

BEFORE THE
DELAWARE REGIONAL WATER RESOURCES
COMMITTEE

* * * * *

IN RE: ACT 220-Pennsylvania State
Water Plan

PUBLIC HEARING

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BEFORE: DR. JEFFREY FEATHERSTONE,
Chair
DESIREE HENNING-DUDLEY,
Member
M. IRVIL KEAR, Member
GARY KRIBBS, Member
PRESTON LUITWEILER, Member
ALLEN FIDLER, Member
JOHN HOEKSTRA, Member
ROBERT WENDELGASS, Member
BARBARA SMITH, Member
DARRYL JENKINS, Member
MIKE STOKES, Member

HEARING: Thursday, August 11, 2005
7:30 p.m.

Reporter: Kenneth D. O'Hearn

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LOCATION: PPL Lake Office
Wallenpaupack Environmental
Center
PPL Drive
Hawley, PA 18428
WITNESSES: John Jose, Orianna
Richards, Ralph Miller,
Marty Kunstmann

I N D E X

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OPENING REMARKS	
By Jeff Featherstone	5 - 9
TESTIMONY	
By John Jose	9 - 14
TESTIMONY	
By Orianna Richards	18 - 24
CLOSING REMARKS	24 - 25
CERTIFICATE	26

E X H I B I T S

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<u>Number</u>	<u>Description</u>	<u>Page Offered</u>
	NONE OFFERED	

P R O C E E D I N G S

CHAIR FEATHERSTONE:

Just for the record,
again, my name is Jeff
Featherstone. I'm vice chair
of the Delaware Water Resources
Committee, and I have a bit of
information that I have been
asked to present. When I'm
done then, people can come up
and give testimony. We will
not be responding to your
testimony. You can just give
it, and then we'll say thank
you, and the next person can
come up.

Once again, the purpose
of this meeting is to seek
input on this hearing on water
sources management issues in
the Delaware Basin. The
hearing satisfies the
requirements of a section of
The Water Sources Planning Act,

1 which requires that each
2 regional committee holds at
3 least one combined public
4 meeting and hearing within its
5 region to solicit input on
6 water resources management and
7 water resources planning within
8 the region. Notice of this
9 meeting is published in the
10 Pennsylvania Bulletin in
11 February 5th, 2005, April 30th,
12 2005, and July 31st, 2005, as
13 well as advertised in the
14 Harrisburg Patriot News.

15 In order to give
16 everyone an equal opportunity
17 to comment this evening, I
18 would like to establish the
19 following ground rules. I will
20 call first upon the witnesses
21 who have pre-registered to
22 testify at this evening's
23 hearing, as included on the
24 schedule of witnesses. After
25 hearing from these witnesses, I

1 will provide any other
2 interested parties with the
3 opportunity to testify as time
4 allows. Oral testimony is
5 limited to ten minutes for each
6 witness. Organizations are
7 requested to designate one
8 witness to present testimony on
9 its behalf. Each witness is
10 asked to submit pre-written
11 copies of his or her testimony
12 to aide in transcribing the
13 hearing. Please hand me your
14 copies prior to presenting your
15 testimony. Please state your
16 name and address for the
17 record, prior to presenting
18 your testimony. We would also
19 appreciate your help in
20 spelling names and terms that
21 may not be generally familiar
22 so that the transcript can be
23 as accurate as possible.

24 In addition to or in
25 place of oral testimony

1 presented in today's hearing,
2 interested persons may also
3 submit written comments on this
4 proposal. Comments should be
5 addressed to the Department of
6 Environmental Protection, Water
7 Planning Office, in care of
8 Lori Moore, P.O. Box 2063,
9 Harrisburg, PA 17105-2063.
10 Comments can also be e-mailed
11 to LAUMOHR@state.pa.us. All
12 comments received at today's
13 hearing, as well as written
14 comments, will be considered by
15 the regional water resources
16 committee as we develop the
17 regional component of the state
18 water plan. An official
19 comment and response document
20 will not be prepared for
21 comments received at this
22 hearing. Anyone interested in
23 a transcript of this hearing
24 may contact the reporter here
25 tonight to arrange to purchase

1 a copy.

