

Marsh and Rock Creek Watersheds Critical Area Resource Plan
Combined Critical Area Advisory Committee and Potomac Regional Committee
DRAFT Meeting Minutes

1:00pm-3:00pm, July 11, 2012: Ag Center, 670 Old Harrisburg Rd, Gettysburg, PA 17325

Attendees:

Charlie Bennett, Al Ferranto, Bob Reichart, Bill Reichart, Conrad Richter, Charles Wilson, Barry Stone, Barbara Underwood, Mike Christopher, Sarah Weigle, Coleen Reamer, Bicky Redman, Phyllis Chant, David Jostenski, Mike Hill, Jay Braund, Ron Stanley, Dean Shultz, Patrick Bowling, Don MacAskill, Susan Naugle, Pat Naugle, Nick Colonna, Aaron Jolin, Matt Genchur, Wayne Belt, Joseph Breighner, Bill Hanne, Vy Trinh, Adam McClain, Sladjana Prozo, Charles Skopic, Jeff Hines, Mark Guise, Joe McNally, Jim Richenderfer, Dejan Senic, Jim Palmer, Heidi Moltz

Handouts:

Meeting agenda, two hard copies of the draft CARP¹, draft Adams County planning targets for the Phase II Chesapeake WIP²

Welcome and introductions:

Charlie Bennett, chair, welcomed the CAAC and Potomac Regional Committee members as well any guest participants. He noted that the CAAC has been very busy since development of the Marsh/Rock CARP began in 2010 and extended a special welcome to the Potomac Regional Committee. Charlie pointed out that there are many different groups represented in the room and that it would be beneficial to do a round of introductions. Each meeting participant then introduced themselves to the group.

Approval of meeting minutes:

Charlie Bennett asked if the meeting minutes for the April CAAC meeting were acceptable as written. Bob Reichart made a motion to approve the meeting minutes and Pat Naugle seconded the motion. Hearing no objections, the meeting minutes were approved. An electronic version of the April meeting minutes can be found on the project blog.³

Introduction to the CARP:

Charlie Bennett said that the Act 220 process has been underway for years and that at the start no one knew what a CARP would look like. And now, we have a draft CARP in hand. So this is what a CARP can look like. But this is still just the beginning of the review and approval process. The draft CARP will undergo review by the Potomac Regional committee, formal review by organizations identified in the legislation (e.g. municipalities, planning office, etc.), public review, and review by the Statewide Committee.

¹ http://www.potomacriver.org/2012/pacarp/DRAFT_CARP_061512.pdf

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http://www.portal.state.pa.us/portal/server.pt/community/chesapeake_bay_program/10513/draft_county_planning_targets_for_the_phase_2_chesapeake_wip/1191702

³ <http://www.marshrockwaterplan.blogspot.com/>

Heidi Moltz, ICPRB, then provided a brief status update. She pointed out that over the series of CAAC meetings, each technical analysis has been reviewed and comments have been received and incorporated from the CAAC. The interim reports were then concatenated to create the draft CARP. To this end, there are only a couple of significant changes since the version of the technical reports that the CAAC last saw. Those changes include the following. First, based on comments received from the last committee meeting, the cut-off threshold for CARP management recommendations was changed to leave lower scoring management recommendations in the CARP because the smaller actions might end up making a big difference to the watersheds when looked at cumulatively. The higher scoring recommendations became Tier 1 and the lower scoring recommendations became Tier 2. Secondly, comments received at the last CAAC meeting also requested additional evaluations of the management alternatives. To achieve this, the draft CARP now includes the numeric scoring, a qualitative evaluation of the management alternatives, and a tabular presentation of considerations suggested by DEP (e.g. social, economic, and land use factors). Also, there is an increased consideration of ecological factors in the qualitative evaluations. Finally, the handling of the GMA-York Water interconnection was modified – see discussion notes below.

