BEFORE THE
DELWARE REGIONAL WATER RESOURCES
COMMITTEE
* * * * * * * *
IN RE: ACT 220—Pennsylvania State
Water Plan
PUBLIC HEARING
* * * * * * * *
BEFORE: DR. JEFFREY FEATHERSTONE,
Chair
DESIREE HENNING-DUDLEY,
Member
M. IRVIL KEAR, Member
GARY KRIIBBS, Member
PRESTON LUITWEILER, Member
ALLEN FIDLER, Member
JOHN HOEKSTRA, Member
ROBERT WENDELGASS, Member
BARBARA SMITH, Member
DARYL JENKINS, Member
MIKE STOKES, Member
HEARING: Thursday, August 11, 2005
7:30 p.m.
Reporter: Kenneth D. O'Hearn
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WITNESSES: John Jose, Orianna Richards, Ralph Miller,
Marty Kunstuann
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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,
which requires that each
regional committee holds at
least one combined public
meeting and hearing within its
region to solicit input on
water resources management and
water resources planning within
the region. Notice of this
meeting is published in the
Pennsylvania Bulletin in
February 5th, 2005, April 30th,
2005, and July 31st, 2005, as
well as advertised in the
Harrisburg Patriot News.

In order to give
everyone an equal opportunity
to comment this evening, I
would like to establish the
following ground rules. I will
call first upon the witnesses
who have pre-registered to
testify at this evening's
hearing, as included on the
schedule of witnesses. After
hearing from these witnesses, I
will provide any other
interested parties with the
opportunity to testify as time
allows. Oral testimony is
limited to ten minutes for each
witness. Organizations are
requested to designate one
witness to present testimony on
its behalf. Each witness is
asked to submit pre-written
copies of his or her testimony
to aide in transcribing the
hearing. Please hand me your
copies prior to presenting your
testimony. Please state your
name and address for the
record, prior to presenting
your testimony. We would also
appreciate your help in
spelling names and terms that
may not be generally familiar
so that the transcript can be
as accurate as possible.

In addition to or in
place of oral testimony

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presented in today's hearing, interested persons may also submit written comments on this proposal. Comments should be addressed to the Department of Environmental Protection, Water Planning Office, in care of Lori Moore, P.O. Box 2063, Harrisburg, PA 17105-2063. Comments can also be e-mailed to LAUMOHR@state.pa.us. All comments received at today's hearing, as well as written comments, will be considered by the regional water resources committee as we develop the regional component of the state water plan. An official comment and response document will not be prepared for comments received at this hearing. Anyone interested in a transcript of this hearing may contact the reporter here tonight to arrange to purchase
a copy.

I would like to now call the first witness. Is there a Marty Kunstuann? John Jose?

JOHN JOSE:

Thank you. John Jose, Pike County Conservation District. The following comments that are being provided tonight, are being provided on behalf of the Pike County Conservation District. The District thanks the Committee for the opportunity to testify in support of comprehensive planning for water resource conservation in the Delaware River Basin.

To start off and to put the District's concerns into perspective, I will offer some background information with a focus on the increasing levels of residential and commercial development that are occurring
in Pike County. Some of the information I'll be presenting may be familiar to you, but I think at least some of what I will outline is relatively new information.

For the past three-and-a-half decades, Pike County has held the distinction of being the most rapidly developing county in the Commonwealth, and currently is also listed among the top 100 most rapidly developing counties in the nation. This development is primarily taking place within the County's major watersheds, all of which are classified as special protection watersheds by the Pennsylvania Department of Environmental Protection, presenting potential for significant impact with high quality and exceptional value water resources of these
watersheds.

The recently completed 2004 Pike County comprehensive plan update included population projections and build out analyses. The fairly conservative models, used to project growth rate, show Pike County's population will only continue to increase, reaching approximately 65,000 by 2010, and by 2025 a population of between 93,000 and 102,000 residents, which predict nearly doubling the County's current population.

These escalating growth pressures will continue to present significant challenges to maintain the County's water resources, which are inextricably linked to the quality of life enjoyed by residents, the regional economy, healthy, functioning
ecosystems and last but not least, human health.

Now, to relate what is occurring and what is at stake at Pike County to the priorities outlined by the committee, we offer the following.

The priorities outlined by the Committee are comprehensive and if implemented, could address many of the challenges currently presented by increasing land development pressures, not only in Pike County, but throughout the northeast region.

However, a primary concern of the District related to the priorities is as follows. Many of the priorities listed could be accomplished through fully implementing and adequately funding Pennsylvania State
regulatory and funding programs already in existence. If sufficient monetary resources and the program personnel are not available to fully support existing programs, the concern becomes, how could a plan this far-reaching and comprehensive be implemented?

It would be unfortunate to see another ambitious and potentially very beneficial plan created that recognizes regional issues and is based on sound science in the management and protection of water resources, only to have it go unimplemented, due to a lack of adequate funding and human resources.

To prevent this, we suggest one consideration would be to utilize the plan to provide the framework to guide the direction of existing state
programs of water resource
protection and to also utilize
the plan as an impetus to
generate the necessary
resources required to
adequately support already-
existing state regulatory and
funding programs that could
address the priorities outlined
by the Committee.

