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PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION
WATER RESOURCES PLANNING MEETING
(ACT 220)

In Re: Public Meeting

TRANSCRIPT OF PROCEEDINGS

BEFORE: BETTY CONNER, Chairperson

DATE: Monday, May 16, 2005
at 7:29 p.m.

PLACE: Radisson Penn Harris
1150 Camp Hill Bypass
Camp Hill, Pennsylvania

Jan L. Bucher
Reporter-Notary

I N D E X

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SPEAKERS

PAGE

Betty Conner

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Walter Lyon *

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Eric Epstein *

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* Attachment

1 CHAIRPERSON CONNER: It's almost 7:30, so if
2 you'd like to take your seats we can begin the formal
3 hearing. I have an opening statement to read to open the
4 hearing.

5 The purpose of this hearing is to solicit input
6 on water resources management issues in the Lower
7 Susquehanna Basin. This hearing satisfies the
8 requirements of Section 3115(b)(I), Roman Numeral I, of
9 Act 220 of 2002, the Water Resources Planning Act, which
10 requires that each regional committee is to hold at least
11 one combined public meeting and hearing within its region
12 to solicit input on water resources management and water
13 resources planning within the region.

14 Notice of this meeting was published in the
15 Pennsylvania Bulletin on February 5, 2005, and again on
16 April 30, 2005. The meeting was also advertised in the
17 Harrisburg Patriot News.

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

23 After hearing from these witnesses I will
24 provide any other interested parties with the opportunity
25 to testify as time allows; two, oral testimony is limited

1 to ten minutes for each witness; three, organizations are
2 requested to designate one witness to present testimony on
3 its behalf; four, each witness is asked to submit three
4 written copies of his or her testimony to aid in
5 transcribing the hearing.

6 Please hand me your copies prior to presenting
7 your testimony; five, please state your name and address
8 for the record prior to presenting your testimony and
9 please spell your last name. We would also appreciate
10 your help in spelling names and terms that may not be
11 generally familiar so the transcript can be as accurate as
12 possible.

13 In addition to or in place of oral testimony
14 presented at today's hearing interested persons may also
15 submit written comments on this proposal. All comments
16 must be received by the Water Planning Office on or before
17 June 30, 2005. Comments should be addressed to the
18 Department of Environmental Protection, Water Planning
19 Office, care of |Lori| Mohr, P.O. Box 2063, Harrisburg,
20 Pennsylvania 17105-2063.

21 Comments can also be e-mailed to
22 laumohr@state.pa.us. All comments received at today's
23 hearing as well as written comments received by June 30,
24 2005, will be considered by the Regional Water Resources
25 Committee as we develop the regional component of the

1 State Water Plan.

2 An official comment-response document will not
3 be prepared for comments received at this hearing. Anyone
4 interested in a transcript of this hearing may contact the
5 reporter here this evening to arrange to purchase a copy.

6 I would now like to call the first witness.

7 The first witness will be Walter Lyon, Capital Region
8 Water Board. Why don't you go to the microphone?

9 MR. LYON: I'm Walter Lyon, L-y-o-n,
10 representing the Capital Region Water Board. My address
11 is 5225 Wilson Lane, Mechanicsburg, Pennsylvania. And I
12 have copies here plus some additional copies, if anyone
13 would care to have a copy. It's not verbatim, but it hits
14 the highlights of my testimony.

15 Let me say, first of all, that I echo what
16 others have said here. I really admire what the
17 committees have done in one year. An awful lot has been
18 accomplished and you should be congratulated.

19 We are lucky in Pennsylvania now to have a law
20 that covers water resources planning, something we've
21 needed for a long time. Our recommendations to this
22 Committee cover two major topics. One is institutional
23 issues and the other really is also an institutional issue
24 because it relates to land and water links.

25 And I notice in your priorities that land and

1 water links do have a very high priority in your
2 thinking. And that should be -- you should be
3 congratulated for that.

4 Now, my first item regarding institutional
5 issues needs to remind you of something that the DEP
6 Citizens' Advisory Board covered in a very fine report in
7 March of 2000, the complete inadequacy of Pennsylvania's
8 water law.

9 For example, you talk about critical areas and
10 it's very appropriate that you pay attention to those.
11 But Pennsylvania as a state does not have a law to
12 implement those critical areas. It also doesn't have a
13 law that allows you to regulate the use of ground water.
14 So the regulation of water quantity and ground water
15 should be number one on your agenda.

