

PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION

IN RE: WATER RESOURCES PLANNING (ACT 220 OF 2002) -  
DRAFT STATE WATER PLAN

TRANSCRIPT OF PROCEEDINGS  
PUBLIC HEARING

BEFORE: BETTY CONNER, COMMITTEE CHAIR  
LOWER SUSQUEHANNA REGIONAL  
WATER RESOURCES COMMITTEE

DATE: SEPTEMBER 15, 2008, 7:28 P.M.

PLACE: RADISSON  
1150 CAMP HILL BYPASS  
CAMP HILL, PENNSYLVANIA

DAWN YOUNG DIETRICH, REPORTER  
NOTARY PUBLIC

1 MS. CONNER: If everybody would please  
2 take their seats, we'll start the official public  
3 hearing.

4 I would like to welcome you this evening  
5 to the Lower Susquehanna Region Water Resources  
6 public hearing to solicit input on the Draft State  
7 Water Plan. My name is Betty Conner and I represent  
8 the Lower Susquehanna Regional Water Resources  
9 Committee.

10 With us this evening are members of the  
11 Lower Susquehanna Regional Water Resources Committee  
12 and staff from the Department of Environmental  
13 Protection, DEP. Would those people stand so we can  
14 see how many -- first of all, committee members,  
15 would you please stand?

16 (Members stood.)

17 MS. CONNER: Thank you. Would you like  
18 to introduce yourselves starting at this end  
19 (indicating).

20 MR. MEYER: I'm Earl Meyer, Planning  
21 Director for Lebanon County.

22 MR. EDWARDS: Bob Edwards, Rettew  
23 Associates.

24 MR. McCARTY: Tom McCarty, Penn State  
25 Extension.

1 MR. BALDWIN: Don Baldwin, Susquehanna  
2 Electric Company.

3 MR. EVANKO: Ron Evanko representing the  
4 waters of Pennsylvania.

5 MS. BOYLE: Jineen Boyle, DEP in the  
6 Harrisburg Regional Office.

7 MR. ESBENSHADE: Terry Esbenshade  
8 representing the agriculture industry.

9 MR. FINK: Bill Fink representing the  
10 industry.

11 MR. MORRIS: Bill Morris representing the  
12 industry.

13 MR. HINES: Jeff Hines representing  
14 professionals.

15 MR. KYLE: Mike Kyle, Lancaster Area  
16 Sewer Authority representing municipal authorities.

17 MS. CONNER: And the third row?

18 MR. SEIDL: Steve Seidl representing  
19 professionals.

20 MR. HOSTETTER: Jim Hostetter, Mifflin  
21 County Soil Conservation Director.

22 MR. BEAUDUY: Tom Beauduy, Susquehanna  
23 River Basin Commission.

24 MS. CONNER: Thank you. And would the  
25 DEP staff members please stand and introduce

1 themselves. We'll start over on this side  
2 (indicating).

3 MS. MOHR: Lori Mohr, DEP Water Planning  
4 Office.

5 MS. SARVIS: Leslie Sarvis, DEP Water  
6 Planning Office.

7 MS. SMITH: Ann Smith, DEP Water Planning  
8 Office.

9 MR. JOSTENSKI: Dave Jostenski, water use  
10 planning.

11 MR. GANSELL: Stu Gansell, DEP Water  
12 Planning Office.

13 MR. HILL: Mike Hill, water use  
14 planning.

15 MR. BRAUND: Jay Braund, water planning  
16 office.

17 MR. ZEPH: Paul Zeph, water management.

18 MS. CONNER: Thank you. The purpose of  
19 this hearing is to solicit input on the Draft State  
20 Water Plan. This hearing satisfies the requirement  
21 of the Water Resources Planning Act.

22 Notice of this meeting was published in  
23 the Pennsylvania Bulletin on August 23rd, 2008. The  
24 meeting was also advertised in several area  
25 newspapers.

1           In order to give everyone an equal  
2 opportunity to comment this evening, I would like to  
3 establish the following ground rules: One, I will  
4 first call upon the witnesses who have preregistered  
5 to testify at this evening's hearing as included on  
6 the schedule of witnesses. After hearing from these  
7 witnesses, I will provide any other interested  
8 parties with the opportunity to testify as time  
9 allows.

10           Oral testimony is limited to ten minutes  
11 for each witness. Organizations are required to  
12 designate one witness to represent testimony on its  
13 behalf. Each witness is asked to submit three  
14 written copies of his or her testimony to aid in  
15 transcribing the hearing.

16           Please state your name and address for  
17 the record prior to presenting your testimony. And I  
18 think in view of rule number three you need to state  
19 the organization you're representing, if there is one  
20 such.