The following
suggestions are more specific,
as they relate to the
priorities. And I realize, if
you're listening to the
presentation tonight, some of
these may be too specific or
asked outside the purview of
what the committee is doing,
but nonetheless, I'll read
them.

Under sustainable use
and supply and linking land and
water resource management
priorities, the district
suggests the incorporation of provisions for maintaining in-stream flow needs, into reviews of NPDES Permit Applications for storm water discharges from construction activities.

Under linking land and water resource management -- now this is very specific. Anything -- any effort on the part of the committee to support, providing sufficient staffing at DEP's Northeast Regional Office, in order to conduct a more timely, a more thorough review of post-storm water management plans for new development and also anything that the community can do to support this, this is something that was discussed tonight already, the restoration of funding to provide assistance to counties to implement the storm water planning in Act
167. And I think this goes back to the earlier suggestion that simply implementing already existing programs and funding them could address many of the priorities outlined by the committee.

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

And speaking in more general terms on the issue of groundwater conservation, Pike County relies 100 percent on this resource. Not only is it
critical for local residents and businesses, it's also, of course, the water that's maintaining our EV and HQ streams, particularly this time of the year.

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

We would suggest more focus and program emphasis to ensure that reasonable withdrawal of this resource takes place in order to protect surface waters, as well as community drinking water supplies.

In closing, the District encourages the Committee to remain steadfast in its commitment to Act 220 and the creation of the state water plan, and we look forward to
contributing to this very worthwhile process. Thank you.

CHAIR FEATHERSTONE:

Thank you, Mr. Jose.

The next speaker is Orianna Richards.

ORIAANNA RICHARDS:

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

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

The following comments
were generated by the technical staff of Monroe County Conservation District and will be considered by the Conservation District Board at their regular --- regularly-scheduled meeting on August 18th. The District appreciates the opportunity to testify in the support of comprehensive water resource planning and management in the Delaware River Basin. Our entire county is located within the Delaware River watershed, and we have long recognized our responsibility as stewards of the Delaware River headwaters.

One of the greatest challenges we have faced is the public's perception is that the little streams are less important than the big ones, that they don't have floodplains and shouldn't have
riparian buffers, and that high
quality flowing streams are
adequately protected by
existing layer upon layers of
regulations. Given this
inherent uphill battle, we feel
that the Committee's priorities
are great. They mirror and
support the Basin Plan
developed by DRBC, which we
believe is critical to their
successful implementation. The
challenge of the plan will be
how to accomplish the
priorities when so many of them
appear to be in conflict. As
usual, the devil's in the
details.

In Monroe County, the
conservation district and
partners have been working very
hard to establish resource-
based planning initiatives in
an attempt to ensure
sustainable growth, which
includes, by definition, the
maintenance of instream
ecological integrity, flow,
quality and habitat. We
believe that if ecological
integrity is maintained, all
other needs can be met. Some
may have to be redefined in the
context of water-based
planning. If the priority
management goal is fishing or
recreation or industrial
development, in the absence of
a water budget, then all other
needs will be compromised, and
water management becomes
predatory, which is what we see
now.

We question how a
meaningful plan can be
developed in the absence of a
functional model to predict the
interrelationship between
groundwater withdrawals and
base-flow maintenance. The
application of sound science should be a first priority in the development of a plan that will meet the goals of the Act and facilitate management on the local level where the impacts are generated. Cumulative groundwater withdrawals should not result in violations of instream water quality. This is especially critical below sewage treatment plant outfalls.

The priorities should take over where the Act fails. Critical water-planning areas are defined by the Act, preventing a proactive approach to plan development. Public and private water and sewer authorities can also trump local resource-management decisions. As service areas are planned or expanded, there must be a strategy to integrate
all local and regional entities whose management decisions affect the resource. These authorities currently operate outside any management framework and often are publicly funded.

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

In closing, we'd like to emphasize the importance of adequate funding, which is critical to both plan development and implementation, and of demonstrating the will to translate sound science into public policy, so that the
components of the plan are
defensible and marketable to
local government, for example.
We're way behind in effectively
managing this resource. The
second best time to enact Act
220 is now, and we recognize
and respect how complicated the
process must be in order to be
effective. The Conservation
District looks forward to
working with the regional and
state committees throughout
this process.

CHAIR FEATHERSTONE:
Thank you, Ms. Richards.

Ralph Miller?

RALPH MILLER:
We have no comments.

CHAIR FEATHERSTONE:
Okay. At this time, I'd
like to open or turn to the
floor and ask if anyone in the
audience would like to come up
and speak? No takers?
With that I adjourn the meeting at —— I'm just reading what it tells me to.

UNIDENTIFIED SPEAKER:
All I have is —— I opted to submit written testimony if you —— of this testimony, and I just had some things that I wanted to add to this, but I will just do that in here in this.

CHAIR FEATHERSTONE:
So noted, thank you.

Sir, could you identify yourself?

MR. DIRENDO:
Paul Direnko,
D-I-R-E-N-D-O.

CHAIR FEATHERSTONE:
Thank you for the interest. I'll try that again. This meeting is hereby adjourned at 7:50.

***HEARING CONCLUDED***