BEFORE THE
REGIONAL WATER RESOURCES COMMITTEE
OF
COMMONWEALTH OF PENNSYLVANIA
* * * * *
IN RE: PENNSYLVANIA STATE WATER PLAN
PRESENTATION
* * * * *
BEFORE: CAROL R. COLLIER, Chair
Jeffrey Featherstone, Member
Allen Fidler, Member
Julie Lyn Gallisdorfer, Member
Honorable Kate Harper, Member
Helen Haun, Member
Desiree Henning-Dudley, Member
John Hoekstra, Member
Darryl Jenkins, Member
M. Irvil Kear, Member
Gary M.B. Kribbs, Member

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Robert Wendelgass, Member
John Woodling, Member

LOCATION: Northampton County
Community College
511 East 3rd Street
Bethlehem, PA 18015

HEARING: Thursday, September 11, 2008
7:30 p.m.

WITNESSES: Kenneth Kerstner, Jim
Hartmann, Richard Raab,
Richard Burke, Mike
Grossmann, Richard McNutt,
Al Siess

Reporter: Kenneth D. O'Hearn
APPEARANCES

NO COUNSEL PRESENT
INDEX

OPENING REMARKS
By Carol Collier, Chair 6 - 9

TESTIMONY
By Kenneth Kerstner 9 - 14
By Jim Hartmann 14 - 17
By Richard Raab 17 - 20
By Richard Burke 20 - 28
By Mike Grossmann 28 - 31
By Richard McNutt 31 - 38
By Al Siess 38 - 41

CLOSING REMARKS
By Carol Collier, Chair 41 - 42

CERTIFICATE 43
<table>
<thead>
<tr>
<th>Number</th>
<th>Description</th>
<th>Offered</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NONE OFFERED</td>
<td></td>
</tr>
</tbody>
</table>
PROCEEDINGS

CHAIR:

We'd like to get started with the hearing portion of tonight's meeting. Would everyone take their seats, please? Okay. Let's take our seats, please.

I'd like to open the hearing. This is the Delaware Regional Water Resources Committee hearing. It's the State Water Planning and Regional Committee input on the state water plan.

I'd like to welcome you this evening to the Water Resources public hearing to solicit input on the draft state plan.

My name is Carol Collier, and I represent the Committee, the Delaware Regional Water Resources
Committee. I am Chair and Jeffrey Featherstone in the front row is Vice Chair.

With us are members of the Committee and if you were here during the meeting, you've met them, and also the staff of the DEP, Pennsylvania DEP.

The purpose of this hearing is to solicit input in the draft state water plan. This hearing satisfies the requirements of the Water Resources Planning Act and notice of this meeting was published in the Pennsylvania Bulletin on August 23rd, 2008.

The meeting was also advertised in several area papers. In order to give everyone an equal opportunity to comment this evening, I'd like to have the following ground rules.

I will first call upon
witnesses who have
pre-registered to testify, and
are included on the schedule.
After hearing from these
witnesses, I will provide any
other interested parties with
the opportunity to testify.

Oral testimony is
limited to ten minutes for each
witness. Organizations are
requested to designate one
witness to provide testimony on
its behalf. Each witness is
asked to submit three written
copies of his or her testimony
to aid in the transcribing of
the hearing.

And we do have an
official reporter tonight, so
please state your name and
address for the record prior to
starting your testimony.

We'd also appreciate
help in spelling names and
terms that may be generally
unfamiliar.

So with that, I do have
a list of witnesses that have
already signed up. The first
is Ken Kerstner.

MR. KERSTNER:

Good evening. First
off, my name is Ken Kerstner,
K-E-R-S-T-N-E-R. I'm a well
driller and pump installer from
Easton, Pennsylvania. I have
my own company. And I'm a
member of the Pennsylvania
Ground Water Association. I'm
also a member of the National
Ground Water Association, with
a master ground water
contractor certification. And
I also am certified in
geothermal drilling for the
geothermal industry. And I'd
like to thank all our people up
front here that have put many
hours in, I'm sure, on this
state water plan. Sitting here
listening tonight, it's really a large project. And I appreciate all the time that you have put in on this.

Okay. I'm going to touch on ground water. That's my business. That's where I do my thing. I have for 47 years. And on the ground water issue, I'm going to address a little bit on quality, why the quality should be addressed, and taken particular attention to.