2 I would like to now call
3 the first witness. Is there a
4 Marty Kunstmann? John Jose?

5 JOHN JOSE:

6 Thank you. John Jose,
7 Pike County Conservation
8 District. The following
9 comments that are being
10 provided tonight, are being
11 provided on behalf of the Pike
12 County Conservation District.
13 The District thanks the
14 Committee for the opportunity
15 to testify in support of
16 comprehensive planning for
17 water resource conservation in
18 the Delaware River Basin.

19 To start off and to put
20 the District's concerns into
21 perspective, I will offer some
22 background information with a
23 focus on the increasing levels
24 of residential and commercial
25 development that are occurring

1 in Pike County. Some of the
2 information I'll be presenting
3 may be familiar to you, but I
4 think at least some of what I
5 will outline is relatively new
6 information.

7 For the past three-and-a
8 half decades, Pike County has
9 held the distinction of being
10 the most rapidly developing
11 county in the Commonwealth, and
12 currently is also listed among
13 the top 100 most rapidly
14 developing counties in the
15 nation. This development is
16 primarily taking place within
17 the County's major watersheds,
18 all of which are classified as
19 special protection watersheds
20 by the Pennsylvania Department
21 of Environmental Protection,
22 presenting potential for
23 significant impact with high
24 quality and exceptional value
25 water resources of these

1 watersheds.

2 The recently completed
3 2004 Pike County comprehensive
4 plan update included population
5 projections and build out
6 analyses. The fairly
7 conservative models, used to
8 project growth rate, show Pike
9 County's population will only
10 continue to increase, reaching
11 approximately 65,000 by 2010,
12 and by 2025 a population of
13 between 93,000 and 102,000
14 residents, which predict nearly
15 doubling the County's current
16 population.

17 These escalating growth
18 pressures will continue to
19 present significant challenges
20 to maintain the County's water
21 resources, which are
22 inextricably linked to the
23 quality of life enjoyed by
24 residents, the regional
25 economy, healthy, functioning

1 ecosystems and last but not
2 least, human health.

3 Now, to relate what is
4 occurring and what is at stake
5 at Pike County to the
6 priorities outlined by the
7 committee, we offer the
8 following.

9 The priorities outlined
10 by the Committee are
11 comprehensive and if
12 implemented, could address many
13 of the challenges currently
14 presented by increasing land
15 development pressures, not only
16 in Pike County, but throughout
17 the northeast region.

18 However, a primary
19 concern of the District related
20 to the priorities is as
21 follows. Many of the
22 priorities listed could be
23 accomplished through fully
24 implementing and adequately
25 funding Pennsylvania State

1 regulatory and funding programs
2 already in existence. If
3 sufficient monetary resources
4 and the program personnel are
5 not available to fully support
6 existing programs, the concern
7 becomes, how could a plan this
8 far-reaching and comprehensive
9 be implemented?

10 It would be unfortunate
11 to see another ambitious and
12 potentially very beneficial
13 plan created that recognizes
14 regional issues and is based on
15 sound science in the management
16 and protection of water
17 resources, only to have it go
18 unimplemented, due to a lack of
19 adequate funding and human
20 resources.

21 To prevent this, we
22 suggest one consideration would
23 be to utilize the plan to
24 provide the framework to guide
25 the direction of existing state

1 programs of water resource
2 protection and to also utilize
3 the plan as an impetus to
4 generate the necessary
5 resources required to
6 adequately support already-
7 existing state regulatory and
8 funding programs that could
9 address the priorities outlined
10 by the Committee.

11 The following
12 suggestions are more specific,
13 as they relate to the
14 priorities. And I realize, if
15 you're listening to the
16 presentation tonight, some of
17 these may be too specific or
18 asked outside the purview of
19 what the committee is doing,
20 but nonetheless, I'll read
21 them.