16 Before coming here I looked at the law that
17 creates these committees, these water planning committees,
18 and it very clearly states -- it doesn't say may. It says
19 you shall look at these institutional issues including
20 regulatory ones and the adequacy of laws.

21 So that would be our highest priority item,
22 that you take a look at the adequacy of the laws that are
23 on the books in the State of Pennsylvania to implement the
24 things you are planning for us.

25 Number two is adequacy of resources. It asks

1 the question, Do we have adequate personnel with adequate
2 training and knowledge to implement the recommendations
3 you're making and other personnel and budget issues?

4 And I bring to your attention one very
5 significant, immediate, high-priority budget issue because
6 in the 2004 federal budget cycle the federal government
7 has cut way down on the money available to the National
8 Weather Service for flood forecasting. And I would hope
9 that you would pay some attention to that.

10 That budget has been not only cut
11 significantly, but it has been eliminated as a line-item
12 budget. So whether or not the Commission gets their money
13 is an administrative decision within the National Weather
14 Service.

15 CHAIRPERSON CONNER: Excuse me. Did you mean
16 the Susquehanna River Basin Commission?

17 MR. LYON: Yes. What did I say?

18 CHAIRPERSON CONNER: National Weather Service.

19 MR. LYON: Well, the National Weather Service
20 actually gets the funds for that purpose. The Susquehanna
21 River Basin Commission uses that information to do flood
22 forecasting.

23 And having been a state water administrator
24 during the 1972 Agnes flood, I can assure you that the
25 money that is saved in this basin due to accurate

1 forecasting of floods is 1,000 if not 10,000 times as much
2 as what this is costing us. We're talking about \$2- to \$3
3 million. We're talking about a lot more damage than
4 that.

5 My second recommendation relates to the
6 management of water infrastructure. I think the gentleman
7 earlier, I believe from Middletown, mentioned the fact
8 that a lot of our communities in this region are suffering
9 from economic depression.

10 I don't know what the value is. I hope you
11 will find out about the water infrastructure in your south
12 basin. That's a big item. Again, the law that creates
13 your process here tells you to do that. You should know
14 the condition of your water infrastructure, the water
15 systems, the sewer systems, the dams, and all the things
16 that relate to water.

17 I can tell you as an experienced administrator
18 that we're having a very serious problem with, number one,
19 sprawl and, number two, maintaining sewer systems in this
20 state. The gentleman earlier in this session brought up
21 the issue of infiltration in-flow. The cost of waiting
22 too long to properly fix these systems is going to be
23 sky-high.

24 We have a serious problem in this area and I
25 urge you to pay attention to it. In Philadelphia the

1 situation got so serious that they got a federal court
2 order. And then after that court order they did a great
3 job in doing what I would call asset management.

4 But just to finish this point, EPA recently,
5 two or three years ago, put out a program called the Gap.
6 And what they are talking about is the gap that is arising
7 between the ability of people to pay their water and sewer
8 bills and the rise in those bills which is almost
9 logarithmic.

10 My wife told me that East Pennsboro Township
11 alone is going to have to spend \$40 million to meet the
12 Chesapeake Bay -- is it \$4 million?

13 VOICE: \$8 million.

14 MR. LYON: \$8 million. Sorry. \$8 million.
15 The decimal point leads a very uncertain life in my -- \$8
16 million. Still a lot of money for one municipality. I
17 can guarantee you the sewer service charges in East
18 Pennsboro Township to remove the nitrogen from their
19 sewage treatment, from their effluent, are going to be
20 significant.

21 The point that EPA made in connection with the
22 Gap Program is there's going to be fewer and fewer
23 low-income families that can meet the cost of our water
24 infrastructure.

25 Finally, and I'll make that very brief because

1 I can see that you've already given that a lot of
2 attention, is the linkage between water and land
3 planning. That is an important area that needs a lot more
4 attention than it has been given to so far.

5 In our report from the Capital Region Water
6 Board to you we list about 20 categories of linkages
7 between land and water planning. Number one is source
8 protection for drinking water supplies. Number two is Act
9 537 and the Sewage Facilities Act.

10 And in that connection a report that's been in
11 the mill from the 10,000 friends of Pennsylvania and was
12 picked by the Brookings Foundation indicates that Act 537,
13 a state act, actually encourages sprawl. And sprawl means
14 more sewer pipe and more water pipe per person which means
15 a higher and higher cost.

16 Other areas where water and land planning
17 interact is obviously on water recharge areas which have
18 already been mentioned, wetlands, water supply sources,
19 flood plains, non-point sources, stormwater management,
20 well-head protection, and general suburban development.