21           And we have six people registered to  
22 testify and the first one is Eric Epstein. Would you  
23 come to one of the microphones to give your  
24 testimony, please.

25           MR. EPSTEIN: My name is Eric Epstein.

1 I'm Chairman of Three Mile Island Alert. We have  
2 entered comments beginning at the original meeting  
3 dating back quite a bit. Actually we did apply for a  
4 position on the Committee and were rejected, but it  
5 seems you have a stellar staff here and I'm sure that  
6 our views have been advocated.

7 In the last couple of years, we have  
8 testified before DEP on the connective proposal down  
9 at Peach Bottom, we've testified before the  
10 Susquehanna River Basin Commission on the PPL  
11 Susquehanna Upgrade and we just offered testimony on  
12 the PPL Holtwood License Extension, so we've been in  
13 and only involved with issues on the Lower  
14 Susquehanna.

15 And at issue for us tonight is after we  
16 looked at your priorities -- and it's difficult to  
17 understand if you finalized priorities because I saw  
18 there were draft priorities and we encapsulate them  
19 in our testimony and frankly we don't have any  
20 problems with the priorities.

21 The problem is we have in our belief an  
22 absence of prioritizing the two nuclear power plants  
23 on the Lower Susquehanna that use a lot of water and  
24 have a huge impact, and what we were asking -- and  
25 based again on energy consumption. I think the

1 SRBC's figures are somewhere around a, what, 50  
2 percent increase by 2025, 315 million gallons a day  
3 being utilized from the river for energy products.  
4 We'd like to see more of an emphasis on energy,  
5 especially aging nuclear power plants; Peach Bottom 2  
6 and 3, Three Mile Island. You know one will likely  
7 be relicensed and upgraded through 2034. So these  
8 would be aging plants.

9 Peach Bottom has already had a number of  
10 problems with water use. As some of you in the room  
11 know, last year they were assessed a settlement or a  
12 fine -- I'm sure Tom can talk about it -- at Peach  
13 Bottom, \$640,000 for not properly abiding by an  
14 application before the Susquehanna River Basin  
15 Commission for an upgrade. PPL was assessed a larger  
16 fine within the last year.

17 I just want to read a little portion of  
18 the testimony to give you our perspective on what  
19 we're saying, and apparently we're seeing something  
20 that's a little different from what you're seeing.  
21 This what we see.

22 We saw water shortages on the Lower  
23 Susquehanna and they reached critical levels in the  
24 summer of 2002. For the month of August 2002,  
25 sixty-six out of the sixty-seven counties in the

1 state were below normal precipitation. These were  
2 really huge deficits in Lancaster County and York  
3 County and Dauphin County where TMI and Peach Bottom  
4 operate. In fact, Peach Bottom wasn't shut down  
5 until they were forced to shut down by the Nuclear  
6 Regulatory Commission actually due to a large fish  
7 kill.

8           And so what we're seeing is when I go in  
9 my neighborhood, we're being asked to conserve and  
10 we're being asked to reduce and we're being asked to  
11 be efficient. We see nuclear power plants that for  
12 the most part are exporting power outside of the  
13 basin, in many instances outside of the state. So  
14 they're using a resource and they're getting it at a  
15 pretty reasonably subsidized cost.

16           And so it's difficult to ask people to  
17 engage in conservation efforts, efficiency efforts,  
18 when they look at -- it doesn't have to be TMI or  
19 Susquehanna. It could be Brunner Island. It could  
20 be the dams that are on the river. It could be the  
21 proposed ethanol plant or the proposed coal  
22 gasification plant. I'd like to see a little  
23 balance, because when you do these education  
24 programing it's more or less designed, designated, to  
25 hit consumers or residential customers.



1 I'd also like to point out -- and again,  
2 this was just -- let me just read -- and this is from  
3 the Fish and Boat Commission -- a little narrative to  
4 give you some idea of what the fish kill looks like  
5 at a nuclear power plant.

6 It's hard to know just what the impact is  
7 on fisheries because cool water intakes have been  
8 under the radar screen compared to some types of  
9 pollution, said Pennsylvania Fish and Boat Commission  
10 Aquatic Resources Chief Leroy Young. But any time  
11 you have a man-induced impact on top of what nature  
12 is doing, you're affecting the ecosystem.

13 A former Peach Bottom nuclear power plant  
14 employee said he was, quote, sickened by the large  
15 number of sport fish he saw sucked out of the  
16 Susquehanna. Quote, when the water comes in, fish  
17 would swim in through the tunnels and swim into wire  
18 baskets, said the man who lives in southern Lancaster  
19 County. There were hundreds and hundreds of fish  
20 killed each day, Stripers and bass and walleye and  
21 gizzard shad.

