

**GUIDELINES FOR DEVELOPMENT
OF
CRITICAL AREA RESOURCE PLANS**

GUIDANCE DOCUMENT

DEPARTMENT OF ENVIRONMENTAL PROTECTION

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TITLE: Guidelines for Development of Critical Area Resource Plans

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AUTHORITY: Water Resources Planning Act of 2002 (P.L. 1776, No. 220)

POLICY: As the State Water Plan is being updated, the Department will ensure the development of Critical Area Resource Plans follows a consistent application of criteria and process.

PURPOSE: Clean, reliable ground water and surface water resources are critical for sustaining the environmental health of our natural resources, protecting the public's health and safety, and maintaining the economic vitality of the Commonwealth. The purpose of this policy is to provide guidance to DEP staff, Regional Committees, the Statewide Committee, state and federal agencies, businesses and the public to assist in development of Critical Area Resource Plans for watersheds in designated Critical Water Planning Areas, where demands on the resource exceed or threaten to exceed availability.

APPLICABILITY: This policy applies to the development of Critical Area Resource Plans pursuant to the Water Resources Planning Act of 2002 (P.L. 1776, No. 220).

DISCLAIMER: The policies and procedures outlined in this guidance document are intended to supplement existing requirement. Nothing in the policies or procedures shall affect regulatory requirements. The policies and procedures herein are not an adjudication or a regulation. There is no intent on the part of DEP to give the rules in these policies that weight or deference. This document establishes the framework, within which DEP will exercise its administrative discretion in the future. DEP reserves the discretion to deviate from this policy statement if circumstances warrant.

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Introduction

The Water Resources Planning Act (Act 220 of 2002) requires that the State Water Plan be updated by March 2008. The Act also provides for identification of Critical Water Planning Areas (CWPAs) and for the development of Critical Area Resource Plans (CARPs) for any watershed or watersheds within those designated CWPAs. A CARP may be developed for the entire CWPA or for a specific watershed or watersheds within the CWPA, depending upon the locations of identified problems. This document outlines the criteria (Chapter 2) and process (Chapters 3 and 4) that will be used to develop, review and approve CARPs. These criteria are solely for planning purposes and are not intended to reflect existing or future regulatory requirements. Related Department Guidance Document No. 392-2130-015 describes the process and criteria that will be used to identify CWPAs.

Critical Area Resource Plans are intended to be problem-solving plans. The key problem or problems within a CWPA will have been identified in the CWPA designation process. CARPs will include an investigation, more detailed than that in the State Water Plan, of water availability and current and future demands for water in the designated CWPA, with a focus on the key problem(s) identified in the CWPA designation process and emphasis on prioritizing resources toward completion of the CARP elements that address the key problem(s). Existing and potential conflicts among users will be identified, along with possible alternatives to resolve such conflicts. Supply-side and demand-side alternatives to assure an adequate supply of water in the future will be identified. The Regional Committee will establish a Critical Area Advisory Committee to guide the Department's development of each CARP. The Department encourages the entity or entities nominating an area for CWPA status to play an active role in the CARP planning process.

The Critical Area Resource Plan that results from the study is not a regulatory document and will not be binding. It will, however, suggest measures and actions that could be implemented voluntarily to address the potential water shortage in the area.

Chapter 1

Statutory Basis

The following excerpts from Section 3112 of Act 220 describe the authority and procedures to identify Critical Water Planning Areas (CWPAs) and to develop Critical Area Resource Plans (CARPs) for watersheds within those CWPAs, including the required contents of a CARP:

