



## Delaware River Basin Commission

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### **DRBC WATER MANAGEMENT ADVISORY COMMITTEE MEETING October 20, 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
Erik Schmitt*	NYS Dept. of Environmental Conservation ( <i>via Conference Call</i> )
David Jostenski	PA Department of Environmental Protection
George Kunkel	Philadelphia Water Department
Stewart Lovell	Delaware DNREC
John Mello	US EPA, Region II
Bob Molzahn	Water Resources Association
Joanne Rufft	Artesian Water
Ron Sloto	US Geological Survey
Glen Stevens	U.S. Army Corps of Engineers

\*Denotes alternate or non-official member.

#### **DRBC STAFF:**

Kenneth Najjar, Planning & Information Technology  
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 10:00 am by Mary Ellen Noble, Chair of the Committee. The minutes from the 7/27/10 meeting were reviewed and approved without changes.

#### **FUTURE MEETINGS**

The next WMAC meetings have been scheduled for Tuesday, February 1 and a tentative date has been set for Tuesday, May 17, 2011. It was briefly discussed that meetings are quarterly.

#### **ANNOUNCEMENT**

It was announced that Kent Barr will be replacing David Sayers as the DRBC Staff WMAC Committee liaison for future meetings. Committee members thanked David for his work as liaison over the past several years.

### **DRBC NATURAL GAS RULE DEVELOPMENT**

Ken Najjar provided an overview to the Committee regarding the development and progress of the natural gas rules. DRBC's regulations are based on a three-legged stool concept of water, wastewater and well pad siting issues. Committee members questioned how water would be allocated.

Ken explained that the draft regulations allow for a normal review process for water withdrawals (surface and groundwater) for natural gas use, but an Approval-By-Rule (ABR) will be offered for already docketed water sources. If a water company or municipal authority has water available, a modification to their docket could be processed to provide water for gas well drilling.

If a driller wants to withdraw its own fresh water it will require a docket. There are no transfers of allocation from one existing docket holder to another, but the ABR allows a bulk sale from a previously approved water company that is operating below their allocation. The water suppliers total volume (including sales volume) must total less than its approved allocation. Each bulk sale between a water company and a driller would require an ABR.

Well pad siting dockets will act as an integrator by bringing everything together in terms of accounting for water that enters and exits a site. Similar to SRBC's process there will be a post hydro-fracturing report which assesses the volume of water used and its sources, all of which must be approved. Water must be tracked on every site regardless of how the well pad is approved.

The time frame and process of the rule was discussed. As an example, if the draft rule is out on December 1<sup>st</sup>, there will be approximately a two month period of public comment while under review; in that time period there will be two to three public hearings. All comments will then be reviewed and it will take a few months to respond and revise the rule accordingly. Review of comments will be organized electronically via a web portal as it is anticipated that over 10,000 comments will be received. The web portal will enable comments to be summarized and grouped into categories for review.

Ken also provided an update as to how the draft rule stands and reported that drafts are being reviewed by the State/Federal members. Our earlier intention was to get the draft rule out by the middle of October; however it appears that it will be a November/December time frame instead. The States of New York and Pennsylvania are actively working on their new rules at the same time.

**Proposed rule is anticipated to be released by November/December 2010.**

### **STATE WATER PLAN ACTIVITY**

**(New Jersey)** - Michael Bleicher of NJDEP reported that final reviews of the State Water Plan by the Water Supply Advisory Council will commence in November 2010. Stakeholder meetings will follow, being conducted in December 2010 or January 2011. The plan is to be revised based on the public comments received by February 2011 and then three public meetings are to be held. Most likely the public meetings will be divided by region (North, Central and South) and take place in the spring of 2011. The target date for adoption of a final plan is May 2011.