22 The point is one of your priorities is  
23 recreation and striking a balance and, you know, my  
24 sense would be -- and if you go to page six of my  
25 testimony, actually we prescribed six remedies and

1 I'll go through them quickly. One would be that you  
2 ask the commission or, in your powers committee, to  
3 recommend to DEP that they eliminate the drought  
4 exemptions for nuclear power plants and power  
5 generators learn to conserve water like everybody  
6 else. This is different from the compensatory  
7 measures that the SRBC asked folks to do up in the  
8 lake in the northern part of the state.

9 In addition to that -- this is pretty  
10 novel -- the amount of water used proportionate to  
11 the percentage of energy generated and shipped out of  
12 the basin needs to be assessed. We're essentially  
13 giving a subsidy to an EDC that doesn't operate in  
14 our river basin. So if we're looking about economic  
15 development, let's develop here.

16 In addition to that, I'd like to look at  
17 a fair market value or differential between the water  
18 that goes into a plant and the water that's not  
19 returned. That's water consumed. That's point  
20 three.

21 Point four is we'd like to see, if  
22 possible, you guys get more involved with license  
23 extensions and upgrades on aquatic impacts of power  
24 plants.

25 In addition, if it's possible to quantify

1 and qualify the impact of these plants on sport and  
2 commercial fishing and access an annual  
3 reconciliation tariff to offset financial losses.

4 B, quantify and qualify fish (game or  
5 consumable), fish egg, shellfish, other organisms  
6 that will be harmed or killed annually by nuclear  
7 generating stations.

8 And C, quantify and qualify the impact  
9 that nuclear power plants have on shad ladders, also  
10 eel access which I think is being taken into  
11 consideration now.

12 Rather than read through the other  
13 issues, I just want to raise a couple of issues with  
14 you that I haven't seen you discuss. One is emerging  
15 contaminants, and we have a major tritium problem at  
16 just about every nuclear power plant in the country.  
17 Tritium is a radioactive isotope. It's an element of  
18 hydrogen. It's naturally produced in the upper  
19 atmosphere. The problem is when it -- in water you  
20 can't get rid of it.

21 If you look at our testimony, you'll see  
22 the documentation of tritium problems that have been  
23 occurring at Peach Bottom and Three Mile Island. We  
24 also have a problem with it at our landfills.

25 Some of the remedies that we've

1 suggested: What are the systems and the components  
2 of a licensed facility that contain radioactive  
3 contaminated water? I mean, they're storing this on  
4 site, it makes its way to the river and then into the  
5 bay.

6 What methods are being used to monitor  
7 leakage of radioactive contaminated water from the  
8 systems and components? If you look at most of the  
9 reps of the companies, they're average. In other  
10 words, you have these affluent monitors and they  
11 average a quarter average or monitor -- you know, for  
12 an annual average there's really no rate or good  
13 real-time way for us to induce what's going in the  
14 river and at what temperatures.

15 And we'd like to see -- I don't even know  
16 if this exists -- the largest leak rate that can  
17 remain undetected by current monitoring standards.

18 In addition we suggested a couple other  
19 points, and this is on page eight of our testimony.  
20 Comment two is from our earlier testimony. I don't  
21 know that people didn't get it or don't want to get  
22 it. This largely has to do with 316(a) and 316(b).  
23 And our frustration is this:

24 We recognize that those rules are in  
25 court right now, but at some point they're not going

1 to be in court and we're going to have to comply with  
2 316(a) and (b). And what's frustrating from us,  
3 people from the environmental or consumer side of the  
4 issue, is every time you go to court and say, look,  
5 we sued for ten years to have these implemented, the  
6 industry which is represented tonight, you know,  
7 appealed it and now they're not being implemented.

8 What I'd like folks to consider -- at  
9 some point 316(a) and (b) are going to be  
10 implemented. What are you going to do when you  
11 license a plan, you don't take current conditions or  
12 factor current conditions regarding 316(a) and (b)?

13 All of our cites are here on pages ten  
14 through eleven. These are the most current cites  
15 that we were able to deduce.

16 Comment three -- and I don't know if this  
17 is something you get into and I don't really --  
18 because of the fact the Eagles game is starting soon  
19 and I have a ten-minute remedy here -- I mean, let's  
20 be honest about our priorities -- then the Phillies  
21 are off tonight, so you don't have to go back and  
22 forth between the stations.

23 MS. CONNER: You've got one more minute.

24 MR. EPSTEIN: I think you have to pay  
25 more attention to invasive species. I think Asiatic

1 clam and zebra mussels are a very real threat.  
2 They've been detected up north. We've had Asiatic  
3 clams down south. I haven't seen anywhere in your  
4 documents mention what happens or what kind of  
5 problems that we may confront with invasive species.

