



Delaware River Basin Commission

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DRBC WATER MANAGEMENT ADVISORY COMMITTEE MEETING January 14, 2010

COMMITTEE MEMBERS PRESENT:

Mary Ellen Noble	Delaware Riverkeeper Network, WMAC Chair
Michael Bleicher*	NJ Dept. of Environmental Protection
Janet Bowers	Chester County Water Resources Authority
Paula Conolly*	Philadelphia Water Department
David Jostenski	PA Department of Environmental Protection
George Kunkel	Philadelphia Water Department
Senobar Lanigan	NYC Department of Environmental Protection
Stewart Lovell	Delaware DNREC
Bruno Mercuri	Mercuri and Associates, Inc.
Bob Molzahn	Water Resources Association
Joanne Rufft*	Artesian Water
Ron Sloto	US Geological Survey
Edie Stevens	League of Women Voters
Glen Stevens	U.S. Army Corps of Engineers

*Denotes alternate or non-official member.

DRBC STAFF:

Dr. Kenneth Najjar, Planning & Information Technology – Branch head
David Sayers, Planning & Information Technology
Jessica Sanchez, Planning & Information Technology
Kent Barr, Planning & Information Technology

REVIEW OF MINUTES / REVIEW AND APPROVAL OF AGENDA:

The meeting was called to order at 10:15 am by Mary Ellen Noble, chair of the committee. The minutes from the October 7, 2009 meeting were reviewed and approved without changes. Committee requested an update on the Administrative Agreements be added to today's agenda. With this addition, the agenda was also reviewed and approved by the committee. Mike Bleicher mentioned the need to have adequate time in order to review meeting documents and discuss with other staff in preparation for the meetings. In order to accommodate this, DRBC will strive for sending out the agenda and meeting materials three weeks in advance of the meeting date.

MEMBERSHIP

Joanne Rufft of Artesian Water is still awaiting approval from her superiors to replace the representative of Tidewater Utilities on the WMAC. As previously reported, the Wissahickon Valley Watershed WMAC representative is no longer with that organization, DRBC continues to look for a replacement.

The resolution establishing the WMAC also needs to be revised in order to add a representative from the power generation sector to the membership. The committee decided that there should be permanent alternate members in place for each member of the WMAC. Members are asked to name their alternate designee by the next meeting.

WATER MANAGEMENT / SUPPLY PLANNING UPDATE

AWWA Water Accountability rule making process / implementation: The WMAC was heavily involved in the AWWA/IWA water accountability audit approach which was discussed by WMAC at numerous meetings and in sub committee and eventually was adopted in March 2009 by the DRBC Commissioners to replace a 20-year old resolution based on the out-dated concept of unaccounted-for-water. The final resolution (2009-1), as well as the comment and response document was distributed to committee members. The comment and response document consisted of one set of comments from New Jersey American Water, generally in favor of adopting the new approach. In April 2009, the AWWA Waterloss control subcommittee pushed forward the latest version of the software which is available on the AWWA website. The PA Public Utilities Commission (PUC) made a similar ruling to DRBC's in that they are undertaking a pilot program to advance the same AWWA methodology. Both George Kunkel and David Sayers are involved in the PUC pilot program.

A number of small updates on this topic were reported by David Sayers and George Kunkel:

- 1) AWWA Waterloss Subcommittee worked to get out the latest version 4.1 of the AWWA software and it is in the process of being posted on the AWWA website. It is basically just user-friendly updates to the software, the audit calculations have not changed.
- 2) In mid-December there was an article on a waterloss study done on the city of Camden which found that 45% of the water supply is not being accounted for. George Kunkel suggested that the DRBC should reach out to Camden to volunteer for the pilot program.
- 3) The EPA has posted a report on waterloss recommending the approach that AWWA has been advocating. The rough document appears to have been written sometime in 2008 and is out for comment until at least the end of January 2010. WMAC members and DRBC is encouraged to submit comments.
- 4) DRBC staff is beginning its outreach effort for the new rule. One idea is the possibility of having a workshop around June 2010. The WMAC would be on the distribution list.
- 5) NYDEC has reached out to David Sayers and George Kunkel to learn more about the AWWA approach and the accompanying software.
- 6) Congress is working on a bill to reauthorize the state revolving loan fund and are looking at new provisions that would better qualify applications for applying for these funds. They are considering putting in a component regarding water efficiency and water loss auditing.