Because what surface waters you were talking about quality also. That's part of the issue. The definition --- I'm going to talk about wells primarily. How many people --- I'd like to ask a question. How many people here tonight on public water are on surface water --- public water; do any of you know?

Okay, small number. How
many of you on public water are on well water that you know of? About the same. How many of you are on private systems with wells? I would say that's a majority. I just wanted to know. That's why I'm addressing the ground water.

My definition of a well is any boring greater in depth than diameter. It can be a water well, a monitoring well, an environmental test well, a geothermal well. And what I want to address about this is during the construction of these borings, we are cutting through nature's filter, which is our top soils, our subsoils. And in these soils we have our microbes and the sands and the clays which help purify our water.

Now, when there's surface water precipitating
down through or when the water
is being discharged, et cetera,
anyway, rain water, it all goes
through our soils. And when we
drill any of these borings
which I mentioned previously,
we interrupt that. And we
interface with bedrock and also
with our ground waters.

And my issue is to bring
attention to this and it is
addressed. There is a
construction part in the state
water plan on page 53. It's
very brief and that's just
where I'm going to concentrate	onight, to bring attention to
that.

The important part of
the borings is to have them
sealed. When the borings is
complete, to have those borings
sealed from whatever point at
the end of that and depth to
the ground surface. Now, this
will naturally put back our filter, which is on the ground back to its original state.

And this is what we're missing. We only have --- Pennsylvania is only two of the states in our nation that do not have construction standards for residential drilling. I think that's pretty bad. The other states have just run away with it and have good results as far as keeping their ground water from drillings in a high state of call.

I believe we need regulation, we need certification of our drillers, we need inspectors to make sure that it's done correctly, and I think it should be a priority. I think that should be maybe our number four priority on our list of three-part areas we had listed earlier tonight.
I won't go into any of the particulars of it because that would be later coming. But I just want to bring the attention of that. It's an important part for quality; it's going to impact a lot of people. It impacts a majority of people here tonight.

And I thank you for your time and all your effort that you're putting into this. Thank you.

CHAIR:
Thank you. Our next speaker is Jim Hartmann.

MR. HARTMANN:
Good evening and thank you very much. I'd like to thank the Committee again for having given us the opportunity to comment on this statewide plan. My name is Jim Hartmann, H-A-R-T-M-A-N-N. I'm from Jamison, Pennsylvania, Warwick
Township.

I work for Franklin Electric, who is one of the world's largest manufacturers of submersible pumps and motors. My position there is a Regional Service Manager, so I cover most of the surrounding states including Pennsylvania in a service capacity.

I'm a member of the Pennsylvania Ground Water Association, in addition to the National Ground Water Association, and Water Systems Counsel. My comment tonight was to just make everyone aware of the importance of ground water.

Ken's question before about how many people depend on ground water here, one of the comments was made earlier, or I should say one of the observations was about the
water quantity and how quality will be addressed.

I think we need to bring quality to the front foremost, because we can have a lot of water, but if it's not potable we've got a problem. Thirty-seven (37) percent of Pennsylvanians depend on ground water for their potable water. It's got to be good quality water.

It's estimated that over 15,000 new wells go in Pennsylvania every year. We need -- we must ensure that they're properly constructed by qualified certified individuals. Many of our townships, municipalities and counties have already created their own regulations because they've recognized the need to have minimum standards.

I think it's imperative
on us for a statewide
initiative to have minimum
standards implemented and as I
said as a priority rather than
just a recommendation.

In closing, I would just
like to say I would like to see
this plan again with all the
other good points contained in
the plan to be proactive rather
than reactive to a situation
that needs to be corrected.

Thank you again for your
time and your consideration.

CHAIR:

Thank you, sir. Our
next speaker is Dick Raab.

MR. RAAB:

Good evening. My name
is Richard Raab, R-A-A-B. I'm
a driller. I've been in the
drilling business for over 50
years, well over 50 years.
We're a third generation
drilling family. Currently my
son has taken over the operation. I'm also a member of the Pennsylvania Ground Water Association. The Pennsylvania Ground Water Association consists of well drillers, scientists, suppliers, manufacturers of well equipment.

The Committee has come up with three major points. I think they are excellent points and I would like to commend the Committee on the work they have done to arrive at this point. I know it takes a lot of work.

I'd like you to consider a fourth point, ground water. To echo a little bit of what the other two gentlemen said, we're very concerned in protecting our ground water. There's only two states that do not have any regulations at all for ground water and
Pennsylvania happens to be one of the two, which I don't think is very good.

