



Delaware River Basin Commission

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DRBC WATER MANAGEMENT ADVISORY COMMITTEE MEETING **April 19, 2006**

Today’s meeting included a joint morning session with the Water Quality Advisory Committee to review and comment upon the process of developing revised MOUs between DRBC and the state agencies.

COMMITTEE MEMBERS PRESENT:

Bob Molzahn	Water Resources Association, Chair
William Gast	PA Department of Environmental Protection
George Kunkel*	Philadelphia Water Department (for Howard Neukrug)
Stewart Lovell	Del. Dept. Natural Resources
Bruno Mercuri	Mercuri and Associates, Inc.
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
Ron Slotto	US Geological Survey
John Mello	US EPA Region 2
Ferdows Ali	NJ Dept of Agriculture
Glen Stevens	ACOE

*Denotes alternate or non-official member.

OTHER PARTICIPANTS:

Ed Buschak	ERM, Inc.
Tracy Carluccio	Delaware Riverkeeper Network
James Fleak	Dominion Fairless Energy
Denise Hackowski	US EPA Region 3
Debra Hammond	NJ DEP
Joe Hockreiter	BLSJ
Jim Mershon	Merrill Creek Reservoir
Al Pagano	Regulated Community
Dennis Palmer	Landis SA WRA
Scott Rock	Dominion Fairless Energy
Bart Ruitter	DuPont
Ted Schlette	CDM
Izabela Wojlenlo	US EPA Region 2
Ed Worshack	ERA

Via Telephone: Chuck St. Lucia, NYS
Bonita Moore, PA

DRBC STAFF:

Carol Collier, Executive Director
Kenneth Najjar, Head-Planning & Impl.
William Muszynski, Head-Project Review
Jessica Sanchez, Planning & Impl.
David Sayers, Planning & Impl.
Jonathan Zangwill, Planning & Impl.
Bridget Ferry, Project Review

CALL TO ORDER:

The meeting was called to order at 9:40 am by Dr. Ken Najjar of DRBC staff. Dr. Najjar briefly described the purpose of the joint morning session, in which there were attendees from the Water Management Advisory Committee and the Water Quality Advisory Committee, along with several interested parties from the public. All participants introduced themselves.

REVISION OF DRBC AND STATE MOUs

Dr. Najjar introduced the morning discussion item, noting that the current MOUs have not been updated in over 20 years and therefore do not adequately reflect the current working relationships between DRBC and the states.

Mr. William Muszynski, Special Projects Coordinator and Head of Project Review at DRBC, then led the main discussion which focused on a matrix developed by DRBC staff which contained DRBC's current policies and review criteria and also comments from each of the four state agencies which summarized how their policies compared to DRBC's. Mr. Muszynski noted that all states have provided matrix information. There had been some last minute changes and attention was drawn to those changes. All participants at the meeting received a copy of the latest version of the matrix. Mr. Muszynski went on to note that the DRBC Commissioners are awaiting feedback from DRBC's committees before undertaking actual revisions to the MOUs between DRBC and the states.

The Commissioners will be briefed at the May 10th hearing with today's feedback. DRBC will then start the drafting process for the individual states' MOUs, which will also come back to the committee for review and comment.

Mr. Muszynski began the discussion by reviewing feedback previously received from the WMAC at an earlier meeting. At that meeting the following issues were raised:

- Limiting redundancy of review
- Early involvement with application requirements and projects is encouraged
- DRBC should retain close involvement with projects regarding shared waters
- Look at the SRBC MOUs for comparison.
- Develop review schedules with milestones
- Keep public / interested parties informed of project status.

Regarding the issue of keeping the public and interested parties informed, Mr. Muszynski noted that the DRBC has initiated a tracking mechanism which is available on DRBC's website. When an application is received, a project status page is created on the website. Usually within 2 to 3 weeks of an application being received, the project is noted on the website with information about that project. As the project review progresses the information is updated. Mr. Muszynski also noted that he is trying to notify the applicants that DRBC only holds five Commission meetings a year.

One option for improving the effectiveness of the review process would be for DRBC to get involved in the planning stages of a project in order to have a greater influence on the final outcome. Mr. Muszynski noted that it is typical for the states to review a project first and DRBC to follow. This current approach is not in accordance with DRBC's policy of no significant development of a project until it receives DRBC approval.

There are a number of options for altering the type of permit that a project receives which may help to streamline the application process between DRBC and the state agencies. One option would be for DRBC to incorporate its conditions in a state permit by issuing a certificate to the state agency. However this raises several questions:

- Would the states defend the conditions?
- Would the states be able to legally, if challenged?
- How would changes to DRBC requirements be incorporated?

Mr. Muszynski noted that these are all issues that would need to be carefully worked out in the agreements so that DRBC ensured it retained the necessary authority. Mr. Muszynski went on to note that one of the objectives of revising the MOUs is to help streamline the project review process. However, we have to keep in mind a number of issues. For example, we have to be observant that any time a completely new project comes to DRBC, it has to be incorporated into the Comprehensive Plan and that can only be done as part of the Commission hearing process. Another suggestion was to consider not just equivalency of reviews, but also to determine if there are additional requirements that should be built into the review process.

Ms. Mary Ellen Noble asked if there were to be changes to the public comment process. Mr. Muszynski replied that there is likely to be a shorter period for comments. Ms. Noble also noted that she didn't fully understand the issue of state authority over enforcing DRBC regulations. She noted that the NPDES program already does this and this approach seems to be working.

Attention was drawn to the agreement that the Susquehanna River Basin Commission (SRBC) has with PADEP, which allows SRBC to review the application and inform the state if they will accept the PADEP permit. If not, they issue their own permit with additional requirements.

