

May 16, 2005

The Capital Region Water Board
To the Lower Susquehanna Regional Committee
Recommendations on Institutional Issues

A) Adequacy of Water Law

- 1) Groundwater
 - 2) Regulation of Water Quantity (including ecosystem needs)
- Determine what if any changes in law are needed to implement Recommendations arising from Act 220

B) Adequacy of Resources

Professional Personnel
Other personnel
Budget

Determine the resources needed to implement recommendations arising from Act 220

C) Management of Water Infrastructure

- 1) Asset Management
 - 2) Sprawl, Cost, Land use Connection
- To manage present and future infrastructure in a sustainable way.

Recommendations on Water/Land Links

A. Policy Issues

The following issue were identified as being relevant to water-land links:

1. There is a close connection between land use and ground water protection
2. Land is regulated at the local level, water at the federal, state and regional level. Water and land have different dynamics, water moves, land use doesn't
3. Because water decisions are made at a higher level of government they are sometimes surrogates for land use decisions.
4. Differences in legal principles apply to water and land. Land is considered private property and relevant to the takings issue. The Riparian principle is applied to water. Water is considered as public property. You can use it, but must replace it and cannot diminish it in quantity and quality.

B. Links which need attention

Important water-land use links need to be addressed. The linkages are listed in priority order as established by the group as follows:

Source Protection
(Act 537 Sewage Facilities Planning)
Groundwater recharge areas
Wetlands
Water Supply
Flood Plains
Non-Point Sources
Stormwater Management
Well Head Protection
Development

The following topics are identified but not given priorities insofar as their importance falls below those listed above:

Permits for water infrastructure
TMDL (Total Maximum Daily Loads)
PUC Decisions on Water
Water and Energy Plans
Abandoned Wells/Mines/Quarries/Sink holes
Consumptive Use
Recreation
CAFOS (Concentrated animal feeding operations)
Storage and transport of polluting substances

C. Methods of Addressing the Problem of Water/Land Links

The following need to be addressed in Phase II and we should bring this issue to the attention of the Joint Committee on Air & Water Pollution of the General Assembly.

Data Needs

1. The need for better mapping
2. The need for condition and quality data; data regarding geography, groundwater quality, recharge areas, etc.

Legislative Needs

In order to address present and future problems, which link land and water, use there is a need to blend together and reorganize existing legislation into a Land-Water Management Code.

1. The Municipal Planning Code
2. The Sewage Facilities Act
3. Act 167 on Stormwater Management
4. The Law Governing Brownfields
5. There is a need to modify the municipal planning code's provision on district planning beyond "commercial and industrial planning." The scope of that

provision needs to be broadened in a manner that will allow counties and municipalities to develop alternative solutions to these problems. District planning should be done cooperatively.

6. There is a need for legislation on wetlands; present legislation used for managing wetlands is federal legislation, which does not substantively address the problem. Wetlands legislation needs to define various categories of wetlands, based on hydrology, soils and plants. Legislation needs to establish state standards for wetlands, which are developed with adequate scientific support.

Planning Needs

1. There is a need for the Counties to identify problem areas and areas of regional significance as part of the CRWB/DEP/CE-Lower Susquehanna Study. We then should select at least 10 places that are needed to correct the problem. County problems should identify corrective steps and municipalities should be encouraged to implement the correction.
2. Counties need to identify wetlands as part of their comprehensive plan. Other elements of mitigation as mentioned above, such as source protection, wellhead protection, Brownfields, etc. need to be identified on County plans.