainly dam owners, and while they should
23 be responsible for maintaining their dams,
24 some of them just don't have the
25 wherewithal or the financial resources to

1 do it. If we overlook that problem of
2 flood mitigation of not keeping up that
3 flood control infrastructure, we will, in
4 fact, be creating a lot more problems down
5 the road. So funding to maintain and
6 support education and getting it out there
7 to support dams that are there, and dam
8 safety, and the flood control
9 infrastructure that is in place.

10 On Water Resource Management,
11 we hear a lot of talk about stormwater
12 utilities, and yet to the best of our
13 solicitor's ability and others, we have yet
14 to find any legal platform within the state
15 upon which to build stormwater utility.
16 Whether its utility or some other
17 mechanism, there has to be something put in
18 place to allow for revenues to be generated
19 for stormwater management. We all talk
20 about the need for money, it all comes out
21 of the tax payers' pocket one way or
22 another. But some way, somehow we need to
23 come up with a way to do that, what's best.
24 Give that authority to municipalities, set
25 up a utility, add it to the school tax;

1 it's going to be a tax however you do it,
2 but we need to keep dealing with that
3 issue.

4 Also, on stormwater, Act 167
5 is drastically under funded, and yet it is
6 the state's leading strategy for addressing
7 and enhancing stormwater management across
8 the state. Without sufficient funding in
9 that program and enhancement to the scope
10 and implementation of that program, we're
11 missing an opportunity to let the state-
12 wide basis address the water resources.
13 We're fortunate to be part of the Act 167
14 program, however, for a 26-square mile
15 watershed, because of limitations in state
16 funding, it's going to take us four years
17 to get that study done. That's just one
18 of, I don't remember how many hundreds, of
19 watersheds the state is trying to have
20 done.

21 TMDLs, dealing with water
22 quality from stormwater, specifically
23 stormwater TMDLs. They're beginning to
24 show up across the state, however, there
25 needs to be increased --- improving how the

1 TMDLs have calculated. They're becoming
2 regulation and yet the basis of these
3 calculations of these loadings of how much
4 pollution they're coming off and how do you
5 divvy that up. When you really get down to
6 looking at the numbers, how accurate is it,
7 and then we're going to be expecting
8 municipalities to clean up their stormwater
9 effluent to meet those limits that may not
10 even be realistic. So improving how
11 they're developed and simultaneously,
12 here's the challenge, simultaneously
13 accelerating getting them done and getting
14 them out there. TMDLs are going to be one
15 of the best strategies for actually getting
16 watersheds cleaned up. NPDES phase two is
17 covering some of it, but we got to have
18 both of those things going simultaneously.
19 So support and emphasis on the TMDL
20 program I think is important.

21 I notice that you have
22 riparian management mentioned, but I think
23 given the fact that the Schuylkill
24 watershed is --- has been used as a test
25 area, a pilot area, or riparian to corridor

1 management and riparian bumpers, I think it
2 might be worth actually specifying for
3 riparian bumpers and particularly small
4 stream riparian bumpers, a one-year
5 priority.

6 Waste water management was
7 not given a lot of emphasis here on your
8 list. There are a few things you consider
9 is whether or not it actually warrants its
10 on pole under leaking water in land.
11 Encouraging alternative waste water
12 management technologies, land application
13 versus stream discharge. Nitrogen removal
14 systems rule out septic systems.
15 Rectifying failing systems and systems that
16 are still discharging directly into
17 streams, and also local system management
18 programs. A lot can be done on waste
19 water, as I know you know.

20 With regard to your bullet on
21 promote water resource space planning and
22 zoning, I'd caution you that perhaps the
23 wording is the way it is just for the sake
24 of making a mistake. But I'm hopeful that
25 what you mean in that bullet is rather than

1 basing your planning and zoning solely on
2 water, that you're looking to promote
3 planning and zoning that is consistent with
4 and minimizes the impact on water
5 resources. There is a big difference.

6 I'd like to acknowledge and
7 thank you for your bullet under
8 institutional coordination that does
9 support --- good local county municipal
10 planning. We appreciate that as we do a
11 number of other agencies in the county and
12 municipalities.

13 You mentioned about amending
14 the municipalities planning code to allow
15 governments to address more effectively
16 water resource issues. I would suggest
17 that it should be not just in the
18 municipalities planning code, but amending
19 state regulations, period. If the state
20 regulations were better, perhaps there
21 wouldn't be so much demand on the
22 municipalities to feel that they had to
23 pick up the task of doing some of that
24 management and regulation themselves. So I
25 would encourage that you look for water

1 resource management at a higher level than
2 the municipalities and to veer off of them
3 and do a good job so you don't feel that we
4 have to step in.

5 On education, clearly a
6 priority and a need, and based on what we
7 heard tonight, I think part of your key
8 priority bullets ought to be to develop a
9 massive regional working campaign. And I
10 don't --- and I strongly agree, and I think
11 we've all experienced, we're water resource
12 professionals, we're not marketers. We
13 need to engage the help of people that know
14 how to sell. We know how to manage water.
15 Let's get some funding commitments to bring
16 really good marketing campaign to help
17 educate. And part of that is going to be
18 prioritizing what you want your message to
19 be. You can take any one of the bullets on
20 your sheet of priorities and have a whole
21 public outreach program on any one of them.
22 So pick one, do it well, but I strongly
23 emphasize that we need to engage people who
24 know how to sell.

25 You have a bullet about

1 increasing private sector awareness to
2 watershed to limit it to just developers,
3 engineers and planners. I would suggest,
4 keep in mind the broader scope of all
5 private sector land owners and operators.
6 The commercial people, the institutional
7 people, the golf courses, et cetera, et
8 cetera. Please report to private property
9 owner.

10 I won't comment on the
11 education. It was brought up about what do
12 about changing this concept of lawns and
13 getting over the image of the manicured
14 lawn. And I would suggest that it's one of
15 those strategies. Looking at alternative
16 yard landscaping approaches, and I would
17 recommend consideration of expanding the
18 Smart Yard Program that Delaware has been
19 promoting, that actually gets out into
20 residential yards and helps you re-
21 landscape your yard in a way that's
22 attractive for the half million dollar
23 homeowner, but also effective in an
24 environmental perspective.

25 So I appreciate your

1 consideration, I appreciate the effort that
2 you're doing and thanks for letting me give
3 you local comments tonight. Thank you very
4 much.

5 CHAIR COLLIER:

6 Those were the two members of
7 the audience that had signed up to give
8 testimony. Do I have others? Anyone else
9 for testimony? Then I hereby adjourn this
10 hearing at 8:23 p.m. Thank you very much.
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15 PUBLIC MEETING CONCLUDED AT 8:23 P.M.

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