Heidi also noted that revisions to the CARP from today's discussion will be made in the next week or so and a new version will be posted to the blog and distributed to the committee in electronic version. The next version will also include a version of today's meeting minutes and an appendix evaluating wastewater reuse opportunities in the CWPA.

On another note, the draft Adams County planning targets for the Phase II Chesapeake WIP⁴ were released by DEP. The document contains nutrient planning targets for Adams County and BMPs that may be implemented to address these targets. It is interesting to note that a number of the BMPs recommended for Adams County to achieve water quality goals are also recommendations being made in the draft CARP. Several handouts of the document were distributed.

Heidi then asked if there were any questions or comments from the group at this point. It was asked whether any hard copies of the draft CARP would be made available. Heidi noted that two hard copies were on hand at the meeting for anyone to look through. Those copies would be given to Adam McClain to be housed at the Conservation District for committee members and/or the public to review. It was discussed whether this is a sufficient number of hard copies. DEP agreed to print 20 copies to make available to committee members and the public and 1 copy to be made available at the library.

It was also asked if an environmental sustainability component was included in the scoring system for the management recommendations. Heidi said that the qualitative evaluation of the management recommendations now includes a discussion of sustainability components where applicable. Environmental sustainability was not included as a scoring criterion because of the lack of consensus on a definition for “environmental sustainability” and a readily available way to assign a numeric score to this attribute.

It was asked whether reservoirs are included in the draft CARP management recommendations. Heidi responded that they are included in the recommendations. In addition, investigations of the feasibility of three potential reservoir sites are underway by Paul Kellett.

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http://www.portal.state.pa.us/portal/server.pt/community/chesapeake_bay_program/10513/draft_county_planning_targets_for_the_phase_2_chesapeake_wip/1191702

Draft CARP review process and timeline:

Jay Braund, DEP, noted that there are regulatory obligations for CARP review and approval. The Potomac Regional Committee needs to approve the document, local governments and other entities identified in the legislation need to have a 45 day formal review period, the Statewide Committee also will be reviewing the document. A decision needs to be made by the committees about when is the best time to hold the required meetings. A discussion ensued about the regulatory review requirements so that the group would understand what the options are. It was determined that the Potomac Regional Committee would meet in mid-late August to discuss the draft CARP. A Doodle survey will be distributed to Potomac Regional Committee members to find an agreeable date when a quorum can be reached. Once the Potomac Regional Committee feels comfortable with the document, it will be released for formal review by municipalities and others and a public meeting will be scheduled.

Marsh/Rock tentative meeting schedule – for discussion. Final meeting dates to be determined.



During the discussion, it was also recommended that the document be distributed to local organizations for formal 45 day review both in hard copy and electronically. It was also noted that when the draft CARP is released, it should be as final as possible while allowing for modifications based comments received.

CARP discussion:

The floor was then opened for comments and discussion on the draft CARP. The question was raised about how the GMA-York Water interconnection is handled in the CARP. Heidi noted that in the last version of the management alternative document that was reviewed by the committee, the interconnection was a high scoring recommendation. Because the interconnection is a decision being made between GMA, York Water, and SRBC, it was suggested to move this to a separate category (not a formal CARP recommendation). So, in the revised version of the CARP the interconnection is listed as a potential activity in the watershed, not a management recommendation. The approach to the presentation of the interconnection is to state the facts (e.g. amount of the transfer and amount of the water deficits) and then describe the differing viewpoints that have been obtained from committee members. Some meeting participants voiced concerns with removing the interconnection from the list of management recommendations – throwing the baby out with the bath water. Mark Guise, GMA, suggested moving it back to the recommendations as a more general activity like “importation of water.” The GMA-York Water interconnection could be listed as an example of a proposed importation activity. Investigating importation of water is part of the DEP CARP guidance.