Groundwater Protected Area:

DRBC manages the GWPA on behalf of the Commonwealth of Pennsylvania. The Project Review section of DRBC issues dockets in this area based on the stressed area limits and conditions. DRBC is working closely with PA DEP because a large part of the evaluation is dependent upon the data that is supplied by PADEP. Ken Najjar again reviewed the flow chart with the committee. Thus far, DRBC is on schedule with the timeline on the flow chart. DRBC staff anticipates a more detailed report at the next WMAC meeting

Water Use Facility Closures:

Kent Barr distributed a map indicating the locations of the facilities that are closing. On the map there are total withdrawals that have been reported to DRBC since 2008, as well as their consumptive use. For immediate closure there are two refineries, Premcoor/Valero (Delaware City refinery), which will be a permanent closure. The other refinery is Sunoco at Eagle Point, this isn't necessarily permanent. News articles and other sources indicate they are idling the facility for now; they are moving production over to the Marcus Hook facilities because it is closer to the distribution center. As of 2011, Exelon stated that they will be closing Cromby (coal-fired plant) and two other coal-fired units (#1 and #2) at Eddystone. Units #3 and #4 are natural gas and oil powered and will remain open. According to Stewart Lovell, the Premcor refinery will continue to use the Delaware River intake to operate the wastewater treatment plant in this location. Some problems were identified with the map legend and water use sectors. Kent Barr will review the map and make revisions if necessary.

FUTURE DRBC/WMAC WORK PLAN - PRIORITIZATION OF FUTURE WORK:

The goal for the WMAC is to review the list of issues on the agenda and decide which topics have the highest priority. Janet Bowers stated that the first three issues on the list should be priority for the WMAC: Conservation, Reuse, and Regionalization. Discussion on the prioritization items is summarized as follows:

Water Conservation Rule Revisions:

David Sayers distributed a handout regarding water conservation rule revisions. While WMAC were focusing on water accountability rule revisions, the committee also decided that there are many other resolutions that would benefit from an update. The matrix on the handout lists those resolutions that make up the conservation suite and their resolutions numbers. David Sayers noted that the DRBC's water rate resolution is outdated as the majority of water purveyors are in compliance and the rule no longer represents best practice. Rate structures can provide an incentive for water conservation but rate changes are a complex process that go well beyond the scope of WMAC and are at the heart of water utility financing. Water conservation is an important topic and committee members would be interested in contributing to this discussion if something can be moved forward.

Regionalization Issues - Water & Wastewater:

There is some inconsistency in DRBC policy regarding regionalization of water supply and wastewater. DRBC would like to come up with a rule that supports the goals of the Basin Plan. Jessica Sanchez provided a handout on the topic that was previously distributed to the Commissioners at the January 2009 workshop during a discussion of potential regulatory changes. We want to make sure this issue goes through the advisory committees before it is incorporated into rule language and put before the Commissioners for a vote. DRBC will be investigating how the states are dealing with regionalization of infrastructure.

Water Reuse:

There was discussion regarding the use of graywater. A summary of a presentation by Ed Clerico was circulated to the group. Mary Ellen Noble stated she thought its use was illegal in Pennsylvania. Bruno Mercuri stated he didn't think it was illegal, but you cannot reuse sanitary

water. Committee members were not aware of any specific rules in Pennsylvania prohibiting the use of graywater, except sanitary restrictions. Senobar Lanigan was not aware of any laws limiting the use of graywater in NYC. Several of the newly constructed highrises in the city regularly use graywater. Members will check on the rules for their states and this can be discussed in future discussions under the topic of Water Conservation.

Water Transfers:

This issue gets mixed up in other issues such as consumptive use, short-circuiting of watersheds and instream flows. The definition of what exactly constitutes a transfer, at what watershed scale, needs to be determined. This committee has already produced a position statement on the topic of water transfers and presented this to the Commissioners.

Instream Flows:

The instream flow issue is a highly debatable science issue that still needs a lot of work. The point is that instream flows needs to be protected, but there are not many tools available to figure out how to quantify it. There was a separate committee established a few years ago that looked at instream flow models. There was also a book published by Leroy Young and his group. Jan Bowers stated that this is a good topic, but there isn't much more that can be accomplished by WMAC. Both New Jersey and Pennsylvania have developed, or are still developing, approaches to instream flow and ecological flow needs. Passby flow requirements are closely related to instream flow needs. Recent focus for this topic has been in the context of natural gas well development. Gas well rules or gas well approvals have three components, water withdrawal, development of pads and disposal of flowback water. The water withdrawal is the one that requires a passby, but that really ties to the withdrawal itself and it would be reviewed like any other withdrawal under the existing regulations. Although this is an important topic the consensus of the WMAC is that it is not a priority item for further discussion by the group.

Consumptive Use:

A handout was distributed by DRBC staff for information purposes. Committee has not yet dealt with consumptive use issues.

Stormwater Management:

The Committee requested this topic be added to the list.

OTHER BUSINESS:

The next meeting of the WMAC will be July 27, 2010 at 10:00 am at DRBC offices in West Trenton, New Jersey. (NOTE: the meeting originally scheduled for April 20 was cancelled.)