



WATER RESOURCES ASSOCIATION OF THE DELAWARE RIVER BASIN

June 5, 2018

The Honorable Daryl D. Metcalfe
Chair, State Government Committee
144 Main Capitol
PO Box 202012
Harrisburg, PA 17120-2012

Dear Representative Metcalfe,

The Water Resources Association of the Delaware River Basin (WRA), established in 1959, has member representatives from business, industry, public and private utilities, along with other organizations that have wide-ranging interests in the water resources of the Delaware River and its tributaries. WRA was instrumental in the creation of the interstate basin compact and the establishment of the Delaware River Basin Commission (DRBC), and has worked closely with the Commission since its inception.

WRA is aware that the State Government Committee will hold a hearing on June 11th to receive testimony from individuals and entities that are regulated by the DRBC. We understand that the purpose of the hearing will be to investigate concerns regarding the impact of the DRBC's policies and actions on business growth and economic vitality in the basin and on the rights of property owners within the basin. We are writing to you in support of the Commission and the critical role it plays across the Delaware River Basin.

As defined in the 1961 law creating the DRBC, it is charged with developing plans, policies, and projects to ensure sustainable and clean waters to support the basin's economic engine, and to protect and enhance its extraordinary water resources. The portion of the Delaware River Basin in Pennsylvania has directly benefited from this important work.

Examples of DRBC's leadership and results include:

- **Economic Growth and Quality of Life** - Many areas that have seen significant economic growth and development in the Commonwealth (including Philadelphia, southeast Pennsylvania, the Lehigh Valley, and the Poconos) are supported by water resources of the Delaware River Basin. Water quality improvements facilitated by DRBC have contributed to improved quality of life with indirect economic benefits from recreational use of the Delaware River and redevelopment of Penn's Landing in Philadelphia. The rebound in aquatic conditions in the Delaware River over the past 50 years has added to the bottom line of the multi-billion-dollar sport fishing industry in Pennsylvania.
- **Water Quality Improvements in the Delaware Estuary** - What was once a "dead river" near Philadelphia has been restored to a healthy and productive resource. The DRBC was a key driver in achieving this improvement and continues to work collaboratively with state and federal agencies on programs to further restore the tidal portion of the Delaware River.

1211 Greenway Road • Wilmington, DE 19803
Tel: 610-850-9106 • Fax: 610-850-9107
E-mail: wra@wradrb.org • Website: www.wradrb.org

- **Salinity Management** – The undammed main stem of the Delaware River serves as a drinking and process water supply, but is also open to the Atlantic Ocean. The only way to keep salt water from the marine waters of the Delaware Estuary from moving upstream is to keep fresh water moving downstream. Having and managing adequate water storage in the Basin is necessary to ensure resources to support economic growth and the regional economy while avoiding adverse impacts on downstream water users, fisheries, and the estuarine environment consistent with the constitutional and legal obligations to protect those resources. The DRBC has been the key agency responsible for providing and managing these water resources, and the only agency charged with monitoring the salt wedge within the river.
- **Drought and Low Flow Management** – The DRBC has basin-wide and lower-basin drought management plans to provide sustainable water supplies during periods of low flow. DRBC programs and water supply charges support the storage of water to be released during low flow periods. Pennsylvania has the added benefit of flow augmentation during low flow periods on the Schuylkill River and Lehigh River from reservoirs located in Pennsylvania.
- **Southeastern Pennsylvania Groundwater Protection Area** – The Commonwealth of Pennsylvania asked the DRBC to manage groundwater supplies in this high growth area beginning in 1980 when too many water users were attempting to obtain water from groundwater sources that could not support the demand. Since DRBC management began, the interference and yield issues have been resolved and the area continues to see significant growth supported by well-managed surface water and groundwater resources.
- **Special Protection Waters Program** – There are statutory obligations under the Clean Water Act for federal and state government to keep clean waters clean and to not allow measurable changes in existing water quality in rivers and streams except towards natural conditions. In the Delaware River Basin, this has been accomplished through the DRBC's Special Protection Waters Program. The DRBC works with the regulated community on modeling and technical assistance to meet their needs while also meeting the objectives of this program.
- **Clean-up of Legacy Pollutants** – The DRBC has worked extensively and collaboratively with the states and with the regulated community to find real, unique and effective solutions to clean up legacy pollutants in the Delaware Estuary such as PCBs. Clean-up efforts have led to improved fish consumption advisories in the estuary and bay.

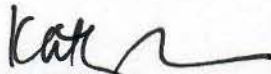
Many of our members interact with the DRBC as regulated entities. The Commission is responsive, provides technical assistance and guidance, and is always willing to meet with us to discuss issues. The DRBC has promoted and implemented a streamlined One-Process-One-Permit Program to work "in the background" directly with state agencies and to facilitate the permitting process for regulated entities. The program has been successfully implemented in NJ and NY; however, Pennsylvania has not yet proceeded with this program. We would like to see the Commonwealth and the DRBC implement an efficient and effective One-Process-One-Permit Program as soon as possible.

The DRBC periodically revises the fees it charges water users and dischargers. When this occurs, the Commission is transparent and open about the process, provides informational meetings, and accepts public input. It is also worthwhile pointing out that while regulatory fees have gone up in recent years, Pennsylvania's contribution to the DRBC has significantly gone down.

Pennsylvania Water Rights Laws only have jurisdiction over surface waters and public water systems. Water is used both consumptively and non-consumptively by many water users who use groundwater and by many water users that are not public water systems. Power generation is an example of a large consumptive water user. DRBC's programs and policies ensure, during periods of low flow, power generators provide replacement water for consumptive water use. This integration of water management policies allows large water users to continue to operate during low-flow periods while providing for available water for others.

In summary, the DRBC is an effective government entity that fosters interstate-federal cooperation and collaboration rather than expensive conflict as witnessed in other interstate waters. WRA believes Pennsylvania should support the DRBC and its activities and participate in the collaboration that has enhanced the management, water quality and aesthetics of the Delaware River Basin. We would like to see the Commonwealth work towards restoring funding support to the full "fair share" level of \$893,000 as soon as possible. WRA believes Pennsylvania should view this annual contribution as a signatory member to the DRBC as a sound public policy investment.

Sincerely,



Kathy Kleir
Executive Director



Jane Offringa Rowan, PWS
President

cc: PA State Government Committee Members
Steve Tambini, DRBC