21 I won't list the other ten lower priority
22 items. There are a lot of items. One of the
23 recommendations in this document which I'm going to give
24 you -- and I'll keep this short because I've been too
25 long -- is that we really need to consider a water and

1 land management code for Pennsylvania.

2 Our laws regarding water and land in part are
3 inadequate and in another part are very fragmented. And
4 we need to put them together into a unified law that
5 combines water and land management.

6 Thank you very much.

7 CHAIRPERSON CONNER: Thank you, Mr. Lyon. And
8 you're going to give the copies up front here. Our next
9 testimony is from Mr. Eric Epstein.

10 MR. EPSTEIN: You're the most important person
11 here tonight. An original and a copy and then ten copies
12 for the --

13 CHAIRPERSON CONNER: Thank you.

14 MR. EPSTEIN: You're welcome. Betty, I'm only
15 going to be about two or three hours. I'm Eric Epstein,
16 chairman of Three Mile Island Alert, which is a safe
17 energy organization formed in 1977, two years before the
18 accident at TMI. We monitor Three Mile Island, Peach
19 Bottom, the Susquehanna Steam Electric Station up in
20 Berwick.

21 I'm also the chairman of the EFMR Monitoring
22 Group which is a non-partisan group which monitors
23 radiation levels at Three Mile Island and Peach Bottom and
24 invests in remote robotic technology.

25 Before I begin I would like to insert a

1 political plug. Go vote tomorrow for Growing Greener.
2 It's important. And, hopefully, you will be able to get
3 out early and often. In fact I would strongly urge you to
4 be diagnosed with multi-personality disorder so you can
5 vote many, many times.

6 The main issue of what I'm going to talk about
7 tonight is nuclear power which we believe to be an
8 environmental orphan. It's pretty clear that if you look
9 at the Lower Susquehanna, millions of gallons are used
10 daily. And that's just the fact to cool super-heated
11 cores and just to perform normal industrial applications.

12 If you look in your testimony, I've broken down
13 the three plants that are on the Susquehanna. Two,
14 I think, are out of the Lower Susquehanna River Basin up
15 in -- there's two reactors up in Berwick which are
16 boiling-water reactors. We actually have two at TMI, one
17 is crippled, and three at Peach Bottom, one of which is a
18 40-megawatt gas reactor which has been retired.

19 At any rate, the reactors that are now
20 operating on the Lower Susquehanna all three units came on
21 line in '74. We have one unit at TMI. It's approximately
22 850 megawatts. There are about 1100 megawatts times two
23 at Peach Bottom.

24 There are times because of the age of this
25 reactor that they return water into the river in excess of

1 110 degrees. And I can tell you as a child who grew up in
2 this area TMI used to be a great place to swim. And I'm
3 not talking about the big fish, but the warm water.

4 And it's not uncommon for these plants to
5 discharge chlorinated water which is necessary to minimize
6 bacterial contamination. And recently they've been
7 discharging Clamtrol which is necessary to defeat Asiatic
8 clam at the station.

9 The problem of this is none of this is
10 monitored for or checked. Essentially it goes in
11 unchecked, unmonitored. Whether it's water consumption,
12 fish consumption, fish kills, thermal inversion, or
13 effluent discharges, nuclear power is looked at as kind of
14 like a benign monster on the side of the shore.

15 If you remember back to the 2002 drought when I
16 think 66 out of 67 of our counties had inadequate water
17 stocks, everybody was asked to conserve except the nuclear
18 power plants.

19 And just to give you a sample of the magnitude
20 of the Susquehanna Steam Electric Station -- and this is
21 one of the newer plants, actually, probably the newest
22 plant in the northeast part of the country. The plant
23 draws 40.86 million gallons of water a day from the
24 river.

25 Each unit, that's 14.93 millions gallons per

1 day, loses vapor out of the cooling tower stack while 11
2 million gallons are returned to the river. And, again, if
3 you look at my footnotes, I took the tech spec from
4 Susquehanna and put it in my testimony that will document
5 and verify this information which is actually -- you can
6 get it from PPL's Environmental Permit Report.

7 The problem is that this plant is a
8 closed-cycle plant. And it recycles intake water reducing
9 the volume of water taken to the plant. Peach Bottom is
10 not. TMI is kind of an amalgam. If you look at Peach
11 Bottom, they use and treat potable water from the
12 Susquehanna River daily, 280- to 360,000 gallons.

13 And if you haven't been down to Peach Bottom,
14 although I am anti-nuclear, it's a gorgeous sight, much
15 different than TMI. The river channels are about 60 feet
16 deep. You get to TMI and it's anywhere from two to four
17 feet deep. You can walk across the river.