6 The final point I'll make is something  
7 that just came up and I'd urge you to pay attention  
8 to. We have no problem, for instance, with the  
9 recent plan by PPL Holtwood to bank water at Lake  
10 Aldred to more or less offset Brunner Island  
11 scrubbing mechanisms.

12 What we have a problem with and what I'd  
13 want everybody to be aware of is approving a water  
14 banking plan for a nonexisting plant. Our concern is  
15 that PPL wants to build another nuclear power plant  
16 and there may be some water banking scheme afoot that  
17 doesn't necessarily designate an entity that's been  
18 licensed or been approved. So that's the only thing  
19 we would caution about water banking.

20 Conclusion. Look, we don't take issue  
21 with the priorities you identify. We only ask that  
22 you expand your priorities to include two nuclear  
23 power plants on the Lower Susquehanna River which  
24 have been upgraded and will probably be further  
25 upgraded and likely to have license extensions until

1 the year 2034.

2 And thanks for giving me the opportunity.

3 MS. CONNER: Thank you, Mr. Epstein.

4 That was exactly ten minutes.

5 Our next testimony is from Todd

6 Reichart.

7 MR. REICHART: Good evening, ladies and  
8 gentlemen of the Committee and ladies and gentlemen  
9 of the audience. My name is Tom Reichart and I am a  
10 sixth generation water well driller with Reichart  
11 Well Drilling, Incorporated in Hanover, Pennsylvania,  
12 and also a certified professional geologist in the  
13 State of Pennsylvania.

14 For almost a hundred and twenty years, my  
15 company has been drilling water wells and developing  
16 groundwater throughout the State of Pennsylvania, and  
17 therefore I understand and advocate both from a  
18 practical and technical standpoint the need to  
19 prioritize residential water well construction  
20 standards and proficiency-based licensing  
21 requirements for water well drillers in the State  
22 Water Plan.

23 Each year more than 15,000 new  
24 residential wells are drilled and constructed in  
25 Pennsylvania, the majority of which are installed

1 without any regulations regarding minimum casing  
2 length, routing and sealing of the annular space,  
3 sampling requirements for potability, et cetera.

4           Moreover, Pennsylvania as a state has the  
5 second highest number of residential water wells in  
6 the United States, yet is only one of two states that  
7 does not have any standards pertaining to the  
8 construction or regulation of those wells. More than  
9 thirty-seven percent of Pennsylvania's population, or  
10 about four and a half million people, derive their  
11 drinking water from a residential well.

12           As a whole, the water well drillers of  
13 Pennsylvania have been good stewards of the State's  
14 groundwater resource; however, as with any other  
15 unregulated industry, there are bound to be those who  
16 employ poor construction practices and shoddy work in  
17 the name of profitability. There can be no other  
18 issue as self-evident with respect to public health  
19 and safety as access to clean, safe, protected  
20 drinking water.

21           It is quite ironic that public water  
22 supply wells in the State of Pennsylvania have  
23 mandated construction standards and are regulated.  
24 It is almost as if we are saying to the over four and  
25 a half million people who derive their water supply



1 from a residential well that your drinking water just  
2 doesn't matter.

3 Ladies and gentlemen of the Committee, if  
4 nothing else stands out from my testimony here this  
5 evening, at least let it be this: That the water  
6 well drillers of Pennsylvania want to be regulated in  
7 the form of mandatory construction standards for all  
8 residential water wells drilled in the State and  
9 proficiency-based licensing requirements for all  
10 Pennsylvania water well drillers.

11 We want these action items so that we can  
12 purge our ranks of any, quote-unquote, bad apples who  
13 may be out there performing unlicensed, unregulated  
14 work and so that we can promote and ensure public  
15 health and safety in the form of clean, safe and  
16 protected drinking water from residential water  
17 wells.

18 I would ask this committee to give these  
19 two action items the highest priority in the final  
20 draft of the State Water Plan.

21 Ladies and gentlemen of the Committee,  
22 this concludes my testimony and I thank you.

23 MS. CONNER: Thank you, Mr. Reichart.

24 Our next testimony is from Tom Keyes.

25 MR. KEYES: Hello. My name is Thomas P.

1 Keyes. My address is 1312 South Tulip Drive, West  
2 Chester, Pennsylvania. I'm president of Thomas G.  
3 Keyes, Incorporated, a water well contractor. Been  
4 in business for over -- since 1945, been a member of  
5 the Pennsylvania Groundwater Association and National  
6 Groundwater Association for many years. I'm  
7 certified by the National Groundwater Association as  
8 a certified well driller and pump installer. I've  
9 been in the business myself for thirty-eight years  
10 drilling wells.

