



Delaware River Basin Commission

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DRBC WATER MANAGEMENT ADVISORY COMMITTEE MEETING September 14, 2006

COMMITTEE MEMBERS PRESENT:

Bob Molzahn	Water Resources Association, WMAC Chair
William Gast	PA Department of Environmental Protection
George Kunkel*	Philadelphia Water Department (for Howard Neukrug)
Stewart Lovell	Del. Dept. Natural Resources
Joseph Miri	NJ Dept. of Environmental Protection
Mary Ellen Noble	Delaware Riverkeeper Network
Edie Stevens	League of Women Voters of PA
Senobar Safafar	NYC DEP
John Mello	US EPA Region 2
Ferdows Ali	NJ Dept of Agriculture
Glen Stevens	ACOE
Ron Slotto	US Geological Survey

*Denotes alternate or non-official member.

OTHER PARTICIPANTS:

Tom Fort	IST, Inc. (principal scientist)
Via Telephone:	Colin Apse, The Nature Conservancy, Subcommittee on Ecological Flows

DRBC STAFF:

Kenneth Najjar, Head-Planning & Impl.
David Sayers, Planning & Impl

REVIEW OF MINUTES / REVIEW AND APPROVAL OF AGENDA:

The meeting was called to order at 9:40 am by Mr. Bob Molzahn, chair of the committee. The minutes from the April 19, 2006 meeting were reviewed and approved without changes. Today's agenda was also reviewed and approved by the committee. Before discussion of the first agenda item commenced, Mr. Molzahn asked staff for a brief update on the progress with developing MOUs between DRBC and its partner agencies. Mr. Sayers of DRBC staff reported to the Committee that, due to staff changes in the Project Review branch, Mr. Muszynski has been focused on docket issues and has not had sufficient time to make much progress on the MOUs. Mr. Sayers noted that attention would turn back to the MOUs after the next Commission meeting, later in the month. Mr. Molzahn mentioned that it would be good to convene a focus group once the MOUs are further developed which could include DRBC, the regulated community and other partner agencies. This would help educate the stakeholders and keep them informed.

WATER ACCOUNTABILITY:

Mr. George Kunkel, of the Philadelphia Water Department, reviewed progress on this issue based on his involvement with the AWWA (American Water Works Association) Water Loss Control Committee. The AWWA committee has been actively looking into developing a water audit method for water purveyors and has now issued a water audit software package. As of April, an easy to use, spreadsheet-based, water audit software tool is available to download from the AWWA website; feedback so far indicates that the software has been well-received. An AWWA water audit manual, based on the AWWA/IWA audit methodology is still in development. It is 95% complete, but the publication process is likely to be lengthy.

With the software released, the Water Loss Control committee has been focused in recent months on developing training based on the use of software. Mr. Kunkel reported that last week three training sessions took place in Atlanta, GA, organized by the Metropolitan North Georgia Water District. The training was well-received. The Water Loss Control Committee is now developing a “traveling seminar” to allow the training to reach a broad audience. Mr. Kunkel also noted that Texas is embracing the new water audit methods and that PADEP is exploring the idea of incorporating the methods into its training for certified operators. Mr. Kunkel stressed that at this time it is important to get the audit used as widely as possible and not to get too focused on targets.

PREPARATION FOR COMMISSION MEETING:

Water Accountability Position Statement: Following on from Mr. Kunkel’s update, Mr. Sayers noted to the Committee that its own Water Accountability subcommittee had prepared a position statement on water accountability issues, based on discussions at meetings held over the last couple of years. Preliminary reviews of our findings were presented to the Commissioners in March 2005 but now a position statement has been prepared and requires WMAC approval before it can be presented to the Commissioners later in the month.

As a reminder for the Committee, Mr. Sayers reviewed the presentation (handout given to Committee) that will be given to the Commissioners. The presentation summarized the findings of the subcommittee – that the new AWWA/IWA methods will advance our understanding and confidence in water loss accounting – and the recommendations to the Commissioners. The purpose of the position statement is to seek approval from the Commissioners so that DRBC (through WMAC) can go back to DRBC resolutions and revise them to incorporate the new audit methods. DRBC can support these methodologies through not only its resolutions, but through revising its application forms and reporting requirements. Once those revisions are made, they will be presented to the Commissioners for approval. Upon approval, a phased approach will be implemented using the new AWWA preferred method. A three year timeframe has been suggested, but we plan to seek Commissioner input.

Following the presentation, committee members had several comments and recommendations. Dr. Joe Miri (NJDEP) stated that concurrent with DRBC adopting this as a new regulation, NJ would adopt it as well on a state-wide basis. Dr. Miri questioned what the approach would be in other states. Mr. Bill Gast (PADEP) stated that, unlike NJ who plans to have their own regulations for this, PA would administer it as a DRBC regulation. As DRBC passed metering and recording requirements, they have implemented them through PA, but PA doesn’t have similar regulations with these requirements.