“3112. Plan contents

- (a) General rule.--The State water plan and regional plan shall include:
 - ...
 - (6) An identification of critical water planning areas comprising any significant hydrologic unit where existing or future demands exceed or threaten to exceed the safe yield of available water resources.
 - ...
- (d) Designation of critical water planning areas and preparation and approval of critical area resource plans.--
 - (1) Critical water planning areas shall be identified as provided under subsection (a)(6). A regional committee may... if justified by evidence developed in the planning process, recommend the designation of a critical water planning area. Upon such recommendation, the Statewide committee and secretary may designate the area for the development of a critical area resource plan for any watershed or watersheds within a critical water planning area pursuant to this subsection.
 - (2) In preparing a critical area resource plan for a critical water planning area, the regional committee shall establish a critical area advisory committee. This committee shall be composed of persons representative of appropriate governmental agencies, agricultural, public water supply, industrial and other water users in the area, conservation and environmental organizations and other persons who have knowledge of, background in or an understanding of water resources planning and management. The critical area advisory committee shall evaluate policy, program and management alternatives and advise the regional committee and department throughout the critical water area planning process.
 - (3) For each critical water planning area identified and designated under this subsection or subsection (a)(6), the regional committee shall, in consultation with a critical area advisory committee, guide the development of and recommend to the Statewide committee and secretary and the department shall draft a critical area resource

plan. The regional committee may recommend to the department the engagement of county or regional agencies or expert consulting firms to assist in the process of preparing such a plan.

- (4) A critical area resource plan shall be subject to review and adoption through the same process as a regional plan as provided in this section and section 3115 (relating to development, adoption, amendment and periodic review of State water plan). Prior to final recommendation by the regional committee to the Statewide committee, a copy of the proposed critical area resource plan shall be submitted to the official planning agency and governing body of each municipality in the designated critical water planning area, the appropriate county planning agency and regional planning agencies for review and comment as to consistency with other plans and programs affecting the critical water planning area, and each such agency and governing body shall be provided 45 days to provide comments.
- (5) The critical area resource plans shall include:
 - (i) An identification of existing and future reasonable and beneficial uses.
 - (ii) A water availability evaluation, including a quantitative assessment of the available water resources and their relationship to the existing and future reasonable and beneficial uses.
 - (iii) An identification of the quantity of water available for new or increased uses of water in the foreseeable future and an identification of quantities required for future water uses associated with planned projects or developments.
 - (iv) An assessment of water quality issues that have a direct and substantial effect on water resource availability.
 - (v) A consideration of storm water and floodplain management within the critical water planning area and their impacts on water quality and quantity.
 - (vi) Identification of existing and potential adverse impacts on uses or conflicts among users or areas of the critical water planning area and identification of alternatives for avoiding or resolving such conflicts.
 - (vii) An identification of practicable supply-side and demand-side alternatives for assuring an adequate supply of water to satisfy existing and future reasonable and beneficial uses.”

Chapter 2

Developing Critical Area Resource Plan Elements

The Critical Area Resources Planning process should encourage innovation, but at the same time, the Critical Area Resource Plan should be based upon defensible and accepted scientific practice and sound principles of hydrology.

In order to be approved by the Statewide Committee and the Secretary, all Critical Area Resource Plans should be consistent with, or not in conflict with:

- (a). The regional plan.
- (b). The statute; federal or state statutes or regulations, or officially adopted policies or plans; or compacts or other interstate agreements and plans
- (c). The provisions or objectives of the overall State Water Plan.

Critical Area Resource Plans must conform to the plan elements required by the statute and described below and or other requirements established by this policy. Act 220 specifies seven elements that must be included in a CARP. In addition to a statement of the problems, these elements are discussed individually, below.

A. Verification and statement of problems

The Department, in consultation with the Regional Committee and the Critical Area Advisory Committee (CAAC), will clearly define the problem(s) identified in the designation process. Because some period of time may pass between the designation of the CWPA and the initiation of the CARP, other problems, in the form of existing and potential conflicts among uses or users, may also be identified. The facts, assumptions and premises of the original problem definition will be verified as still valid, to the extent practicable, at the time the Critical Area Resource Plan is initiated. The resulting confirmed statement of problems will serve as the focus for the remaining elements of the CARP, which will be directed toward addressing the problems.

The Department and the Regional Committee, with input from the CAAC, may prioritize problems and plan components, in order to more effectively utilize available resources and provide emphasis to those elements of the Critical Area Resource Plan that most directly address the problems.

B. Existing and future reasonable and beneficial uses

- “(i) An identification of existing and future reasonable and beneficial uses.”

Act 220 defines “Reasonable and beneficial use” as “The use of water for a useful and productive purpose, which is reasonable considering the rights of other users and consistent with the public interest, in a quantity and manner as is necessary for efficient utilization. The term includes withdrawal and nonwithdrawal uses.” This section addresses existing uses, while Section D addresses future uses.