11 I have reviewed the State Water Plan. I  
12 have a recommendation for a revision to the water  
13 plan document. The Draft Water Plan Principles  
14 document of the Pennsylvania State Water Plan should  
15 be revised to elevate recommendation two in its water  
16 quality section to become its fourth principle  
17 priority in its draft list of three principle  
18 priorities.

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

23 Why does Pennsylvania need these  
24 standards for proper construction? There's many  
25 things. First of all, over thirty-seven percent of

1 the Pennsylvania population use groundwater as a  
2 potable water source. At least groundwater resources  
3 in Pennsylvania need to be protected against  
4 contamination entering through improperly constructed  
5 residential wells.

6 It is estimated that more than 15,000 new  
7 water wells are constructed in Pennsylvania each  
8 year. The absence of any residential well  
9 construction standards allow wells to be improperly  
10 constructed and to threaten the quality of  
11 Pennsylvania's groundwater.

12 Pennsylvania's one of only two states in  
13 the nation with no residential well construction  
14 standards. The other forty-eight states all have  
15 standards for proper construction of residential  
16 wells to protect their groundwater resources.

17 Many public water systems have used  
18 groundwater as their source. Pennsylvania requires  
19 all public water supply wells to be properly  
20 constructed to protect the quality of groundwater and  
21 the health of the public drinking the water from its  
22 public water system.

23 Properly constructed residential water  
24 wells also protect the quality of the groundwater  
25 from the aquifers. Contamination entering the

1 groundwater through improperly constructed  
2 residential wells can move within the aquifer and  
3 impact neighboring wells and also the public wells.

4 This is some of the reasons why I think  
5 that you should have the water plan principles --  
6 changes recommendation to and bring it up to the  
7 fourth priority. Thank you.

8 MS. CONNER: Thank you very much,  
9 Mr. Keyes.

10 Our next testimony is from David Powell.

11 MR. POWELL: Good evening, and I  
12 appreciate the opportunity to speak before you this  
13 evening. My hat's off and I applaud every one of you  
14 who have been on these State Water Committee meetings  
15 for four, five, six years now. Quite a daunting  
16 task.

17 There's so much that needs to be done and  
18 your task in front of you, it's got to be a little  
19 bit overwhelming I'm sure.

20 MS. CONNER: Could you identify yourself,  
21 please?

22 MR. POWELL: Yes. I'm sorry. My name is  
23 David Powell. I am a Pennsylvania resident. I'm a  
24 water well contractor located down in the  
25 southeastern part of the State.

1           My remarks this evening will be focused  
2 on groundwater. From what I've heard of the planning  
3 committee's and the State Water Plan's efforts, a lot  
4 of it seems to be focused on surface water, and  
5 probably rightfully so. That's where most of the  
6 water that is being used right now is located is on  
7 the surface.

8           But right now there's some other issues  
9 that I think really need to be addressed, and that is  
10 with the groundwater and that's where I'm going to  
11 direct my comments this evening.

12           One-tenth of one percent of the  
13 consumable water on this planet is located  
14 underground, okay? It's an area that needs to be  
15 elevated in your water plan as far as priority. It's  
16 important that our streams are clean and that the  
17 power plants have enough power and enough water, the  
18 agriculture. That is all important and I understand  
19 that.

20           But right now in Pennsylvania the  
21 groundwater is getting a short shift when it comes to  
22 this water plan. And I don't mean that directed at  
23 anyone that's been working extremely hard on this. I  
24 understand some of the politics involved and what's  
25 involved in these things, but I think that the

1 groundwater is not getting the proper elevation and  
2 importance that it deserves.

3           You had heard from some of my colleagues  
4 that 15,000 wells are drilled in this state every  
5 single year. That's the second most in the country,  
6 yet we are one of two states in the country that do  
7 not have any standardized construction standards for  
8 well-to-well construction or the meaningful licensure  
9 for the people who are doing that.

10           In Pennsylvania, if you want to cut  
11 somebody's hair you have to go to school and pass a  
12 state test to get a license. In Pennsylvania,  
13 anybody in this room by week's end, for less than  
14 \$100, could be a state licensed water well contractor  
15 and start putting holes in the ground.

16           Does anybody in this room think that  
17 makes sense? I don't and I'm here today representing  
18 my company and as a person who actually uses the  
19 groundwater in this state, and that is absolutely  
20 shameful that we can't regulate something as  
21 important as someone who's putting holes in the  
22 ground that could potentially contaminate the  
23 groundwater.

24           Now, we were looking at your computer  
25 models here which may be showing some areas of

1 concern when it comes to the amount of water in the  
2 future. If you get to that point and you have to  
3 start relying on the groundwater but you don't  
4 protect it now, it won't be suitable to use when you  
5 need it in ten or 2034 or whatever years you're  
6 looking at. We need to protect it now.