The expectations would be that this program would be administered by the state of NJ. Mr. Miri wondered that since NY hasn’t been involved in the WMAC discussions, what will their approach be and what does the Commission do currently relative to existing regulations in the state of NY? The question is what would the expectation be under the new set of regulations?

Mr. Sayers stated that over the last two or three years, DRBC has been focusing on this new method and getting it into place, and hasn’t really been involved in NY States’ regulations. NY State has a seat on

WMAC but has not had an active role for many years. Hopefully, as rules are developed for requirements, we will also review our relationships with the states, including NY; this is currently underway through the MOU revisions.

Mr. Bill Gast suggested adding to the last bullet in the recommendations section the following text, “using to the extent practicable the resources of the member states through administrative agreements”. Mr. Gast noted that the regulations we are revising already have built into them the appropriate language to delegate authority as needed.

In the interest of the agenda, Mr. Bill Gast moved that the position statement be accepted with the aforementioned revision. Motion was seconded, and carried.

Water Transfers Position Statement: Mr. Sayers gave a quick overview of the Water Transfers issue (handout given to the Committee). A separate subcommittee has been looking closely at this issue and has also developed a position statement for consideration – this position statement was approved by WMAC at the April 19th, 2006 meeting. Mr. Sayers went through the presentation that will be given to the Commissioners later in the month. Similar to the previous discussion item, this position statement updates the Commissioners on the findings of the subcommittee and sets out recommendations for future work which would involve revising DRBC’s review procedures and criteria.

In the overview, Mr. Sayers noted that although this issue had originally been focused on water transfers, the discussion had broadened to include several other aspects of project assessment – including the overall process of Project Review by DRBC staff. Mr. Sayers noted that DRBC currently has on its books resolution #91-9 which covers the importation and exportation of water across the basin boundaries. There aren’t any existing regulations on the books referring to watershed transfers. The recommended approach given in the position statement is for DRBC (through WMAC) to move towards a single standard for Project Review that includes consideration of all aspects of a project that may have a water resources impact. A good example of this is consumptive use, which may have an impact on the watershed similar to a water transfer but is currently not given the same level of scrutiny. Other recommendations included incorporating instream flow criteria – and specifically the outputs of current work going on in the Basin – into Project Review criteria. Mr. Sayers noted that this position statement seemed less specific than the Water Accountability statement.

Mr. Gast responded that the two position statements are actually quite similar, as both seek approval for DRBC and WMAC to further explore the issues and suggest changes to resolutions. Dr. Miri commented that we have ended up with the “one standard” approach and not addressed each objective (of the Basin Plan) individually, but went on to note that this makes sense as we are going through a policy evaluation on many issues. The committee members noted several ways in which the presentation could be clarified for the Commissioners.

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SUBCOMMITTEE on ECOLOGICAL FLOWS (SEF) (Colin Apse)

The Committee had previously asked for an update on instream flow work taking place in the Basin and for today’s meeting Mr. Colin Apse of The Nature Conservancy (TNC) kindly joined the meeting by phone, to discuss work underway by the Subcommittee on Ecological Flows. Mr. Apse noted that over the last year, the SEF has been taking the work that was led by Ken Bovey from USGS assessing flow and habitat relationships in the Upper Delaware and creating a two-dimensional dynamic model to examine how habitat for multiple species, including fish species, would be impacted over a long time series with different reservoir operations. The results of that modeling work were then used for the DSS (Decision Support System), which is an Excel based program to filter the results of the dynamic habitat model which includes the West Branch, East Branch, Neversink, and the Upper mainstem. Over the last 6 months, the majority of SEF’s work has been to understand the results and how those results are filtered and presented by the DSS

model, making decisions about how it would impact different reaches of the river. Some other issues SEF has been working on are change of releases from the reservoirs, links to estuary and flow requirements as relates to oysters in the bay. Mr. Apse noted that Federal funding has been exhausted for this work. Ken Bovey from USGS has kindly volunteered to do some modifications to the DSS. Without providing additional funds, we can't rely on USGS for additional support. There was a discussion about improving the current DSS model. We don't currently have the funds to do that, but it may be something that can be done in the future. There may be ways to create small contracts with USGS in the future, but at this point, the funding has run out. The next meeting will be October 3rd.

Mr. Apse continues to be interested in, and very engaged in, watershed and basin-wide work. He hopes to be able to turn more attention to this subject in the future. On that topic, TNC has funded the Growing Greener grant to PA to provide some recommendations to the state on statewide water management and instream flow protection standard setting. Mr. Apse is hoping for an initial draft report to PA by February of 2007, with a final report date of May 2008. The Committee thanked Mr. Apse for the update.

WMAC UPDATES:

State Water Planning PA: Mr. Bill Gast stated that Act 220 has made a lot of progress within the last few months. With regard to the planning process, a watershed water budget tool has been developed with USGS. That tool was completed in the Spring with funds received by DRBC and SRBC from the general assembly. The funds are now paying for USGS to take the water demand projection procedures that DRBC developed with a consultant (CDM) for PA last year, and build them into a computerized model that will develop projections statewide. That model will then feed into the watershed water budget tool. That tool would not only be able to look at present water budgets, but future water budgets as well.