22 Under sustainable use
23 and supply and linking land and
24 water resource management
25 priorities, the district

1 suggests the incorporation of
2 provisions for maintaining in-
3 stream flow needs, into reviews
4 of NPDES Permit Applications
5 for storm water discharges from
6 construction activities.

7 Under linking land and
8 water resource management ---
9 now this is very specific.
10 Anything --- any effort on the
11 part of the committee to
12 support, providing sufficient
13 staffing at DEP's Northeast
14 Regional Office, in order to
15 conduct a more timely, a more
16 thorough review of post-storm
17 water management plans for new
18 development and also anything
19 that the community can do to
20 support this, this is something
21 that was discussed tonight
22 already, the restoration of
23 funding to provide assistance
24 to counties to implement the
25 storm water planning in Act

1 167. And I think this goes
2 back to the earlier suggestion
3 that simply implementing
4 already existing programs and
5 funding them could address many
6 of the priorities outlined by
7 the committee.

8 Under Waterways Corridor
9 Management, focus more funding
10 and program effort on
11 maintaining existing high-
12 quality and EV streams. In
13 other words, let's work
14 together to keep clean water
15 clean. We see this as a much
16 more cost-effective approach
17 than the need for future
18 restoration measures and
19 development of TMDLs, et
20 cetera, in the future.

21 And speaking in more
22 general terms on the issue of
23 groundwater conservation, Pike
24 County relies 100 percent on
25 this resource. Not only is it

1 critical for local residents
2 and businesses, it's also, of
3 course, the water that's
4 maintaining our EV and HQ
5 streams, particularly this time
6 of the year.

7 Overall we'd like to see
8 groundwater conservation
9 receive much more emphasis, in
10 terms of both the quality and
11 quantity of this resource.

12 We would suggest more
13 focus and program emphasis to
14 ensure that reasonable
15 withdrawal of this resource
16 takes place in order to protect
17 surface waters, as well as
18 community drinking water
19 supplies.

20 In closing, the District
21 encourages the Committee to
22 remain steadfast in its
23 commitment to Act 220 and the
24 creation of the state water
25 plan, and we look forward to

1 contributing to this very
2 worthwhile process. Thank you.

3 CHAIR FEATHERSTONE:

4 Thank you, Mr. Jose.
5 The next speaker is Orianna
6 Richards.

7 ORIANNA RICHARDS:

8 My name is Orianna
9 Richards, and I'm with the
10 Monroe County Conservation
11 District in Stroudsburg,
12 Pennsylvania.

13 I've been the head
14 resource conservationist there
15 since 1989 and just a little
16 bit of personal information, I
17 was born and raised in the
18 Delaware Water Basin, and I've
19 worked in the Delaware Water
20 Basin for about the last 20
21 years. The streams that I grew
22 up playing in as a child in
23 Montgomery County no longer
24 exist, so ---.

25 The following comments

1 were generated by the technical
2 staff of Monroe County
3 Conservation District and will
4 be considered by the
5 Conservation District Board at
6 their regular --- regularly-
7 scheduled meeting on August
8 18th. The District appreciates
9 the opportunity to testify in
10 the support of comprehensive
11 water resource planning and
12 management in the Delaware
13 River Basin. Our entire county
14 is located within the Delaware
15 River watershed, and we have
16 long recognized our
17 responsibility as stewards of
18 the Delaware River headwaters.

19 One of the greatest
20 challenges we have faced is the
21 public's perception is that the
22 little streams are less
23 important than the big ones,
24 that they don't have
25 floodplains and shouldn't have

1 riparian buffers, and that high
2 quality flowing streams are
3 adequately protected by
4 existing layer upon layers of
5 regulations. Given this
6 inherent uphill battle, we feel
7 that the Committee's priorities
8 are great. They mirror and
9 support the Basin Plan
10 developed by DRBC, which we
11 believe is critical to their
12 successful implementation. The
13 challenge of the plan will be
14 how to accomplish the
15 priorities when so many of them
16 appear to be in conflict. As
17 usual, the devil's in the
18 details.