There's three counties in the state that have some regulations; Chester, Montgomery and Bucks just recently put in regulations, which I happened to be in Bucks County and helped to do that.

We need statewide regulations on well locations, on well head protection, casing grouting, license to drillers and we need continuing education for the drillers. Pennsylvania Ground Water currently provides that continuing education. We also need water quality and water quantity to be monitored from these wells.

I do a lot of inspection of wells for real estate transactions, and these
inspections I found a lot of very poor conditions. Casings buried below ground, casings in the pits with water running, surface water running in. Some don't have any well seals on, some just have the concrete over top of them. A lot of them we pulled the caps off, the caps aren't sealed properly, and they're loaded with spiders and other bugs inside the wells. So we very desperately need regulations for these wells.

Thank you for your time, and for the work that you've done.

CHAIR:

Thank you, sir. Our fourth speaker is Dick Burke.

MR. BURKE:

Good evening. My name is Richard Burke, B-U-R-K-E. I am from Schnecksville,
Pennsylvania, which is in
Lehigh County, North Whitehall
Township. I am owner and
President of a company called
We are wholesale distributors
of water systems equipment and
water treatment equipment.

I am a member of the
National Ground Water
Association and a former Vice
President of the National
Ground Water Association. I'm
also a member of the
Pennsylvania Ground Water
Association and a sitting Board
member.

Let me begin by saying
thank you to the members of
this Committee and of the
statewide committee for all the
time and efforts you have put
into developing the state plan.
It certainly is needed and I
commend you on all the hard
work. And I can only imagine the hours you have put into that, and I say thank you.

Let me say although there are many facets of the new state water plan, I would like to address the subject of residential water wells, and in particular the lack of construction standards for residential water wells and of the certification of water well drillers in Pennsylvania.

Four and a half million Pennsylvanians rely on ground water for their potable water source, yet there are no statewide regulations for the construction of residential water wells and for the certification of water well drillers. Improperly constructed water wells are a danger to the health, safety and welfare of all Pennsylvania
citizens using ground water. More than 15,000 new wells are drilled every year in Pennsylvania, and that means 15,000 new holes penetrating the aquifers of Pennsylvania's valuable resource, its ground water. The lack of residential well construction standards allows the improper construction and threatens the quality of Pennsylvania's ground water and again the health and safety of Pennsylvania residents.

Pennsylvania has the second highest number of residential wells in the nation. And clearly this resource and Pennsylvania families must be protected. As was stated before, Pennsylvania is only one of two states in the entire nation who do not have residential water well
construction standards. And I'm ashamed of that.
I have been in the ground water industry for 32 years, and I've seen some horrible conditions on what people call wells. In Pennsylvania, you must be trained, certified and adhere to state standards in order to be in the business of a hairdresser.
Yet in Pennsylvania, anyone can drill a well to any standard, whether he puts casing in it or not. There is no one there to say you're doing something wrong. And there's no one there to protect the health and safety and welfare of the family that is going to use that water. Improperly constructed residential water wells have been identified as potential
threats to ground water within
the source water protection
areas of public water supply
wells.

There are documented
cases of improperly constructed
residential water wells
providing a pathway for the
surface and subsurface
contamination of Pennsylvania's
ground water. Many public
water systems use ground water
as their source. Pennsylvania
requires all public water wells
to be properly constructed to
protect the quality of the
ground water and the health and
safety of the families who use
that ground water. Why not
residential wells?

We, those involved in
the ground water industry and
you, members of this Committee,
have a responsibility to the
residents in Pennsylvania. It
is our job to enact legislation
to protect the health and
safety of Pennsylvania's
families using ground water and
to protect the ground water
resource itself.

Pennsylvania residents
have a right to expect clean,
safe drinking water. And we
have a responsibility to see
that they get it. How can we
accomplish this? I have a
recommendation for a revision
to the water plan document and
I ask for your support.

The draft water plan
principle document of the
Pennsylvania state water plan
should be revised to elevate
recommendation two in its water
quality section to become its
new fourth priority in its
draft list of three principle
priorities.

Water quality
recommendation two states the Commonwealth should enact legislation for the certification of well drillers and the establishment of private residential water well construction standards.

This Committee, by adopting this recommendation and supporting the Pennsylvania Ground Water Association's efforts to enact legislation for the certification of well drillers and the establishment of private residential water well construction standards will be fulfilling its responsibility to protect the health and safety of Pennsylvania families using ground water, and will protect Pennsylvania's ground water resources.