18 Dramatic change in the river. I'm sure you've
19 done this, but if haven't, go down the river and it is
20 very industrialized. Across from TMI you'll see Bruner
21 Island. There's also a little hydro dam you may not be
22 aware of. It's -- I wouldn't say take a canoe because we
23 may never see you again. But if you can, the river
24 changes dramatically along the basin.

25 At any rate, at Peach Bottom, again, just to

1 draw to your attention the drought in 2002, 14 counties
2 were placed on drought watch. This is probably no news to
3 you.

4 I wanted to point out that the precipitation
5 deficits at or exceeding ten inches in 2002 when these
6 three plants were operating at full capacity were recorded
7 in Dauphin County which is where most of TMI is situated.
8 You may not know it, but some of it is situated in
9 Lancaster County. The greatest deficit was Lancaster
10 County, 14.6 inches. And York County one month received
11 no water. And that's where Peach Bottom is located.

12 Peach Bottom didn't conserve any water until
13 they were forced to shut down. Why? Again, this is
14 something that most people are unaware of. It was a
15 massive fish kill which happens regularly at these plants,
16 receives little to no publicity. It was a massive Gizzard
17 Shad fish kill which shut the plant down on August 30,
18 2002.

19 TMI presents other problems. You may not be
20 aware of the fact that TMI-2 is not cleaned up. There
21 hasn't been a human entry in the basement since March
22 '79. You have a plant that is in post-defueling
23 monitored storage but has not been decontaminated or
24 decommissioned.

25 In addition to that, the low-level radioactive

1 waste facility at TMI is below the flood plain which to me
2 is just not a smart engineering move. By the way, the
3 low-level radioactive waste site for TMI and Peach Bottom
4 closes in 2008. So these facilities will be storing more
5 low-level radioactive waste on site. And in Peach Bottom
6 right now I think they have 1100 metric tons of high-level
7 waste.

8 However, this is not the point of my testimony,
9 but just to give you some background on what we've been
10 doing. If you look at my testimony, we have documented 25
11 years of environmental-related water problems at TMI.

12 I'm not going to read that. I'm already pretty
13 unpopular as it is. The main point that I wanted to bring
14 to your attention today is -- and you're aware of this --
15 on July 9, 2004, Final Phase 2 Rule implementing Section
16 316(b) is going to affect both of these nuclear power
17 plants.

18 All you need to do is look at Exelon's current
19 annual report. The reason I am bringing this to your
20 attention is that millions of fish, both game and
21 consumable, fish eggs, shell fish, other organisms are
22 sucked out of the Lower Susquehanna River on a daily
23 basis.

24 We're talking millions killed annually. And
25 these plants are going to have to invetorize [sic] the

1 mortality rates and identify species of aquatic life
2 affected by their water intakes. Now, they're going to
3 have a choice to make in terms of implementing fish
4 protection measures such as screens with fish return
5 systems or traveling screens with backwash devices.

6 I think we have a bigger problem in TMI and
7 Peach Bottom and the reason is this. TMI has cut staffing
8 25 percent in five years. In the last five years Peach
9 Bottom has cut 10 percent. Two of the largest staffs that
10 have been cut have been in environmental monitoring and
11 health physics.

12 So you're being asked to implement 316(b) with
13 less people. You can hate me; most people do. But I just
14 ask you to do the math. Less people to implement a new
15 regulation. It's not going to happen. It's a leap of
16 faith.

17 Let me read you a quote, if I may, from the
18 Pennsylvania Fish and Boat Commission. It's hard to know
19 just what the impact on fisheries is because cool-water
20 intakes have been under the radar screen compared to some
21 other types of pollution. This is according to Leroy
22 Young. But anytime you have a man-induced impact on top
23 of what nature is doing you're affecting the ecosystem.

24 Here's a -- and this guy asked not to be
25 identified -- a former Peach Bottom employee. And I'm

1 just going to read, quote, was sickened by the large
2 number of sport fish he saw sucked out of the
3 Susquehanna. Quote, When the water comes in fish would
4 swim in through tunnels and swim into wire baskets.

5 He lives in southern Lancaster County. There
6 were hundreds and hundreds of fish killed each day,
7 Stripers and Bass and Walleye and Gizzard Shad and all
8 kinds of fish. It took a forklift to carry them out.

9 This is substantial. And this is a gentleman
10 who is pro-nuclear. TMI has a similar system for
11 disposing of fish and other organisms that make it through
12 the intake maze. According to their spokesperson, If they
13 get that far, they're not going back. They are dumped
14 into a container and disposed of.

