



Delaware River Basin Commission

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DRBC WATER MANAGEMENT ADVISORY COMMITTEE MEETING **February 16, 2005**

COMMITTEE MEMBERS PRESENT:

Bob Molzahn	Water Resources Association
Mary Ellen Noble	Delaware Riverkeeper Network
Jan Bowers	Chester County Water Resources Authority
Ronald Sloto	U.S. Geological Survey
Stewart Lovell	Del. Dept. Natural Resources
Bruno Mercuri	Mercuri and Associates, Inc.
Bob Mayer	NYC DEP
Joseph Miri	NJ Dept. of Environmental Protection
William Gast	PA Department of Environmental Protection

DRBC STAFF:

Kenneth Najjar, Planning & Implementation Branch Head
David Sayers, Planning & Implementation Branch
Jessica Sanchez, Planning & Implementation Branch

CALL TO ORDER:

The meeting was called to order at 9:40am by Chairman Bob Molzahn. The minutes of the previous meeting (12/07/2004) were reviewed by the Committee. Two items were identified for correction on page 5: i) the correct reference to NOAA was added and ii) the text was changed to read "ground water and surface water divides coincide..." The minutes were accepted as corrected. The agenda was reviewed and approved with a suggestion that the meeting wrap up at lunch time, if possible.

The next order of business was to elect a vice-chair of the WMAC. Dr. Mercuri nominated Ms. Noble for this position, seconded by Ms. Bowers. Ms. Noble was elected as vice-chair of the WMAC.

UPDATE ON WATER MANAGEMENT ISSUES:

- Water Budgets and Ground Water Availability Assessments (Ron Sloto): The water budget report has been through peer review and comments have been received. The USGS is working to prepare a version that will reflect the comments and will then be sent to headquarters for approval. Mr. Sloto expects it to be sent by the end of next week at the latest. For the water availability study, the USGS New Jersey staff has yet to complete their analysis to generate water availability numbers for the coastal plain portions of the Basin and they have yet to prepare text documenting the methodology for the water availability report. Committee members asked when they would get to see outputs from the studies. Mr. Sloto responded that when he receives the section from New Jersey he will incorporate it into what he has already prepared. New Jersey staff told Mr. Sloto that he should have it by sometime in the beginning of March.

- Pocono Project: Sustainable Watershed Management (Ken Najjar): Dr. Najjar updated the Committee on progress with this project since the previous WMAC meeting. The project is moving along and is a joint endeavor with US EPA, DRBC, Monroe County Conservation District, and Monroe County Planning Commission, Brodhead Watershed Association, USGS, and PA Fish & Boat. EPA Region III has taken an administrative lead, and the Office of Research and Development has taken a technical role on this project. Added to the team last month was representation from PADEP, Northeast office.

The project is designed with three phases with an overall objective of obtaining transferable results (or methodologies). Funding comes from a grant from the US EPA but combines with other grant money and matching funds from DRBC and others. The first phase is largely technical and incorporates three types of modeling efforts: One is a ground water 3-D modeling effort to determine the effect of withdrawals on baseflows in the Pocono Creek. The second part is the PA Fish & Boat Commission's model to determine the impact of any flow reduction on critical habitat, in this case brown trout habitat, using PA's guidance of no greater than 5% habitat loss. The third model, run by EPA-ORD, is a storm-water runoff model which attempts to balance the inflow into the stream based on rainfall runoff characteristics.

These three modeling efforts are part of a corresponding planning exercise which includes pulling together the watershed community partnerships and looking at what the present and future water use is for the area and beginning the outreach process. This is all encompassed in phase 1.

Phases 2 & 3 will help educate the wider community on the results of the modeling efforts and will also educate those at the County and Municipal level on management options to ensure sustainable water use. The management options may take many forms and could include ordinances, etc.

Phase 1 is underway and began in November 2004 with a timeline of 2 years. Currently we are trying to raise funds for phase 2 and are looking at grants from EPA and Growing Greener and others to continue the project.

Ms. Noble questioned whether implementation could be done at the local level under current law. Dr. Najjar confirmed this was the case. Mr. Sloto noted that in developed watersheds the impact of development is not always apparent on the recharge numbers. Often it is a reduction in ET (which is typically around 50% of the water budget (outputs) under natural conditions), rather than recharge, which balances the increased water loss from withdrawals.

Ms. Bowers requested an update on developments with IRP (Integrated Resource Plan) issues for the next meeting as it has been some time since the Committee heard an update. Staff agreed to provide the update.

- DRBC Resolution 88-2: Conservation Standards (David Sayers): Mr. Sayers recapped the situation regarding Pennsylvania's state-wide plumbing code which has recently been adopted and now relieves DRBC of its role in ensuring Water Conservation standards are enacted at the local level. In the past, NJ, DE, & NY had passed a state code which implemented federal standards. But in PA there was no statewide plumbing code so the standards were enforced at the local level as per DRBC Resolution 88-2. On April 9th 2004, the PA legislature passed a uniform construction code and the follow-up item from the last meeting was to check whether or not the plumbing code component was enacted. Mr. Sayers reported that he had conversations with Jon Balson of the PA Dept of Labor and Industry which confirmed that the plumbing code was part of the unified code and conformed to DRBC standards. Mr. Sayers shared this information with Mr. Gast. Mr. Sayers noted that this change means DRBC does not need to monitor compliance at the local level in Pennsylvania. Ms. Bowers

asked whether the code requires that municipalities adopt the building code or if it is automatically incorporated. Mr. Gast responded that as it is a state code it automatically applies. Ms. Bowers noted that in the past DRBC had would not approve a project in a municipality until it had passed a local plumbing code. Mr. Sayers confirmed this and noted that we don't need to do this anymore; Pennsylvania now has the same status as the other Basin states regarding this issue where DRBC has not needed to track this at the local level.

