

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

### **I. INTRODUCTION - STATUTORY BASIS FOR CWPA NOMINATION PROCESS**

The following is a summary of the statutory language of Act 220 regarding the CWPA Nomination Process:

- A. 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. Section 3112(d)(1)
- B. 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. Section 3112(d)(1)

### **II. PROCESS FOR NOMINATION OF CWPAS**

In order to designate Critical Water Planning Areas in advance of formal adoption of a Regional Plan or the State Water Plan, the following Nomination Process will be used, whereby Regional Committees will receive CWPA nominations based on evidence developed in the planning process. The Nomination Process consists of three stages: Stage 1 - A submittal process; Stage 2 - a review process by the Regional Committee; and Stage 3 - a review process by the Statewide Committee and DEP Secretary.

#### ***Stage 1 – Process for Submittal of CWPA Nomination***

- 1. A Nominating Petition must contain:
  - a. Delineation of proposed Critical Area (map) (must be generally at least 15 sq mi watershed or aquifer)
  - b. Name of hydrologic unit or units within the Critical Area
  - c. Information [inventory of] on current withdrawals, if available
  - d. Projected water demands in next 5 years within proposed Critical Area
  - e. Reason for proposed designation (per CWPA Criteria Document)
  - f. Identification of pending or proposed water resources management actions that would address the potential shortage, conflict or impact
  - g. List of specific issues or items to be addressed in a Critical Area Water Resources Plan for the proposed Critical Water Resources Planning Area
  - h. Proposed budget, including specific potential sources and disposition of funds, for the Critical Water Resources Plan
    - i. Attach any letters of commitment for funding

*QUESTION TO STATEWIDE COMMITTEE: Should the requirement for “proposed budget” and “funding commitments” be required in the evaluation/nomination process; or should this be addressed in a subsequent process initiated after final approval of the CWPA by the Statewide Committee and Secretary? (needs to be resolved by Statewide Committee and DEP at a later date)*

- i. Reference or attach copies of relevant water resources planning documents (e.g. an Act 167 Storm Water Management Plan, and Rivers Conservation Plan, etc.)
2. Designation of a lead entity and contact person responsible for coordination and communication of the Nomination.
3. Nominating Petitions must be signed by an authorized representative of each county and municipality within the proposed Critical Area and by an authorized representative of regional, county, or local planning agency(ies) within the area being nominated.

*QUESTION TO STATEWIDE COMMITTEE: Who is the applicant? What concurring or “affirming” signatories should be require (if any)? Should the nomination package include, where available, comments from counties, municipalities, and/or other local, regional, or county planning agencies within the area being nominated?*

4. Include any supporting technical studies.
5. Complete Nominating Petitions and supporting documents must be submitted to the Chair of the appropriate Regional Committee with copies to: 1) PADEP (Harrisburg), 2) PADEP appropriate Regional Office(s), and 3) appropriate river basin commission (e.g. SRBC, DRBC).

### **Stage 2 – Process for Regional Committee Review of CWPA Nomination**

In order to consider the sufficiency and appropriateness of a CWPA nomination for recommendation to the Statewide Committee, the following review and decision-making process will be used by the Regional Committees.

1. Regional Committee staff (DEP) on behalf of Chair acknowledge receipt of Petition
2. DEP staff
  - a. Review petition for completeness
    - i. If incomplete, respond with request for additional information
    - ii. If complete, respond with completeness letter outlining review process
  - b. Verify:
    - i. Delineation of proposed Critical Area (map)
    - ii. Water withdrawal information (historical and current)
    - iii. Demand projections (for math and consistency with census information)
    - iv. Facts supporting reason for proposed designation
      1. Coordinate as necessary with other local, state, inter-state, and federal agencies

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- c. Summarize relevance of studies identified in Petition; identify additional studies or information sources
  - d. Identify additional potential water resources management alternatives to address the potential shortage, conflict or impact
  - e. DEP staff evaluate nomination relative to CWPA criteria
  - f. Prepare CWPA Petition Review Memorandum and conclusions regarding whether or not the nomination satisfies/does not satisfy the CWPA criteria, and send to Chair of Regional Committee with supporting documentation
3. Regional Committee
- a. Distribute Petition and CWPA Petition Review Memorandum to Regional Committee members
  - b. Regional Committee meets to discuss and approve proceeding with public hearing.
  - c. Schedule a public hearing on agenda for Committee meeting within 60 days
  - d. Notify petitioner and potentially affected parties of scheduled public hearing
  - e. Publish notice in Pennsylvania Bulletin
  - f. Act on Petition after public hearing, or at next scheduled advertised meeting of Committee, at discretion of Chair. Actions may include:
    - i. Refer petition back to applicant or DEP staff for additional evaluation
    - ii. Recommend Approval and forward Petition to Statewide Committee
    - iii. Recommend Rejection and forward Petition to Statewide Committee

### ***Stage 3 – Process for Statewide Committee Review of CWPA Nomination***

In order to consider the recommendation of a Regional Committee for designation of a CWPA, the following review and decision-making process will be used by the Statewide Committee and the Secretary.

1. Statewide Committee
  - a. Receive Petition with supporting information, including recommendation of Regional Committee and summary of public testimony before the Regional Committee
  - b. Schedule for Statewide Committee Meeting within 60 days
  - c. Distribute to Statewide Committee members with supporting information
  - d. Act on Petition at scheduled, advertised meeting:
    - i. Approve and forward to DEP Secretary for concurrence
    - ii. Reject and forward to DEP Secretary for concurrence
2. If Statewide Committee and DEP Secretary do not concur, petition is returned to Regional Committee for second review and hearing
3. If Petition is Approved by Statewide Committee and DEP Secretary, applicant is notified of action, and Critical Water Planning Area will become a component of the Regional Water Plan.

<p><i>QUESTION FOR STATEWIDE COMMITTEE: Should Statewide Committee and DEP Secretary reviews be sequential or simultaneous?</i></p>
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