Thank you.

CHAIR:
Thank you, sir. Next I have a representative of Upper Pottsboro Township. You would like to speak? No? All right. Then moving on, I have Mr. Mike Grossman.

**MR. GROSSMANN:**

Good evening. My name is Mike Grossmann, G-R-O-S-S-M-A-N-N. I'm from White Township, New Jersey, but I'm also a landowner up in Wayne County in the upper area around Starrucca. And I'm here tonight just to bring some awareness.

I was very glad to hear the fact that there was some addressing of the gas leasing opportunity in the Marcella shale. I'm a member of two groups in the area, Susquehanna-Wayne Oil & Gas Group, and the Northern Wayne Property Owners' Association.
Now basically these two
groups are nonprofit citizen
organizations that have banded
together in an alliance to try
to ensure that not only do
property owners in the
northeastern portion of the
state receive an economic
benefit, and try to promote the
use of natural gas to alleviate
our reliance on foreign oil
dependence, but we also want to
see strong addendum added to
our gas leases that protect
this pristine area so that
there will not be any
repercussions from the drilling
operation, and that once the
natural gas drillers are
complete in their operation,
that we will still have a
pristine watershed supplying
both the Susquehanna, which I'm
sure this group on the 17th
will hear many more members
testimony and the Upper Delaware region.

I'm glad to see that there is an ongoing movement, because as of six months ago as it was stated earlier, there really was no mention of the drilling operation. This is a very fast-moving and economically beneficial operation to the northeastern portion of our state.

Natural gas's help is going to be a boon to the entire metropolitan area. There are pipelines under construction right now that will feed the entire northeastern, New York, New Jersey, Pennsylvania area from this. And we're looking also to promote any recycling of water from treatment plants that can be used in the hydraulic tracking of the water
of these wells. And we just hope that the Planning Commission is taking this all in as quickly as possible and will be planning for the safe alleviation of any problems from drilling, but also at the same time trying to promote the economic benefits so well deserved of the citizens in this area.

Thank you very much for your time.

CHAIR:

Thank you, sir. Our next speaker is Richard McNutt.

MR. MCNUTT:

My name is Richard McNutt, and I'm the President of Tidewaters Gateway Partnership, and I also want to thank the state for all your hard work. And I particularly want to thank the DRBC for special protection waters and
Maya Von Rossum for riding herd
on that for four years or five
years, whatever it's been,
patiently and persistently to
make sure that we got it, and
the 10,000 people for the 35
years before that.

We have water protection
in the Delaware River forever,
special protection waters from
Hancock, New York to Trenton,
New Jersey, the entire
freshwater section as a result
of this kind of work. And I
just want to acknowledge
everybody for doing it.

I am from Pipersville,
Pennsylvania, and I also own a
property on the Susquehanna
River up in Athens,
Pennsylvania in Bradford
County. My interest is sort of
going to drop out of the bottom
a little bit, tidewaters. It's
the continuation of that 45
years of effort to clean up the
Delaware River. It's not
finished yet. We need to clean
it up from Trenton to the
ocean.

The Pennsylvania portion
of that river is significant.
We're talking Morrisville down
to Chester, includes
Philadelphia, Morrisville,
Bristol, Chester, the airport,
the industrial highways down
below Philadelphia, all having
a major impact on the
tidewaters section of the
river.

And in the data analysis
and the reference to sound
science, I'm a member of the
Union of Concerned Scientists.
In fact, I'm one of the
founding members, I'm very
encouraged to hear that I'm
going to join the unintentional
parade of people speaking for
water quality as being high up
in the hierarchy of that plan.
And I understand that you're
still working on it, but I
would be among the numbers of
people here tonight to
encourage that as that work
continues, that water quality
creeps up towards the top.

Referencing --- if you
look at the map, on this map
we're talking about from here
to here (indicating) in
Pennsylvania; basically Trenton
to Chester, Morrisville,
Pennsylvania to Chester, down
below the airport. The impact
is significant from here and
it's important that specific
focus be placed on toxics
removal and control.

Now that we have special
protection waters up in the
upper reach from Hancock down
to Trenton, it's even more
urgent because the dumpers are going to be quite happy now to not risk themselves in special protection waters. They're going to come down below Trenton and they're going to dump their stuff down there, so we need to be aware of that.