WATER ACCOUNTABILITY:

Mr. Sayers gave an update to the committee regarding water accountability issues based on his recent conversation with George Kunkel of Philadelphia Water Department, who could not be present at today's meeting. Mr. Sayers gave a presentation to the group that had been prepared by DRBC staff and will be given to the DRBC Commissioners at the next Commission meeting to inform them of recent developments with this issue. Comments were made by WMAC members in order to improve the presentation, particularly with regard to the next steps, for which the Committee recommends a 3 phase approach. As we have discussed previously, the WMAC needs to let the Commissioners understand what we are doing and look at this method and get their approval. We are planning to give this presentation at the next Commission meeting in March. The WMAC voted on the proposal to put this issue to the Commissioners, and it was passed unanimously.

[The slides presented to the DRBC Commissioners at the March 16 2005 meeting can be found here: <http://www.state.nj.us/drbc/wateruse/WMACWaterAcctg031605.pdf>].

An action for DRBC staff from the last meeting was to work with Bob Molzahn to issue an article in the WRA newsletter about the new methodology and the AWWA software testing study; the article appeared in the Winter 2004/2005 issue. The article helped generate interest in the software testing, and DRBC had received interest from several water purveyors in the Basin. Dr. Mercuri suggested that Perkasio Borough Authority may also wish to participate in the study and will provide further contact details to DRBC after contacting the Borough. Most of the interested purveyors were from Pennsylvania, so the State representatives on the Committee from New Jersey and Delaware were asked to help seek out potential candidates for the software testing, and details should be forwarded to David Sayers of DRBC staff.

A first draft of the software has been developed by the AWWA subcommittee. It still needs refining and is not yet ready for testing. The proposed start date for software testing is the end of March. Mr. Kunkel is planning to write a letter on behalf of the AWWA committee to any systems that DRBC identifies that may want to participate. The DRBC will then send that letter out under a DRBC cover or e-mail. Interest in this topic seems to be growing; Mr. Kunkel recently attended a PA PUC meeting and has been invited to speak at the National Association of Regulatory Utility Commissioners.

PA ACT 220 UPDATE:

- Progress with developing State Water Plan (Bill Gast): Mr. Gast gave an update on issues relating to PA Act 220 progress and the development of the State Water Plan. Over the last few months, things have been progressing. The statewide committee has considered draft critical water planning area guidelines that the Critical Water Planning Area subcommittee developed. Those draft guidelines were distributed to the 6 regional committees for their comment and review. There is a process document that outlines the process that is needed in order to get a critical water planning area designated. Designation requires a statewide committee approval and the approval of the department secretary. There is also a separate criteria document which describes the criteria and standards that would be applied to determine whether or not an area qualifies as a critical water planning area. We are anticipating comments back from the regional committees by the end of February for the Process

document. PA is anticipating comments back from the regional committees by the end of May for the criteria document.

One of the components of the plan is the identification of critical water planning areas which are significant hydrologic units (minimum 15 sq. miles) where the demands exceed, or threaten to exceed, the safe yield of the resource. Ms. Bowers noted that DRBC tested the proposed criteria in the Pennsylvania portion of its Basin to determine if there were any areas that would qualify as potential critical water planning areas - the analysis only came up with three, in the headwaters of the Neshaminy Basin. These didn't show up as areas of potential concern until DRBC broke the watersheds into smaller sub-basins.

- DRBC Scope of Work (Ken Najjar): Dr. Najjar updated the Committee on work performed by DRBC in support of PA Act 220. There are four main elements of the work in FY2005:

- Water Demand Forecasting – Mr. Sayers will give a separate report to the Committee
- Coordination, Education and Outreach – This work includes getting articles published in newsletters emphasizing the importance of Act 220 and specifically the registration process. DRBC staff also discusses this issue with applicants during the project review process. Mr. Gast noted that the DRBC will also be assisting PADEP with its public hearing for the Delaware Regional Committee.
- Evaluation of water availability methods – This work will take place once preliminary results are available, most likely by the summer.
- DMR Data Collection – DRBC will be hiring interns to help with this task, which involves entering data from paper copies of the DMR data held at the PADEP regional offices.

- Water Demand Forecasting Study (David Sayers): Mr. Sayers reported to the Committee that the DRBC had issued an RFP for the demand forecasting component of the Act 220 support. A short-list of contractors was developed, candidates interviewed, and a contract was awarded to CDM. Mr. Sayers presented slides to the Committee that gave a broad overview of the approach outlined by CDM. There are three main tasks in the contract: i) develop demand forecasting methodologies, ii) interact with the CWPA committee and iii) implement the forecasts by conducting a pilot study in the Lehigh Valley. The approach will make maximum use of available data and also identify data gaps that place limitations on the methodologies and need addressing. The methodologies will be sector specific and applicable statewide. The study is already underway and is scheduled to be completed by the end of the fiscal year (end of June 2005).

OTHER BUSINESS AND NEXT MEETING ARRANGEMENTS:

The next meeting date was set to June 7th, 2005. The meeting then adjourned.