7           Once groundwater is ruined and  
8 contaminated, it doesn't get treated overnight. It  
9 takes a long time to remediate problems underground.  
10 We need to take care of it now.

11           One of the most growing industries in the  
12 state right now and around the country and the world  
13 is the geothermal heating and cooling market. Fuel  
14 prices rising the way they are have just driven this  
15 market beyond belief.

16           Currently my company is drilling ten  
17 geothermal wells for every one water well I drill,  
18 okay? They are very unregulated. We are putting  
19 boreholes in the ground, and there's a lot of  
20 companies out there doing it, and they're not  
21 grounding these wells properly. They are just  
22 sources of contamination potential.

23           In addition to that, there are tens of  
24 thousands of wells every year in this state which are  
25 being abandoned, existing communities that had public

1 water before the public water lines have run through  
2 the area and the people tie into the public water,  
3 and what do they do with their water well? Nothing.  
4 They just leave it there.

5 Again, that is a hole right to the  
6 aquifer that is going to end up contaminating that  
7 aquifer if it's not taken care of. It's extremely  
8 important that these issues be elevated in your State  
9 Water Plan.

10 So in summary, what I would like to  
11 recommend that -- on page 53 of the water quality  
12 section, recommendation two reads, the Commonwealth  
13 should enact legislation for the certification of  
14 water well drillers and the establishment of private  
15 water well construction standards. And while I'm  
16 grateful that this issue is even mentioned in your  
17 document, it's not enough. It is buried within  
18 hundreds of pages of recommendations.

19 What I would like to see happen is that  
20 this recommendation two on page 53 be elevated to the  
21 status of principal priority that is listed on page  
22 fourteen. It needs to be a priority. If it's just  
23 going to get buried in this legislation, nothing's  
24 going to happen.

25 Now, I am a member of the Pennsylvania



1 Groundwater Association and that organization has  
2 been doing a lot over the last thirty years to try to  
3 get the legislature to do something about this issue,  
4 but it just won't happen. DEP just sits on its  
5 hands, it won't do anything. I'm not sure why and  
6 I'm not here to ruffle feathers. I'm sure there are  
7 some valid reasons.

8 But at the same time, as a business owner  
9 I'm not one who loves regulations. I have enough  
10 paperwork to do between this tax and that tax and  
11 this paperwork and this, that and the other thing.  
12 You know, that's how I spend my time is pushing paper  
13 around. So I'm not looking to have regulations for  
14 the sake of regulations, but I am a contractor who  
15 realizes that sometimes you need to have certain  
16 regulations. This is that instance where the water  
17 well industry and the protection of the groundwater  
18 in this state needs to be regulated properly.

19 And I do most of my work in Chester  
20 County which has some very good regulations. They  
21 make sense. They would really be a great standard  
22 for this state.

23 Thank you.

24 MS. CONNER: Thank you very much,  
25 Mr. Powell.

1                   Our next testimony is from Michael  
2 Helfrich.

3                   MR. HELFRICH: Good evening. Michael  
4 Helfrich. I'm the Lower Susquehanna Riverkeeper and  
5 I represent the members of stewards of the Lower  
6 Susquehanna, 324 West Market Street, York,  
7 Pennsylvania 17401.

8                   Now, I have not had a chance to review  
9 the whole plan, so I've been working on things like a  
10 million eels trying to get up the Conowingo Dam,  
11 which they can't get up, and the loss of our mussel  
12 populations in the river because the eels can't get  
13 up, and the 316(a) and 316(b) issues, things like  
14 Peach Bottom having a Conowingo pool 102 degrees last  
15 summer a mile downstream from their facility.

16                   So I'm not sure if everything I have to  
17 say is exactly relevant to the work that you're  
18 doing, but I'm going to throw five or six minutes  
19 worth of stuff out here anyhow.

20                   The first thing I would like to say is  
21 that it sounds like our well drillers are well  
22 represented here. Sorry; pardon the pun. But I'm  
23 not sure that we're going to have to worry about them  
24 too much longer because we're paving so fast that  
25 we're losing groundwater perviousness and I would

1 like to see the Commission be studying the levels of  
2 groundwater, how much -- I mean, I don't  
3 understand -- and perhaps you are all doing this, but  
4 we really need to understand more about our supply of  
5 groundwater and how much is running off in these  
6 short spurts after the storms.

7           We have situations like in Adams County  
8 where you pointed out that that is an area of concern  
9 for water supply and they're losing groundwater so  
10 they want to import surface water so they can pave  
11 more so they'll have less pervious surface so they'll  
12 have less groundwater, so I guess then they're going  
13 to want more of the Susquehanna water. You see,  
14 these things are spirals that if we don't control  
15 them at the beginning they just continue to spiral  
16 downward.