Withdrawal Uses

This section addresses existing withdrawal uses. The water use identification and quantification should include the following:

- Service areas and franchise areas of public water suppliers and amount of water use in these areas, including an assessment of per capita use and bulk sales or purchases through interconnections
- Self-supplied water users, by category (e.g., residential, industrial, commercial, institutional, agricultural livestock and irrigation, non-agricultural irrigation, thermoelectric power, and mining), and the amount of water use
- Water use by type of source (i.e., ground water and surface water)
- Service areas of sewage collection systems and quantity of discharge from those systems
- Areas served by on-lot wastewater disposal, and quantities
- Consumptive uses (water not returned, e.g., evaporation, transpiration, product incorporation or export)
- Interwatershed transfers - imports to and exports from the watershed(s), including through water supply and wastewater systems
- Existing water conservation programs and their effects
- Compliance with permit limits and conditions on withdrawals.

Non-withdrawal Uses

For streams and other surface waters within the watershed(s), identify non-withdrawal or instream uses, including existing and designated stream uses, and where possible assess the flows and base flows needed to protect those uses based upon established standards. Such uses may include:

- Protection of aquatic resources
- Recreational uses, such as swimming, boating or fishing
- Hydropower
- Navigation or commercial boating

Types of information that may be available on these uses include agency or volunteer monitoring data on aquatic resources, instream physical conditions and state water quality designations.

The Pennsylvania Fish and Boat Commission, U.S. Geological Survey, U.S. Army Corps of Engineers, Pennsylvania Department of Conservation and Natural Resources and compact basin commissions are sources of available information on these uses.

C. Water availability evaluation

- “(ii) A water availability evaluation, including a quantitative assessment of the available water resources and their relationship to the existing and future reasonable and beneficial uses.”

The assessment of existing and future available water resources should include an evaluation of the following:

- All natural water sources (streams and aquifers) within the watershed(s), including: yield, flows, location, extent, ground water maps, watershed boundaries, etc.
- All sources originating outside the watershed(s) (water supply or wastewater)
- Existing hydrologic data for the watershed(s). Such information would include:
 - Geology and water producing capabilities of the geologic units and their potential use for water supply.
 - Streamflow data and statistics for the watershed(s) or nearby gaged watersheds of similar characteristics including estimates of mean daily flow, 1 in 25 year annual average baseflow and Q₇₋₁₀.
- Precipitation
- Storage in on-stream and off-stream reservoirs, including consideration of passby flow or conservation release requirements
- Permit limits and conditions
- System capacity limits
- Sewage treatment systems within the watershed(s). Types of information that may be useful to consider:
 - For wastewater discharges: locations; monthly average and peak flow volumes; permitted capacity; system capacity; effluent limits; pollutant loads; service area; inflow and infiltration (I/I) estimates; ground water recharge and land application sites; and Act 537 Plans.
 - For septic systems: community septic systems; areas with on-lot septic systems; areas with failing septic systems; estimated discharges and nutrient loads.
- Important natural resources and habitat existing in the watershed(s), such as: High Quality or Exceptional Value streams; federally or state identified threatened, rare or endangered water species habitat; Exceptional Value or other wetlands, undisturbed forested riparian buffers; PA state-designated Class A trout waters; naturally reproducing trout streams; PA Natural Diversity Index Sites; state or federally designated scenic, wild and scenic, or pastoral streams; first order stream drainage areas; and recreational waters.
- Land uses and/or land cover within the watershed(s) - types and area of land in each; forest and impervious cover should be estimated for the watershed(s).
- Estimates of stormwater runoff, evapotranspiration and infiltration. Types of information that may be useful to consider include Act 167 Plans for stormwater and any local ordinances pertaining to stormwater management.
- Areas of impaired water quality and the sources of impairments with the goal of assessing how these impaired areas affect water availability. These may include areas that do not meet water quality standards; streams listed by the state pursuant to Section 303(d) of the Federal Clean Water Act; streams impacted by acid mine

drainage (AMD); severely eroded stream channels; CERCLA, RCRA, and LUST designated areas and areas of known ground and surface water contamination; areas with failing septic systems that threaten water quality; non-point source pollutant runoff; and other impairments. It is recommended that this assessment rely on the evaluation of existing data.