15 However, TMI is looking for exemption from
16 316(b) because they say they don't use as much water as
17 Peach Bottom; specious argument since they only have one
18 reactor and Peach Bottom has two.

19 In my opinion and the opinion of the
20 organization I represent, nuclear power plants are the
21 most menacing predator on the Lower Susquehanna River.
22 Any comprehensive and substantive water management plan
23 must include Three Mile Island and Peach Bottom Atomic
24 Power Stations.

25 Before I get to the recommendations, and

1 there's only five, I want to point out Peach Bottom has
2 been relicensed to operate for an additional 20 years.
3 Peach Bottom has been upgraded. TMI is in the process of
4 being relicensed and will probably be upgraded.

5 You can upgrade the capacity of the nuclear
6 power plant up to 20 percent. So regardless of how you
7 feel about nuclear power, there's going to be considerable
8 water consumption, increased consumption for at least the
9 next 20 years.

10 My suggestion, my wish list, if you will, would
11 be to form a joint monitoring task fish -- force. I don't
12 know that you could form a task fish; although, that would
13 be interesting kind of on the carp anomaly -- but the
14 Pennsylvania Fish and Boat Commission, the Pennsylvania
15 Department of Agriculture, the Pennsylvania Public Utility
16 Commission, and I think you need to bring the United
17 States Coast Guard in.

18 Last year we wrote regulations that have
19 deployed the Coast Guard at Three Mile Island to Peach
20 Bottom. So you may have an ally there. But the two main
21 points for this task force, if possible, is to assess and,
22 if necessary -- and this is not going to be popular --
23 fine and penalize power plants for water infractions and
24 any adverse economic impacts they create for commercial
25 and recreational fishing.

1 Major industry for our state. Behind
2 agriculture tourism is No. 2 in our state economy. I
3 would suggest that any proceeds from punitive or civil
4 fines be contributed to the Growing Greener Fund or
5 donated to the O&M costs associated with the shad ladder
6 infrastructure on the Susquehanna.

7 Number two and, perhaps, more importantly for
8 me is I think the task force and, if not the task force,
9 this Committee or this Commission needs to examine the
10 PUC's policies and regulations relating to, quote,
11 withdraw and treatment of water, unquote. This is known
12 as the cost of water under Public Utility Code, Title 66.

13 Second recommendation, I've asked you to
14 compile and concurrently track and monitor water-related
15 transgressions at these nuclear power plants, whether
16 they're biological or aquatic, economic impacts to
17 fisheries or recreations, consumption levels, reliability
18 and potability.

19 Also, it's unfortunate but my organization is
20 the only organization that does real-time monitoring at
21 Three Mile Island or Peach Bottom. We maintain real-time
22 gamma monitoring systems. And that's only for atmospheric
23 ambient releases. There are no monitors in place right
24 now to monitor what's put into the river.

25 I would hope and urge people to consider

1 implementing temperature monitoring at the point a nuclear
2 power plant effluent discharges.

3 And the last point -- and this may seem a bit
4 silly. I just think we take water for granted. I really
5 do. I would love to see you implement a public education
6 campaign that promotes the value of water as a commodity
7 and an economic asset.

8 I went to college on the West Coast and believe
9 me, the people out there realize that water comes at a
10 premium. And the water politics are amazing. So my last
11 recommendation is at some point -- and you have a great
12 crowd out here -- but at some point people begin to value
13 the importance of water. I think it's a resource they
14 take for granted.

15 I want to conclude by echoing what I said
16 earlier which will probably nominate me for a
17 multi-personality disorder and that's thanks for sitting
18 through this. I'm sure that the compensation is minimal
19 and a lot of work has gone into it.

20 So to your credit, if you don't mind, I'd like
21 to give you a round of applause for all the work that
22 you've done.

23 CHAIRPERSON CONNER: Thank you for your
24 testimony. I let you go on because we only had two people
25 registered to give testimony. And I appreciate your

1 recommendations.

2 MR. EPSTEIN: I have extra copies, if anybody
3 would like them.

4 CHAIRPERSON CONNER: Do we have anybody else
5 who would like to testify?

6 (No response.)

7 CHAIRPERSON CONNER: Well, if there's nobody
8 else, then I would hereby adjourn the meeting at
9 7:58 p.m. And thank you all for coming. And please send
10 in your comments, if you have any additional ones, to
11 DEP. Thank you.

12 (Whereupon, the hearing was concluded at
13 7:58 p.m.)

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