Dean Shultz asked about the recommendation for developing a common municipal approach for permitting development requests based on sustainable groundwater yield studies. He is interested in seeing a

proposed methodology, rather than just a recommendation for a methodology. Heidi said the current document provides resources for methodologies that already exist and a recommendation for identification/implementation of a common methodology appropriate in the CWPA municipalities, taking into account not only technical factors but also the social, economic, and political factors. Ultimately it is a decision of which methodology is most agreeable from the perspective of the municipalities, where adoption of the ordinance would ultimately occur. It was discussed that perhaps a meeting with the engineers for the municipalities would be beneficial. The point was made that a common approach may be developed for the CWPA, but there is no one-size-fits-all solution to this problem due to variability in the watershed and aquifer characteristics. The SRBC methodology is provided as one example for a sustainable yield analysis in the draft CARP. Jim Richenderfer, SRBC, pointed out that they are looking for an improved methodology. He applauds the conversation that is taking place and noted the importance of this issue for water resources management.

The question was asked by two committee members about how county and municipal planning as well as zoning relate to development and implementation of the CARP. Nick Colonna, ACOPD, responded to the question by saying that the outcome of the CARP process will be used to inform ongoing and future planning efforts to understand what the impact on water resources is and what tool(s) need to be put into place in consideration of these issues. He also noted that the policies to be developed may come out of the CARP and/or use information/recommendations from the CARP, but are not necessarily contained within the CARP. The draft CARP may ultimately be used to inform and assist with county-wide planning in addition to CWPA planning.

Barb Underwood noted that traditionally there is push-back from municipalities if the county says to do something. The CARP needs to be something new so that the recommendations are not pushed away but are actually implemented. Another suggestion arose from the group that engineering results might be more readily accepted if they've been hired by the municipalities, but what if the different engineers come up with different results. People know or are realizing that Adams County has water issues and they're listening, but there could be lots of different viewpoints. Engineers themselves have different areas of interest and specialization. Maybe it would be helpful if the county had a person on staff that could spend time with the different municipalities to assist with this type of work.

Bill Reichart pointed out that perhaps developers should be required to pay fees for independent investigation. The approach will necessarily vary from place to place because every situation is different. Water resources analyses have inherent uncertainty that typically arrives at plausible ranges of values rather than a discrete answer to the problem. A key factor for analysis may be to choose a larger factor of conservancy like designing for a 75 year drought rather than a 50 year drought.

Bob Reichart said there is no answer to what you're seeking (a one-size-fits-all approach to groundwater sustainability analysis). Many different methods have been tried. Geology is highly variable and groundwater availability is variable depending on meteorological conditions, etc. No one ultimate answer is available. A municipal complaint to this was voiced that the only way to battle development is through water or sewer. But the analyses are based on "voodoo water law." Bob Reichart responded that he disagrees with the concept of "voodoo water law." For example, Darcy made many contributions to the understanding an analysis of groundwater availability. But in specific applications, the analyses may depend on data that is insufficient or based on something wrong like the period of collection (wet v dry time periods).

It was noted that it is necessary to get all municipalities at the table to agree to what they can and want to do in order to develop a consistent ordinance for all municipalities. It has been done in other counties. It is possible. And perhaps the benefit of the economic downturn is the ability to get ahead of the building curve in order to have a chance to take proactive steps.

Charlie Skopic noted that the interconnection is a two edge sword, with pros and cons, and that both of these perspectives should be included. The pro is that it brings additional water into the watersheds and may serve to alleviate the water deficit. The con is that it may throw the impetus off of planning because the water will be available from the “big pipe.”

It was asked if water conservation and the exclusion of open loop geothermal wells were included in the management recommendations. Both of these actions are included in the draft CARP recommendations.

Charlie Bennett brought up for the benefit of the Potomac Regional Committee that it has been discussed at a number of CAAC meetings whether the CWPA should be treated differently than other places because of its designation – from DEP regulatory authority or other regulations.

Announcements:

- Up-to-date information about the CARP, including the electronic version of the draft CARP, is available on the blog at <http://www.marshrockwaterplan.blogspot.com/>.

Closing:

Charlie Bennett thanked everyone for attending and closed the meeting.