D. Quantity of water available and required for future water uses

“(iii) An identification of the quantity of water available for new or increased uses of water in the foreseeable future and an identification of quantities required for future water uses associated with planned projects or developments.”

This section includes a comparison of the available resources identified in Section C to the existing reasonable and beneficial uses identified in Section B, to determine a net balance of remaining resources available for foreseeable future uses identified as described herein.

Planning Period

At a minimum, it is recommended that a 15-year planning period be evaluated. The planning period would vary depending on the type of alternatives being considered. If possible, determine future water demands for 5-year time intervals.

Population, employment and development

Future scenarios should be based on best available population and employment projections; county and local land use plans and ordinances, and land development proposals. Full zoning build-out scenarios result in over-projection of growth and are not encouraged.

The Critical Area Resource Plan should delineate where (geographically) land development would likely occur in the watershed(s) based upon local comprehensive planning and zoning and proposed land development projects. Based upon these delineations, distribution of future water use in the watershed(s) should be estimated.

Future Withdrawal Uses

This section discusses the projection of future withdrawal uses. The water use assessment should include an evaluation of the following:

- Future service areas and franchise areas of public water suppliers and amount of water use in these areas, including an assessment of per capita use and bulk sales or purchases through interconnections
- Future self-supplied water users, by category (e.g., residential, industrial, commercial, institutional, agricultural livestock and irrigation, non-agricultural irrigation, thermoelectric power, and mining), and the amount of water use
- Future water use by type of source (i.e., ground water and surface water)
- Future service areas of sewage collection systems and quantity of discharge from those systems
- Future areas to be served by on-lot wastewater disposal, and quantities
- Future consumptive uses
- Future interwatershed transfers - imports to and exports from the watershed(s),

including through water supply and wastewater systems

- Potential future water conservation programs and their effects

Future Non-withdrawal uses

For streams and other surface waters within the watershed(s), identify future non-withdrawal or instream uses, including existing and designated stream uses, and where possible assess the flows and base flows needed to protect those uses based upon established standards. Such uses may include:

- Protection of aquatic resources
- Recreational uses, such as swimming, boating or fishing
- Hydropower
- Navigation or commercial boating

Types of information that may be available on these uses include agency or volunteer monitoring data on aquatic resources, instream physical conditions and state water quality designations.

Projected impacts on instream uses should be identified for streams and other surface waters within the watershed(s). The evaluation should consider how future withdrawals and discharges would affect stream flow. The location of withdrawals relative to discharges is an important component of the evaluation. This evaluation should include surface water impacts associated with projected ground water withdrawals.

Uncertainties

Due to uncertainties associated with projecting water demand, a range of projections with high and low end estimates may be developed.

E. Assessment of water quality issues

- “(iv) An assessment of water quality issues that have a direct and substantial effect on water resource availability.”

Water quantity and water quality are interrelated. The Critical Area Resource Plan should consider the inter-relationship of water quality and water availability for current and future water uses. Contaminated water may be difficult and costly to remediate and may reduce or preclude the resource’s potential use as a water source; AMD is an example. Impacts to source water for public water suppliers must be considered. Protecting existing and designated uses includes insuring that there is sufficient stream flow to protect the physical, chemical and biological characteristics of the stream. Total Maximum Daily Loads (TMDLs) have been developed or will be developed for many watersheds in Pennsylvania. Existing or potential future TMDLs must be fully considered in the assessment of water quality issues.

The CARP should evaluate existing and proposed wastewater disposal and non-point sources of pollution and their effects on water resources.

Under Section 303(d) of the Clean Water Act all states are required to assess the use impairment status of their surface waters and report the results to EPA on a biennial basis. Results of these assessments will be evaluated as part of CARP development to ensure that documented impairments of surface water uses outlined in Pennsylvania's Water Quality Standards are considered.

F. Stormwater and floodplain management

“(v) A consideration of storm water and floodplain management within the critical water planning area and their impacts on water quality and quantity.”

