

**PROCESS FOR RECOMMENDATION  
OF  
CRITICAL WATER PLANNING AREAS  
DURING  
DEVELOPMENT OF STATE WATER PLAN**

**I. Introduction - Statutory Basis for CWPA Recommendation and Designation**

The following is a summary of the statutory language of Act 220 regarding the CWPA Recommendation and Designation Process:

- A. Section 3112(d)(1) – In advance of formal adoption of a Regional Plan or the State Water Plan and if justified by evidence developed in the planning process, a Regional Committee may recommend the designation of a CWPA.
- B. Section 3112(d)(1) – The Statewide Committee and the Secretary, upon recommendation of a Regional Committee, may designate the CWPA for the development of a Critical Area Resource Plan (CARP) for any watershed or watersheds within the area.

**II. Process For Nomination, Review, Recommendation and Designation of CWPAs**

In order to recommend or designate Critical Water Planning Areas in advance of formal adoption of a Regional Plan or the State Water Plan, the following process will be used, whereby Regional Committees may receive CWPA nominations based on evidence already available or developed in the planning process and may recommend significant hydrologic units for designation as CWPAs. The designation process consists of four stages: Stage 1 - A nomination and prioritization process, by the Regional and Statewide Committee; Stage 2 - A data verification, development and review process, by DEP; Stage 3 - a review and recommendation process, by the Regional Committee; and Stage 4 - a review and designation process, by the Statewide Committee and DEP Secretary.

***Stage 1 – Process for Submission and Prioritization of CWPA Nominations***

1. A nomination petition shall be submitted to DEP and must include the following information:
  - a. Delineation on a suitable scale map and a description of the proposed CWPA, which should be a watershed or aquifer of generally 15 sq mi or larger
  - b. Name of primary stream or hydrologic unit or units within the proposed CWPA
  - c. Description of reason for proposed designation, in accordance with CWPA Screening and Review Criteria document
  - d. Evidence of notification of intent to file a nomination, to each county and municipality within the proposed CWPA.
  - e. Designation of a lead entity and contact person responsible for coordination and communication of the nomination, including signature and attestation of accuracy.

The nomination petition should also include as much of the following information as is available:

- a. Inventory of current withdrawals, discharges and storage within the proposed CWPA
- b. Projected withdrawals, discharges and storage in next 5 years within the proposed CWPA
- c. Other available information documenting the reason described in paragraph c, above, including any supporting technical studies.
- d. Identification of pending or proposed water resources management actions that may address the potential shortage, conflict or impact
- e. List of specific issues or items to be addressed in a Critical Area Resources Plan (CARP) for the proposed CWPA
- f. List of potential local or other resources, other than state agencies or river basin commissions, which may be available to assist in additional data development in Stage 2.
- g. Proposed budget, including potential sources and disposition of funds, for developing the CARP
- h. Letters of commitment for funding
- i. Copies of, or references to, relevant water resources planning documents (e.g. Act 167 Storm Water Management Plan, Rivers Conservation Plan, etc.)
- j. Letters of support for designation as a CWPA

Four copies of nomination petitions and supporting documents must be submitted to the Department. The Department will distribute copies of complete nominations to: 1) Chair of the appropriate Regional Committee; 2) appropriate PADEP Regional Office(s); and 3) appropriate river basin commissions (e.g. SRBC, DRBC).

2. Each Regional Committee will create and maintain a regional prioritized list of CWPA nomination petitions accepted in accordance with the procedures of this section.

Upon receipt of a nomination petition, DEP on behalf of the Regional Committee will review the petition for completeness of mandatory information and availability of information necessary to conduct an initial screening of the nomination based upon the initial screening criteria in Section II.B.4. of the CWPA Screening and Review Criteria document, and:

- a. If the petition is incomplete, DEP will return the petition with a description of the incomplete information.
- b. If the petition is complete and sufficient data for initial screening are available, DEP will forward the data with the petition to the Regional Committee. DEP will notify the petitioner.
- c. If sufficient data for initial screening are not available, DEP will forward the petition to the Regional Committee with a list of the data needed and a projected timetable for obtaining the data. DEP will notify the petitioner. DEP will then endeavor to obtain the necessary data.

Upon receipt of a petition and necessary data from DEP, the Chair of the Regional Committee will schedule a discussion of the nomination petition at a Regional Committee meeting. At this meeting, the Regional Committee will apply the initial screening criteria in Section II.B.4. of the Screening and Review Criteria document, and other considerations, to determine whether the nomination will be accepted for inclusion on the regional list of nominations. If the petition is added to the regional list, the Regional Committee will assign the petition a priority relative to all petitions on the regional list. DEP will provide notice of addition of the nomination petition to the Regional list in the *Pennsylvania Bulletin*.