Another question arose about the role of DRBC and whether there should be a greater emphasis on regional planning issues and less on project-by-project decisions.

Mr. Muszynski concluded the discussion by thanking the participants for their input and noting that regardless of what the new MOUs ultimately look like, it was agreed that there will be a need for educating stakeholders (e.g., consultants) about the changes. The feedback will be given to the Commissioners and it is hoped that a draft agreement between DRBC and the states can be prepared before the end of the summer.

This concluded the morning session; WMAC regular business resumed after lunch. Attendees to the morning session were invited to attend the afternoon session.

REVIEW OF MINUTES / REVIEW AND APPROVAL OF AGENDA

The afternoon session was called to order by Mr. Bob Molzahn, chair of the committee. The minutes from the October 25, 2005 meeting were reviewed and approved without changes. Today's agenda was also reviewed and approved by the committee.

WATER TRANSFERS

Mr. Molzahn introduced the water transfers issue which this committee and a separate subcommittee have been working on for several months. The subcommittee has produced a position statement that is before this committee today for a vote of approval. Mr. Molzahn asked for a motion to approve the position statement as it was presented to the Committee. A motion was made and seconded and carried, with abstentions from Mr. Ferdows Ali and Ms. Noble. The position statement will be presented to the Commissioners at the July 19th Commission meeting. [This was later postponed to September 27th]. Mr. Molzahn noted that once the Commissioners had given their approval the issue would come back to the WMAC to explore how the new policy can be implemented in the review process.

WATER ACCOUNTABILITY

The next item for discussion was the water accountability issue. The Committee was once again joined by Mr. George Kunkel of Philadelphia Water Department. This is another issue that the full Committee and a

subcommittee have been discussing for several years. Mr. Kunkel provided a number of handouts and began the discussion by describing some recent activity related to water accountability issues. First and foremost is the development and release of the American Water Works Association (AWWA) Water Audit Software. This is a MS Excel based spreadsheet tool that helps a water purveyor to better quantify water losses. The software was developed by a small group including Mr. Kunkel and Mr. David Sayers of DRBC staff. The software is available free of charge as a download from the AWWA website, under the WaterWiser section (Water Loss Control Site). Mr. Sayers noted that DRBC was in the process of setting up a link from its website pointing to the free software.

Mr. Kunkel noted that a pilot study was undertaken to help in the development of the software. A total of 36 water purveyors received the software for testing, 21 responded with comments including three from the Delaware River Basin. The comments and suggestions for improvement were incorporated within the software. The software is designed to provide a standardized method, along with standardized terminology, for water loss accounting which will be useful for regulatory agencies such as DRBC and the states in order to overcome the problems caused by the vague definitions and methodologies of previous water loss tracking methods.

Mr. Kunkel noted other activity related to water loss control, including amendments to the Texas Water Code which requires water purveyors to conduct a water loss audit once every five years and to report the results to the Texas Water Development Board, although the reporting does not specify the use of the AWWA water audit software. At this stage there is no enforcement based on the audit results, but there is funding to look into this.

Mr. Kunkel also circulated a document showing the 2005 Annual Water Withdrawal Report from PADEP. This document has been amended to incorporate the terminology used in the AWWA software. This is an important step to get water purveyors to begin thinking in terms of the new methods.

Mr. Sayers reminded the committee that it had developed a three-stage phase in approach to incorporate the AWWA methods within DRBC regulations and this phased approach had received support from the DRBC Commissioners. Mr. Sayers suggested that having explored the concepts at several meetings the next step is to prepare a position statement that would ultimately go to the Commissioners for review and approval. The committee suggested that the water accountability subcommittee convene to develop the position statement with assistance from DRBC staff.

Ms. Senobar Safafar questioned the need for such measures suggesting that most purveyors understood the issues well and were doing good work in this area. It was the consensus of the Committee that in many cases, water purveyors – especially the smaller ones – did not have the tools, ability or commitment to address the problems and many simply didn't have a good understanding of the scale of their water losses. Mr. Kunkel noted that for these reasons, getting purveyors to undertake meaningful water audits was a very important first step, regardless of whether regulations would follow. In this early stage of implementation, doing the audit itself is the target.

As a conclusion to the discussion it was agreed that the subcommittee convene and draft the position statement to be reviewed by the WMAC before presenting to the Commissioners.

WMAC UPDATES:

Dr. Najjar and Mr. Sayers provided updates to the Committee on a number of WMAC related activities:

DRBC's involvement with the Act 220 process is ongoing and is in the second year of work. DRBC has contracted with the USGS at the New Cumberland, PA office, to develop a Water Use Analysis Tool (WUAT) which will provide the input files to the USGS Screening Tool. This process involves incorporating

the demand projection methodologies, developed by CDM and DRBC under Act 220 funding and applying them statewide. The demand forecasting methodologies report has been completed and DRBC is awaiting some final edits from CDM.

DRBC is also continuing to gather the discharge data through Discharge Monitoring Reports (DMRs) for the watersheds in the Delaware Basin for the purpose of populating the USGS screening tool. Staff is in the process of recruiting several interns to complete the work during the summer months.

At the October WMAC meeting the Draft Supply Demand Study was distributed. It is still in draft form and if any member didn't receive it, copies are available. Please provide any comments or feedback to David Sayers.

MEETING ADJOURNED:

The next WMAC meeting is scheduled for September 14, 2006, 9:30 am. There are also water accountability subcommittee meetings scheduled for June 1, 2006 and June 29, 2006.