The Critical Area Resource Plan should consider the impacts of existing and projected land development on stormwater flows and floodplains as they relate to ground water and surface water resources. The assessment should evaluate:

- Existing and future conditions in the watershed(s) as they pertain to stormwater runoff and flooding, including the protection of downstream water supplies from debris or other pollutant runoff from floodplains;
- Impacts of existing and future land development and impervious surfaces on runoff volumes and rates and ground water infiltration;
- Impacts to source waters for public water supplies;
- Existing local, state and federal stormwater management and floodplain regulations including, but not limited to: local ordinances, Act 167, and NPDES Phase II and other federal Clean Water Act non-point source regulations; and
- Enforcement of existing stormwater and floodplain ordinances;

G. Adverse impacts and conflicts

“(vi) Identification of existing and potential adverse impacts on uses or conflicts among users or areas of the critical water planning area and identification of alternatives for avoiding or resolving such conflicts.”

Potential adverse impacts or conflicts among users or among areas within the CWPA will be identified as part of the CWPA designation process and during the development of the Critical Area Resource Plan. Because the designation of a CWPA is predicated upon inadequate resources, the potential for existing or future conflicts is virtually assured. Conflicts may also be identified through the alternative solutions analyses, because multiple objectives may conflict. Competing objectives could include maintaining adequate water supply, protecting aquatic resources and minimizing costs.

Resolving such conflicts will require negotiation, collaboration and consensus building of key stakeholders. There are many methods and tools available to support these efforts. Examples include: ranking alternatives by weighing criteria, decision tree analysis and cost/benefit analysis. The process must provide opportunity for all stakeholders to express their views.

H. Supply-side and demand-side alternatives

“(vii) An identification of practicable supply-side and demand-side alternatives for assuring an adequate supply of water to satisfy existing and future reasonable and beneficial uses.”

If limitations on current or future use of available water resources are identified, alternatives should be developed to meet future water and wastewater needs. Alternatives should be evaluated under different water demand scenarios and under normal and drought conditions. The evaluation should consider the environmental, economic/cost, regulatory, land use planning,

engineering and social implications of the alternatives.

In addition to other alternatives being evaluated, the following alternatives may be considered:

- No action alternative
- Expanding water conservation beyond existing mandated programs (i.e. aggressive leak detection and repair program for utilities and users, conservation rate structures, toilet rebate program)
- Potential uses for reclaimed water and greywater
- Alternative sources of ground water and surface water and conjunctive use of surface water and ground water
- Modifying existing or planned stream intake and discharge locations to minimize impacts on stream flows.
- Stormwater infiltration
- Implementation of land uses and development practices that incorporate sound water resources management, including incentives for low-impact development designs and forested riparian buffer networks;
- Additional water treatment and remediation to increase available sources
- Development of additional storage
- Importation of water
- Implementation of sound storm water management practices and programs, including:
 - Revising existing or developing new stormwater and best management practices requirements;
 - Revising existing local regulations that require unnecessary impervious cover;
 - Developing performance-based design and stormwater control standards that allow consideration of site-specific factors such as soil, slope, cover and geology in developing stormwater plans;
 - Supporting implementation of agricultural BMPs to reduce stormwater impacts and encourage retention of agricultural operations; and
- Identifying opportunities for protecting or restoring floodplains to their natural flood carrying capacities.

I. Recommendations

This section of the Critical Area Resource Plan describes the alternative(s) that is(are) being recommended to address the problems that were identified in Section A, after consideration of all alternatives in accordance with Sections G and H.

Chapter 3

Process for Developing a Critical Area Resource Plan

“3112. Plan contents

...

(d) Designation of critical water planning areas and preparation and approval of critical area resource plans

...

- (2) In preparing a critical area resource plan for a critical water planning area, the regional committee shall establish a critical area advisory committee. This committee shall be composed of persons representative of appropriate governmental agencies, agricultural, public water supply, industrial and other water users in the area, conservation and environmental organizations and other persons who have knowledge of, background in or an understanding of water resources planning and management. The critical area advisory committee shall evaluate policy, program and management alternatives and advise the regional committee and department throughout the critical water area planning process.
- (3) For each critical water planning area identified and designated under this subsection or subsection (a)(6), the regional committee shall, in consultation with a critical area advisory committee, guide the development of and recommend to the Statewide committee and secretary and the department shall draft a critical area resource plan. The regional committee may recommend to the department the engagement of county or regional agencies or expert consulting firms to assist in the process of preparing such a plan.”