19 In Monroe County, the
20 conservation district and
21 partners have been working very
22 hard to establish resource-
23 based planning initiatives in
24 an attempt to ensure
25 sustainable growth, which

1 includes, by definition, the
2 maintenance of instream
3 ecological integrity, flow,
4 quality and habitat. We
5 believe that if ecological
6 integrity is maintained, all
7 other needs can be met. Some
8 may have to be redefined in the
9 context of water-based
10 planning. If the priority
11 management goal is fishing or
12 recreation or industrial
13 development, in the absence of
14 a water budget, then all other
15 needs will be compromised, and
16 water management becomes
17 predatory, which is what we see
18 now.

19 We question how a
20 meaningful plan can be
21 developed in the absence of a
22 functional model to predict the
23 interrelationship between
24 groundwater withdrawals and
25 base-flow maintenance. The

1 application of sound science
2 should be a first priority in
3 the development of a plan that
4 will meet the goals of the Act
5 and facilitate management on
6 the local level where the
7 impacts are generated.
8 Cumulative groundwater
9 withdrawals should not result
10 in violations of instream water
11 quality. This is especially
12 critical below sewage treatment
13 plant outfalls.

14 The priorities should
15 take over where the Act fails.
16 Critical water-planning areas
17 are defined by the Act,
18 preventing a proactive approach
19 to plan development. Public
20 and private water and sewer
21 authorities can also trump
22 local resource-management
23 decisions. As service areas
24 are planned or expanded, there
25 must be a strategy to integrate

1 all local and regional entities
2 whose management decisions
3 affect the resource. These
4 authorities currently operate
5 outside any management
6 framework and often are
7 publicly funded.

8 The regulatory framework
9 needs an in-depth analysis to
10 ensure that Act 220 doesn't
11 conflict with all the other
12 acts and initiatives, Act 537
13 and 167, the Municipalities
14 Planning Code, the Clean
15 Streams Law, NPDES and DRBC.
16 Consistency is another
17 potential plan-breaker.

18 In closing, we'd like to
19 emphasize the importance of
20 adequate funding, which is
21 critical to both plan
22 development and implementation,
23 and of demonstrating the will
24 to translate sound science into
25 public policy, so that the

1 components of the plan are
2 defensible and marketable to
3 local government, for example.
4 We're way behind in effectively
5 managing this resource. The
6 second best time to enact Act
7 220 is now, and we recognize
8 and respect how complicated the
9 process must be in order to be
10 effective. The Conservation
11 District looks forward to
12 working with the regional and
13 state committees throughout
14 this process.

15 CHAIR FEATHERSTONE:

16 Thank you, Ms. Richards.
17 Ralph Miller?

18 RALPH MILLER:

19 We have no comments.

20 CHAIR FEATHERSTONE:

21 Okay. At this time, I'd
22 like to open or turn to the
23 floor and ask if anyone in the
24 audience would like to come up
25 and speak? No takers?

1 With that I adjourn the
2 meeting at --- I'm just reading
3 what it tells me to.

4 UNIDENTIFIED SPEAKER:

5 All I have is --- I
6 opted to submit written
7 testimony if you --- of this
8 testimony, and I just had
9 some things that I wanted to
10 add to this, but I will just do
11 that in here in this.

12 CHAIR FEATHERSTONE:

13 So noted, thank you.
14 Sir, could you identify
15 yourself?

16 MR. DIRENDO:

17 Paul Direndo,
18 D-I-R-E-N-D-O.

19 CHAIR FEATHERSTONE:

20 Thank you for the
21 interest. I'll try that again.
22 This meeting is hereby
23 adjourned at 7:50.

24
25

HEARING CONCLUDED