17           So I would like to see the Commission  
18 look more at trying to get these communities to  
19 understand that by increasing development they are  
20 losing the resources that they do have available to  
21 them and are going to make this industry that we've  
22 heard well represented certainly have to work harder  
23 to find their water to help these folks that are out  
24 in the suburbs or -- I'm sorry, out in the rural  
25 areas.

1           Let's see here. And the suburbs am I  
2 hearing? And the suburbs, okay. Good.

3           Let's see. I'm glad that Mr. Epstein  
4 brought up emerging contaminants because one of my  
5 big concerns about this -- and I have over the break  
6 here heard that there is some investigation on water  
7 quality issues, but I have a big concern about only  
8 evaluating water quantity issues without comparing  
9 them as regards to unregulated contaminants.

10           If we do things like count 3.5 million  
11 gallons of groundwater the same as we count 3.5  
12 million gallons of water coming from a wastewater  
13 treatment plant that can have 80,000 unregulated  
14 contaminants in it, I think we are really doing  
15 ourselves a disservice and our future generations a  
16 disservice to count those waters the same.

17           So I'm glad that you are taking some of  
18 the first steps we need to understand more about our  
19 water supply, but I do not believe that all water  
20 sources are created equal.

21           And with all due respect to the wonderful  
22 things that some of these folks representing  
23 agriculture and representing our electricity  
24 producers and our water suppliers -- a lot of these  
25 folks are doing wonderful things -- and wastewater

1 treatment plants I'm sure -- but every time those  
2 waters are used there is a certain problem that goes  
3 along with that water use.

4           Then we have to make sure that we're  
5 understanding that the amount withdrawn for  
6 agriculture -- we have to understand whether that  
7 water now has more pollutants in it when it runs off  
8 than it had. In some places in this community,  
9 particularly in Lancaster and York Counties, you  
10 might end up that the farm runoff has less pollutants  
11 than the spring that they got the water out of in the  
12 first place.

13           I know that's certainly true in Southern  
14 York County in areas and particularly around  
15 Lititz/Manheim areas where the water phosphates and  
16 nitrates are so high that just the water itself is a  
17 fertilizer. So I think we've really -- I hope we  
18 don't just wait for our superiors, or whatever they  
19 want to call themselves at the EPA, to -- for them to  
20 regulate us. I hope we have some understanding and  
21 some ability to evaluate science ourselves.

22           I mean, we are finding estrogen and  
23 estrogen-mimicking hormones or contaminants in our  
24 waterways. We are finding that the fish are having  
25 immunity deficiencies caused by some problems that

1 are not completely understood yet. So I hope I'm not  
2 digressing too far here, but I really hope that we do  
3 have more of a look and a value given to the water as  
4 it's coming out from these different sources.

5 And for the folks concerned about 316(a)  
6 and 316(b) issues, I can assure that there will be  
7 some actions taken to encourage the implementation of  
8 better 316(a) and 316(b) mitigation techniques  
9 because the water keepers are a part of the lawsuit  
10 against EPA to get that done, so we will -- and the  
11 lawyers for them are also representing folks here in  
12 this community.

13 I think that is most of my notes. But  
14 once again, I just want to repeat for the record that  
15 I appreciate the idea and it's good that we are  
16 finally getting down to subwatershed levels, but  
17 let's not forget the macro issues here as well.

18 If there are problems on the main stem,  
19 that means there are problems in our tributaries.  
20 They may have enough dissolved oxygen and the water  
21 might still currently be cool enough to be okay in  
22 those tributaries, but once it gets out in our  
23 wonderful, meandering, shallow Susquehanna River it's  
24 having a hard time.

25 And to get back to that -- one last

1 comment. To get back to the impervious surface, I  
2 would like to see more -- and I saw a brief piece of  
3 the temperature studies. I would like to see some  
4 more comprehensive temperature studies of what is  
5 coming down these tributaries and then what is coming  
6 into the Susquehanna River.

7 We seem to be transforming our watershed  
8 from a watershed of spring heads that put water out  
9 at 45 to 55 degrees to a watershed of parking lots  
10 that puts water out at 80 to 110 degrees and I can't  
11 help but think that changing those original  
12 temperatures, those runoff temperatures, has to be  
13 having part of the impact on the Lower Susquehanna  
14 Watershed.

15 Thank you very much.

16 MS. CONNER: Thank you, Mr. Helfrich.

17 The next testimony is from Walter Lyon.

18 MR. LYON: Thank you, Madame Chair. I  
19 appreciate the opportunity to speak here for the  
20 Capital Region Water Board. The Board covers  
21 approximately the same area. It's slightly smaller  
22 than the area covered by your committee.