The responsibility for the development of Critical Area Resource Plans lies primarily with the Department. Act 220 requires that a Critical Area Advisory Committee (CAAC) be established by the Regional Committee to advise the Regional Committee and the Department in the critical area planning process. The Regional Committee, in consultation with the CAAC, will in turn guide the Department in the development of the CARP.

A. Establishment and role of Critical Area Advisory Committee (CAAC)

1. Composition of CAAC – The CAAC membership shall include:
 - a. Representatives of appropriate governmental agencies including each municipality, planning agency and conservation district of each county in the watershed(s).
 - b. Representatives of agricultural, public water supply, industrial and other water users and dischargers in the watershed(s).
 - c. Representatives of conservation and environmental organizations.
 - d. Other persons who have knowledge of, background in or an understanding

- of water resources planning and management.
- e. One or more members of the Regional Committee.
- 2. Appointment of CAAC Members – The Regional Committee shall:
 - a. Solicit nominations and volunteers for potential members of the CAAC.
 - b. At a regular meeting of the Regional Committee, by majority vote, make appointments to the CAAC.
- 3. Role of CAAC – The role and responsibility of the CAAC shall include:
 - a. Evaluate policy, program and management alternatives for inclusion in the CARP.
 - b. Advise the Regional Committee throughout the Critical Area Resource Planning process.

B. Engagement of county or regional agencies or expert consulting firms

If the Department determines that it is necessary or desirable to engage the services of an outside agency or organization to assist in the development of the Critical Area Resource Plan:

- 1. The Regional Committee may recommend to the Department one or more county or regional agencies or expert consulting firms.
- 2. The Department will follow its usual contracting procedures for procuring the services of one or more of the recommended county or regional agencies or expert consulting firms.

C. Public involvement

The Regional Committee shall use an open process, including holding at least one combined public meeting and hearing within the watershed(s), to solicit comments from interested persons on water resources planning issues related to preparation of the Critical Area Resource Plan (See §§ 3113 (C) (5) and 3115 (B) (1).(i)). In addition to the public meeting and hearing, direct comments to DEP or the Regional Committee are also welcome.

D. Statement and prioritization of problem(s)

- 1. The Department, working in consultation with the Regional Committee and the CAAC, will initiate the Critical Area Resource Planning process by developing a statement of the problem(s) to be addressed in the CARP. This will include verification, based upon current science and information, of the problem(s) identified during the CWPA designation process.
- 2. The Regional Committee, in consultation with the CAAC, may recommend a prioritization of the problems, in order to more effectively use resources and provide a better focus for development of the Critical Area Resource Plan elements.

E. Development and collection of needed information

- 1. The Department, working in consultation with the Regional Committee, the CAAC, and in conjunction with any outside agency engaged under B, above, will identify all information that is needed to complete the elements of the Critical Area Resource Plan as outlined in Chapter 2.
- 2. The Department may revise the data collection frequency and accuracy requirements of

water use reporting established under 25 PA Code Chapter 110, if deemed necessary for collection of data identified in Paragraph 1, above.

3. The Department will, using its own resources or those of the Regional Committee, the CAAC, and any outside agency engaged under B, above, implement steps necessary to collect and develop the information identified under Paragraph 1.

F. Drafting of Critical Area Resource Plan

The Department, working in consultation with the Regional Committee, the CAAC, and in conjunction with any outside agency engaged under B, above, will prepare a draft CARP.

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Chapter 4

Process for Reviewing and Adopting a Critical Area Resource Plan

- “(4) A critical area resource plan shall be subject to review and adoption through the same process as a regional plan as provided in this section and section 3115 (relating to development, adoption, amendment and periodic review of State water plan). Prior to final recommendation by the regional committee to the Statewide committee, a copy of the proposed critical area resource plan shall be submitted to the official planning agency and governing body of each municipality in the designated critical water planning area, the appropriate county planning agency and regional planning agencies for review and comment as to consistency with other plans and programs affecting the critical water planning area, and each such agency and governing body shall be provided 45 days to provide comments.”

...