EPA, the upper river from Hancock down to Trenton is recognized by the United States Department of Interior National Park Service, wild and scenic designated areas. That was necessary to get to the special protection waters.

Down in the lower section, there is a federal designation. A lot of people don't know about it, but it's an EPA designation, a different department, which causes a complication, because sometimes the EPA and the Department of Interior don't get along real
well with each other.

But in this point we have an EPA designation already as in nationally important gateway estuary. That's the tidewater section. I suggest that an MOA be established by the Governors of Pennsylvania, New Jersey and Delaware focused on water quality and most importantly toxic control and removal.

This MOA would become an Act of Congress to complete the federal protection of the entire watershed from Hancock, New York to the ocean. This Act of Congress would establish permanent protection from Trenton to the ocean, extending federal designation below the wild and scenic sections for the complete Delaware River protective designation.

An urgency exists for
this focus due to rapid declines in the lower bay fisheries. Other impacted species such as red knot, shore birds, Horseshoe crabs, blue claw crabs, oysters, et cetera, are also in decline suddenly. The collapsed fishery which is in process as I speak, not only destroys the economy, it destroys families in multi-generational water people.

My roots are in Wildwood, New Jersey. I'm an esteemed member of the Sunset Beach Sportsmen's Club down where the ocean and the bay come together, so all of it's real to me. Even though I live in Bucks County now, the smell of the low tide is still perfume to me, different from most people.

So thank you very much for -- thank everybody else
very much for everything that
you're going, too, especially
the people that are saying
water quality.

CHAIR:
Thank you. And our next
speaker is Al Siess.

AL SIESS:
My name is Al Siess,
6460 Blue Church Road,
Coopersburg, Upper Saucon
Township. I will just
introduce my background a
little bit. I'm a civil
engineer. I've been practicing
civil engineering for over 50
years. I moved to Upper Saucon
Township and have been drinking
well water for the last 40
years. And I view water
quality and availability as
probably --- not only probably,
definitely, our most important
environmental resource.

I noted that thermal
electric uses a preponderance of water in the State of Pennsylvania, and I venture to guess that nuclear power plants are the largest proportion of the thermal electric users of water.

From an economic standpoint, all manmade pollution can be defined as an externalized product cost, the cost of doing business. It's simply unacceptable to allow anybody to profit at the expense of our environment. Nuclear power plants not only do not --- are not an innovative technology that we should be encouraging, but they are a wasteful damaging technology that should be discouraged. I only learned of this meeting this morning when I read the Morning Call newspaper. I'm sorry if I
missed it in earlier
announcements. If it was not
announced earlier, I urge that
in the future you make an
effort to make sure that people
are aware when you're having a
hearing like this. Because I
only learned of it this
morning, I have not taken the
time to come up with any
particular written testimony.
I have recognized, though, with
my past 40 years living in the
area that --- and I was for a
time on the Board of
Supervisors in Upper Saucon
Township. I have always
recognized that land use
decisions have a very important
impact on water quality and
water use. I would just
encourage the planning of our
water use to take into account
the pollution, the polluters
and in particular nuclear power
plants.

PPL right now is proceeding on a reckless course of trying to build another nuclear power plant at Berwick. This is not economically feasible. PPL's chairman under questioning has stated that they would not build that plant if it was not subsidized by the public. I can't think of anything stupider than the public allowing somebody to go ahead with a wasteful dangerous technology that they wouldn't do unless we, the taxpayer, subsidized the generation of it. So the bottom line is water is our most important resource. Let's protect it from the polluters and from all damages that we can.

Thank you.

CHAIR:

Thank you, sir. That
concludes the speakers that
pre-registered. Is there
anyone else on the audience
that would like to speak at
this time? No?

In that case, I'd like
to close the hearing. And
thank you very much for coming
out tonight. We really
appreciate your comments.
Please remember that the
comment period is open until
September 30th, and there's
information out there on how to
send comments in either by mail
or e-mail to DEP.

And this is the first
step, so we really are looking
forward to working with you as
this plan implementation moves
forward. Thank you.

** * * * * * * *
MEETING CONCLUDED AT 9:00 P.M.

** * * * * * * **
CERTIFICATE

I hereby certify that the foregoing proceeding 9/11 DEP was reported by me, that I have read this transcript on 9/23/05, and I attest that this transcript is a true and accurate record of the proceeding.

[Signature]

Court Reporter