SRBC is working with USGS to develop another tool that enables us to look at a specific existing or proposed withdrawals at any point on a stream rather than the watershed as a whole. It can do an analysis of the public water supply system itself, the current capacity and future needs compared to that capacity. It can be used not only for water planning, but also for the water allocation program. Once those tools are done, all the data needed for the screening tool will be produced. Mr. Gast also noted that Critical Water Planning Area (CWPA) guidelines were recently published, the regulations for Act 220 still need to be approved but should be soon.

State Water Planning NJ: Dr. Miri stated that Joe Mattle is the statewide water planning project director for NJ. Work is being done almost entirely "in-house" and is taking longer than originally anticipated. In terms of data gathering, there are some things that are complete and available but no reports or drafts are complete as of yet. It is anticipated that a draft document of all 12 tasks will be completed around the end of this year, or the beginning of 2007. The water use information and water use data are nearly complete. The draft documents should be ready in November/December. For the study being conducted by the Army Corps., Joe Mattle has offered use of the population and water demand projections that NJ has prepared for the NJ portion. Mr. Sayers asked what had happened to the public review and input component of the plan that had been a large part of the work when the planning effort began and how DRBC could comment on the development of the plan. Dr. Miri noted that the public participation component of the plan had to be curtailed due to other priorities. There was an advisory committee for the plan development – but DRBC is not part of that. Dr. Miri will relay these thoughts to Joe Mattle.

State Water Planning DE: Mr. Stewart Lovell stated that the WSCC (Water Supply Coordinating Council) on which DRBC is a faithful attendee, is a governor's appointed task force in response to the 1999 drought, which was an emergency situation in New Castle County. It has since been expanded to have a statewide remit, covering any and all stakeholders' interests in the water arena. The core of it is still the main water utilities at the northern end of the state and the engine for this group is DNREC, DE Geological Survey, and Water Resources Agency at the University of Delaware. The legislation that enacted the council as a

statewide entity requires the production of periodic progress reports. The ninth report has just been released, and is the first that didn't address solely Northern New Castle County. In essence, there are individual projects that were developed by each of the utilities and there are two left of the original group that are still in development, but most of the problems in the past in that part of the state have been resolved. The final two projects are The City of Wilmington, which is going to increase the storage capacity of its reservoir (Hoopes) and United Water Delaware is going to do an aquifer storage and recovery project.

Elsewhere in the State there are water supply/management studies primarily being undertaken by the Delaware Geological Survey. Conditions of recharge areas across the state have been updated, as well as updates and digitizing of water table atlas maps. Some ground-water modeling has also been completed in certain areas.

ACoE Project Management Plan: Dr. Kenneth Najjar of DRBC staff summarized work on the latest draft of one of the tasks that is in the ACoE Project Management Plan (PMP). This is one of five tasks that are part of this study. This totals \$170,000 worth of work for DRBC, which includes supply/demand assessments and supply enhancement evaluations. It addresses assessment of capabilities and capacity against what the current and future demands may be. It also evaluates the projects that may meet these needs. The dividing point between DRBC work and Army Corps work is that DRBC will develop the analysis of demand and availability and ACoE will investigate additional demand management or supply enhancement options. DRBC and ACoE still have to meet to discuss further development. Ms. Mary Ellen Noble asked whether the different demand forecasting methodologies employed by basin-state agencies would easily merge together. Mr. Sayers noted that this is one of the challenges of the project. It may not be possible to employ a uniform method across the entire basin, because this may have to be the lowest common denominator, and this is unlikely to be the best approach.

USGS Ground-Water Availability Study Update: Mr. Ron Sloto reported that the report is finished. An approved pre-publication copy had been sent to Ken Najjar in June/July. It is also posted on the web. There are likely to be some delays in receiving the final printed (hard copy) version of the report due to problems with publication.

FUTURE WMAC WORKPLAN:

Dr. Kenneth Najjar reviewed the matrix (handout given to Committee) for Basin Plan objectives that required input or involvement of WMAC. Progress has been made on a number of these objectives in recent years. Beneficial Reuse and Recycling was one objective that has not been addressed and may require the formation of a subcommittee to explore the issue further. This objective includes a goal of up to 250 MGD by 2020, but this assumption needs to be further refined and based upon a well-defined need. Dr. Najjar also noted DRBC's involvement in the "Tri-State South Initiative", this is a forum for the utility commissions to get together and compare regulatory practices, which is important as the same companies (e.g., water purveyors) may operate in different states and be subject to different regulations. Of specific interest to WMAC is that there is an interest in promoting the AWWA water accountability methods in this forum. Dr. Miri asked if the DEP's have involvement in this forum, Dr. Najjar responded that currently they do not, but could probably do so if desired.

MEETING ADJOURNED:

The meeting adjourned; the next WMAC meeting is scheduled for December 6, 2006 @ the DRBC offices in Trenton, NJ.