The responsibility for the review and development of Critical Area Resource Plans lies primarily with the Regional Committee, the Statewide Committee and the Secretary. The Regional Committee, in consultation with the CAAC, the Statewide Committee and the Secretary, will follow the procedure below for review and recommendation of the CARP:

A. Review of Critical Area Resource Plan

1. The Regional Committee, in cooperation with the CAAC, shall hold at least one combined public meeting and hearing within the watershed(s) to solicit input on the drafts of the initial Critical Area Resource Plan (See § 3115 (B)(3)). The Regional Committee will provide for a public comment period to receive written comments including soliciting comments from those entities identified in paragraph 3 below.
2. Following public participation and the combined public meeting and hearing required under Paragraph 1, above, and in consultation with the CAAC, each Regional Committee shall select, by a majority vote, the planning alternatives and provisions to be recommended as part of the Critical Area Resource Plan (See § 3115 (B)(4)).
3. Prior to final recommendation by the Regional Committee to the Statewide Committee, a copy of the proposed Critical Area Resource Plan shall be submitted to the official planning agency and governing body of each municipality in the watershed(s), the appropriate county planning agency(s) and regional planning agencies for review and comment as to consistency with other plans and programs affecting the watershed(s) and relevant state agencies (including the PA Fish and Boat Commission). Each such agency and governing body shall be provided forty-five (45) days to provide comments (See § 3112 (D)(4)).
4. After the 45-day comment period, the Regional Committee shall make changes, if any, following receipt of planning agencies comments.

B. Recommendation of Critical Area Resource Plan to Statewide Committee and Secretary of DEP

1. Each Regional Committee may, by majority vote, recommend the Critical Area Resource Plan to the Statewide Committee (See § 3115 (B)(3)).

2. If the Regional Committee fails to transmit the Critical Area Resource Plan to the Statewide Committee, the Statewide Committee shall, after providing ninety days' written notice to the Regional Committee, proceed to act on the CARP in accordance with Section C below.

C. Approval of Critical Area Resource Plan and inclusion in State Water Plan

1. Upon receipt of the Critical Area Resource Plan, the Statewide Committee or the Secretary may direct modification of the CARP, in whole or in part, upon finding (See § 3115 (C)(3)):

- (a). The planning or management alternatives are inconsistent with the regional plan.
- (b). The plan is inconsistent with the statute; federal or state statutes or regulations, or officially adopted policies or plans; or compacts or other interstate agreements and plans
- (c). The CARP is inconsistent with or conflicts with the provisions or objectives of the overall State Water Plan.
- (d). The CARP fails to conform to the plan elements in Chapter 2 or other requirements established by this policy.

2. Following consultation with the Regional Committee, the Statewide Committee may, by majority vote, approve and recommend to the Secretary approval and adoption of the Critical Area Resource Plan as a component of the State Water Plan.

3. Within ninety days of submission of the Critical Area Resource Plan, the Secretary shall in writing either approve the plan, or disapprove the plan if the Secretary finds:

- (a). The planning or management alternatives are inconsistent with the regional plan.
- (b). The plan is inconsistent with the statute; federal or state statutes or regulations, or officially adopted policies or plans; or compacts or other interstate agreements and plans
- (c). The CARP is inconsistent with or conflicts with the provisions or objectives of the overall State Water Plan.
- (d). The CARP fails to conform to the plan elements in Chapter 2 or other requirements established by this policy.

4. Upon disapproval of the Critical Area Resource Plan, the Secretary shall advise the Statewide Committee and the affected Regional Committee, in writing, of the reasons for disapproval.

5. Upon receipt of notice of disapproval, the Statewide Committee, the affected Regional Committee and the Department shall undertake expeditious and diligent efforts to confer and resolve the issues identified as the reasons for disapproval (See § 3115 (C)(4)(iv)).

6. Within ninety days of receipt of any disapproval notice, the Statewide Committee shall recommend a revised plan which addresses and resolves the issues (See § 3115 (C)(4)(iv)).

7. Upon adoption of the Critical Area Resource Plan, the Department shall publish notice of

the amendment of the State Water Plan in the Pennsylvania Bulletin and on the Department's worldwide website.

8. The Critical Area Resource Plan shall be construed as a component of the State Water Plan and may be implemented voluntarily (See § 3112 (D)(6)).

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