23 The testimony that I'm about to give has  
24 two interesting points. It echoes much of what has  
25 been said already because it emphasizes the policy

1 and management areas of water management. Much of  
2 what you have in your report is descriptive  
3 material. I hope, like these gentlemen do, that  
4 you'll give more effort and more time to policy and  
5 management issues.

6 We gave you the same report on May 16,  
7 2005 in the same room and I will briefly in five  
8 minutes summarize what I said then.

9 I notice on your web page you say your  
10 input is needed. I know the Board was very concerned  
11 with the fact that there was no summary prepared of  
12 the 2005 testimony that was given and we hope that  
13 will change this year.

14 Essentially we make four points. They  
15 echo some of what has been said here. The State's  
16 water law's essentially obsolete. We have no  
17 authority to regulate groundwater and regulation of  
18 surface water is limited to public drinking water  
19 supplies.

20 We have in Pennsylvania no authority to  
21 regulate water beyond the drinking water level. Of  
22 course, the Susquehanna River Basin Commission does  
23 have that kind of authority, and if we don't get a  
24 state law in that area the Commonwealth might  
25 seriously consider turning that function over to the



1 Susquehanna River Basin Commission at least for the  
2 Susquehanna River Basin.

3 My next point relates to the adequacy of  
4 resources. We feel that for the State of  
5 Pennsylvania the Department of Environmental  
6 Resources does not have adequate numbers of  
7 professional personnel to do this kind of a job.  
8 And, of course, I'm not only referring to water  
9 planning, but also water management.

10 My third point relates to water  
11 infrastructure which covers both water and  
12 wastewater. All of us know that we have a lot of  
13 sprawl these days and a lot of that infrastructure is  
14 not well managed. There is such a thing called asset  
15 management, and if we don't pay attention to that the  
16 water and sewer bills in the future are going to go  
17 far beyond the ability of many of our households to  
18 pay those bills. That's particularly true in view of  
19 the energy crunch. We need to be reminded that an  
20 awful lot of energy goes into pumping water and  
21 wastewater in the Commonwealth.

22 Our final point relates to the fact that  
23 our laws regarding land and water management are  
24 dovetailed in many, many places. Wetlands,  
25 floodplain zoning, groundwater, they're all

1 interlocked. We have on the order of thirty to forty  
2 different laws administered by different agencies at  
3 different levels of government to the point that  
4 water and land management are virtually impossible  
5 and what we really need is a water-land management  
6 code.

7 That is the substance of our testimony.  
8 I have copies which I'll be happy to share with you.

9 MS. CONNER: Could you repeat that last  
10 sentence? What we need is a water management code?

11 MR. LYON: Yes.

12 MS. CONNER: C-o-d-e?

13 MR. LYON: C-o-d-e. What I mean by that  
14 is for the Pennsylvania Bar Association/the  
15 environmental group to take all the laws that relate  
16 to water management and land management, and they'll  
17 find that many of them link water and land  
18 management, and put them into a unified code, very  
19 similar, for example, to the Public Utility Code. We  
20 have a fine code in that area. We need a code in the  
21 field of water and land management.

22 MS. CONNER: Thank you, Mr. Lyon.

23 Are there any other people that wish to  
24 testify?

25 (There was no response.)

1 MS. CONNER: In that case, I will read  
2 the rest of the statement. In addition to or in  
3 place of oral testimony presented at today's hearing,  
4 interested persons may also submit written comments  
5 on this proposal.

6 Comments should be addressed to the  
7 Department of Environmental Protection Water Planning  
8 Office, P.O. Box 2063, Harrisburg, Pennsylvania  
9 17105-2063. Comments can also be e-mailed to -- the  
10 e-mail address is epstatewaterplan@state.pa.us.  
11 Contact sheets with this information are available  
12 from DEP staff persons.

13 Do we have those available? Okay. See  
14 Lori or Leslie.

15 All comments received at today's hearing,  
16 as well as written comments received prior to  
17 September 30th, 2008, will be considered by the  
18 Regional Water Resources Committee. An official  
19 comment response document will not be prepared for  
20 comments received at this hearing.

21 Anyone interested in a transcript of this  
22 hearing may contact the reporter here this evening to  
23 arrange to purchase a copy.

24 I hereby adjourn this hearing at 8:20  
25 p.m.

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(The proceedings were concluded at 8:20  
p.m)

1 I hereby certify that the  
2 proceedings and evidence are contained fully and  
3 accurately in the notes taken by me on the within  
4 proceedings and that this copy is a correct  
5 transcript of same.

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Dawn Young Dietrich, Reporter  
Notary Public