3. Each time a petition is added to a regional list, the nomination petition along with the revised list will be forwarded to the Statewide Committee. The Statewide Committee will combine the six Regional Committee prioritized lists of CWPA nomination petitions into one statewide prioritized list of CWPA nomination petitions.

Upon receipt of a nomination petition and revised list from a Regional Committee, the Chair of the Statewide Committee will schedule and conduct a discussion of the nomination petition for inclusion on the statewide list of nominations. The discussion will take place at a Statewide Committee meeting. The Statewide Committee will assign the petition a priority relative to all petitions on the statewide list.

4. At all Regional and Statewide Committee meetings, DEP will report on the status of each nomination petition on the regional or statewide list. The Regional and Statewide Committees may revise priorities on their respective lists at any meeting, particularly if new nominations have been received.

### ***Stage 2 – Process for Data Verification and Development and Review of Nomination Petitions***

Once a nomination has been included on the statewide nominations list, it will be necessary to develop any additional data that may be required for a complete review of the nomination. The complete review will be based upon the overall criteria provided in the CWPA Screening and Review Criteria document. Such additional supporting information may be developed or provided by any organization or entity, including the proponent, the regional committee, the Department, a river basin commission or any other appropriate entity.

In accordance with the outline below, DEP, relying upon its own resources and resources of other agencies or organizations to the extent available, will conduct a review of each petition on the statewide list as necessary to determine the adequacy and completeness of available data to support a recommendation for designation as a CWPA. If insufficient data are available, DEP, again relying upon its own resources and resources of other agencies or organizations or the petitioner to the extent available, will develop sufficient data for submission to the Regional Committee to enable the Regional Committee to make a decision as to whether the proposed area should be recommended for designation.

DEP will:

- a. Review nomination for completeness of all information necessary to conduct a full review, and develop (in conjunction with other appropriate entities) a schedule for completion of information, as necessary
- b. Develop additional information necessary for full review of nomination
- c. Verify:
  - i. Delineation of proposed Critical Water Planning Area (map)
  - ii. Water withdrawal, discharge and storage information (historical and current)
  - iii. Demand projections (for math and consistency with census information)
  - iv. Facts supporting reason for proposed designation (in coordination with other local, state, interstate and federal agencies, as appropriate)
- d. Summarize relevance of studies identified in petition; identify additional studies or information sources
- e. Identify additional potential water resources management alternatives to address the potential shortage, conflict or impact
- f. Evaluate nomination relative to Sections I and II.A, with consideration of the criteria in Section II.B.4 of the CWPA Screening and Review Criteria document
- g. Prepare CWPA Petition Review Memorandum and conclusions regarding whether or not the nomination satisfies the CWPA designation criteria, and send to Chair of Regional Committee with supporting documentation

***Stage 3 – Process for Regional Committee Review and Recommendation of a CWPA***

The Regional Committees will use the following review and decision-making process to recommend a CWPA designation to the Statewide Committee:

- a. Distribute petition and CWPA Petition Review Memorandum to Regional Committee members
- b. Make nomination materials available for public review
- b. Regional Committee meets to discuss and approve proceeding with public hearing.
- c. Schedule a public hearing on agenda for committee meeting
- d. Notify petitioner and potentially affected parties of scheduled public hearing. Affected municipalities will be sent a copy of the CWPA Petition Review Memorandum (or a summary with information on how to obtain the complete document).
- e. Publish notice in Pennsylvania Bulletin and provide a public comment period
- f. Based on Sections I and II.A., with consideration of the criteria in Section II.B.4 of the CWPA Screening and Review Criteria document, act on petition after public hearing at a scheduled advertised meeting of Committee. Actions may include:
  - i. Refer petition back to applicant or DEP staff for additional evaluation
  - ii. Recommend approval and forward recommendation to Statewide Committee
  - iii. Reject the petition and provide documentation of the reasons for rejection.

***Stage 4 – Process for Statewide Committee and Secretary Review of CWPA Recommendation***

Applying Sections I and II.A., with consideration of the criteria in Section II.B.4 of the CWPA Screening and Review Criteria document, the Statewide Committee and the Secretary will use the following process to consider the recommendation of a Regional Committee for designation of a CWPA:

1. Statewide Committee
  - a. Receive Regional Committee recommendation with supporting information and summary of public testimony before the Regional Committee
  - b. Schedule for Statewide Committee Meeting
  - c. Distribute to Statewide Committee members with supporting information
  - d. Act on recommendation at scheduled, advertised meeting:
    - i. Approve and forward to DEP Secretary for concurrence and final decision, or
    - ii. Reject and return to Regional Committee for possible second review and hearing. Provide documentation of reasons for rejection.
2. DEP Secretary
  - a. Approve or reject recommendation
  - b. Notify Statewide and Regional Committee and applicant of decision
3. If the recommendation is approved by the Statewide Committee and DEP Secretary, the identification of the Critical Water Planning Area will become a component of the Regional Water Plan under Section 3112(a)(6) of the Act.