**(Delaware)** - Stewart Lovell of DNREC reported that planning efforts in recent years have been performed by the Water Supply Coordinating Council (WSCC) in response to the drought emergency of 1999. The group's successful work in New Castle County prompted a legislative mandate for the WSCC to perform similar work in Kent & Sussex Counties. The efforts are not the traditional engineering / planning focus but more of an inventory of hydrogeology coupled with basic demand projections and an update of the groundwater availability. A significant part of the work being performed is by the Delaware

Geological Survey to update groundwater availability; there have been new aquifers identified and designated. Work is on schedule for completion December 2011.

**(Pennsylvania)** - Dave Jostenski of PADEP reported that the State Water Plan had officially been completed in 2009 but there are still elements of work that are continuing. One of those elements is the Critical Water Planning Area (CWPA) designations. A Statewide Committee meeting is scheduled on 11/18/2010 at which time some final decision will be made regarding the designations. Additionally, Water Management Plans are being developed for 3 watersheds through the use of existing grant money. These three watersheds will be up for designation as CWPA's at the 11/18 meeting as well. PADEP is planning to prepare water supply projections in the next State Water Plan.

**(New York)** - Erik Schmitt of NYSDEC (via conference call) reported in Michael Holt's absence that there is no overall plan update in progress. In 2008 New York joined the Great Lakes Compact. New York has new programs commencing over the next year that are moving forward with regard to regulations, use and reporting. State Water Reporting was required under Title 33 which was signed into law earlier in 2009. Withdrawers that have the capacity to withdraw 100,000 gallons per day must report. There will be more requirements in the regulations when established, primarily for permitting but they will also include reporting of the water withdrawals including those for public water supply, industrial, commercial, and agricultural uses. The regulations have passed the State Senate, hoping to go in front of the State Assembly soon.

#### **PUBLIC WATER SUPPLY (PWS) WATER USE DATA TRENDS**

Kent Barr gave a PowerPoint presentation of water withdrawals over approximately 20 years by 38 PWS systems in the Delaware River Basin (DRB) (750 total PWS systems in DRB) representing nearly 80% of the water withdrawn in the DRB for PWS. In aggregate, PWS demand has fallen approximately 15% in nearly two decades with certain service areas experiencing rising demand. Peaking factors appear to be much greater in Southern New Jersey due to irrigation and examples of decline in urban withdrawals and growth in suburban withdrawals were observed throughout the Basin.

**DRBC would like to produce similar outputs for the power generating and industrial sectors.**

#### **WATERSMART/NATIONAL WATER CENSUS**

David Sayers noted that the DRB is one of three pilot river basins nationally to be selected to receive funding under this process; however, there is little progress to report since the July 2010 meeting due to election and budgetary issues.

**DRBC will continue to monitor status and keep WMAC Members updated.**

#### **WATER ACCOUNTABILITY OUTREACH ACTIVITY / DRBC TRAINING**

David Sayers announced that WMAC member George Kunkel has received two awards this year. One of which was the WRA Achievement Award for his efforts in the field of water accountability and water loss control. More recently George received the 2010 Water Star award from the Alliance for Water Efficiency / WaterSmart.

**DRBC has developed a package of information that it is mailing to water purveyors in the Basin to inform them of the new water audit reporting requirements starting in 2012.**

**DRBC has added a new webpage on this topic and plans to hold an audit workshop in the spring of 2011.**

George Kunkel reported that there are other States that are on parallel paths with regard to water audit reporting that will be watched closely. CA and GA will be using the same water audit software and TX is using the same approach with their own software. There will be large scale data collection occurring over the next year including an effort by AWWA to collect and publish water audit data. The hope is to have access to that data for comparison.

David Sayers continues to work on the software package that is copyrighted through AWWA. He is working to finalize another tool known as the “compiler” that will aggregate the data from individual software worksheets into a master spreadsheet for transfer into other systems. This will be an important tool as we move toward mass data collection, as large amounts of data will need to be managed carefully for use in performing assessments.

**David will continue to work on the data compiler tool.**

The regular business of the WMAC Committee meeting adjourned at 12:30 pm.

After close of meeting DRBC staff and WMAC State representatives met to discuss coordination and exchange of water use data.