

Howard J. Woods, Jr. & Associates, L.L.C.

June 4, 2018

The Honorable Daryl D. Metcalfe
Chairman – State Government Committee
Pennsylvania House of Representatives
144 Main Capitol Building
PO Box 202012
Harrisburg, PA 17120-2012

Re: Delaware River Basin Commission

Dear Chairman Metcalfe:

I understand you have scheduled a June 11th Public Hearing to receive testimony from individuals and entities that are regulated by the Delaware River Basin Commission (DRBC) and to investigate concerns about the impact of DRBC policies and actions on business growth, economic vitality and the rights of property owners within the Basin. I am sorry that I cannot appear in person and I respectfully ask that you consider these written comments in the deliberations of your Committee.

I am a registered Professional Engineer in the Commonwealth of Pennsylvania. I have a Bachelors Degree and a Masters Degree in Civil Engineering from Villanova University. My Masters Degree concentration is in Water Resources Management. I have been practicing in this field for over forty years and throughout my career, I have had numerous interactions with DRBC. I have first-hand experience with their policies and actions.

My career in this field began in the 1970's when DRBC was still a relatively young entity. When DRBC was created, there was no US Environmental Protection Agency and there was no Pennsylvania DEP. As you may know, DRBC was born out of necessity. Conflicts between water users had risen to the level where litigation over water rights was frequent. A dispute between New York and New Jersey, in which the Commonwealth was an intervenor, rose all the way to the US Supreme Court on two separate occasions. In issuing an amended decree in 1954, the Court allocated water resources among the basin states and retained jurisdiction over all issues related to the litigation. The Court also established a River Master to administer its decree and established that its allotment of water resources was to remain subject to the paramount authority of the United States to maintain navigation in the basin. The condition of water quality in the surface streams in the late 1950's and early 1960's was generally known to be extremely poor as a result of a widespread lack of adequate municipal and industrial waste treatment. Portions of the Delaware River and its tributaries, such as the Schuylkill River, including the Manayunk Canal, were open sewers. While issues related to ground water quality and quantity were less visible than issues with surface streams, over-pumping and contamination were already having adverse impacts on well owners and ground water users. Flooding was problematic in many areas – even more so than in recent years. When DRBC was created, 43 state agencies, 14 interstate agencies, and 19 federal agencies exercised a multiplicity of splintered powers and duties within the basin. In 1961, the Governors of Pennsylvania, Delaware, New York and New Jersey and President Kennedy

49 Overhill Road, East Brunswick, New Jersey 08816-4211
Phone: 267-254-5667
E-mail: howard@howardwoods.com



signed concurrent compact legislation into law creating a regional body with the force of law to oversee a unified approach to managing a river system without regard to political boundaries. The Basin Compact was signed for the Commonwealth by then Governor David Lawrence. Today, the Chairman of the DRBC Commissioners is Governor Tom Wolfe.

It has been my experience in dealing with the DRBC over decades that this agency has been instrumental in fostering regional solutions to very complex water quality and water quantity issues. Without a doubt, litigation of the sort common prior to the creation of DRBC has been avoided. You will note that the Compact was executed in 1961 – before we experienced the worst drought of record in the eastern United States (1964 through 1967). While this drought could have easily been the catalyst for another round of interstate litigation, DRBC successfully coordinated a series of negotiations that lead to a fair reapportionment of water resources, the establishment of new standards to control salinity (a clear win for the City of Philadelphia and surrounding counties) and a drought flow management system designed to maintain flow targets along the mainstem of the Delaware River. This coordinated approach often referred to as the “Good Faith Agreements,” which were later supplemented by the Flexible Flow Management Program, balanced water resource needs associated with drinking water supply, recreation, fisheries, waste assimilation and navigation. The Flexible Flow Management Program was recently (2017) readopted unanimously by the 1954 Supreme Court Decree Parties for another ten years. Without DRBC’s steady hand in the 1970’s and 1980’s, and their continuing efforts to manage and avoid conflicts, it is my professional opinion that we would have been mired in yet another round of interstate litigation and we would not have had the benefit of adequate water resources to support industry and commerce, let alone had adequate water quality for the drinking water needs of over 15 million people.

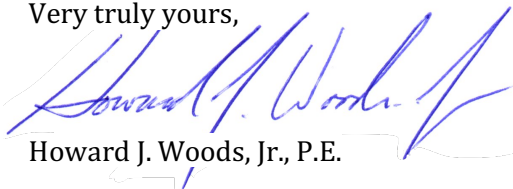
With respect to ground water management and regulation, DRBC should be credited with another success in Southeastern Pennsylvania. At the request of the Commonwealth and many of the communities in this area, DRBC held hearings in the late 1970’s to determine the extent of ground water over-development and to devise a system to apportion and regulate the use of ground water under the authority of Article 10 of the Compact. As a result of these hearings and the testimony received, DRBC established the Southeastern Pennsylvania Ground Water Protected Area. This area includes all or parts of Berks, Bucks, Chester, and Montgomery Counties. Prior to the development and implementation of this program, many portions of the area experienced pumping in excess of total available recharge. In dry periods, wells were seen to fail, springs and streams that were fed by the water table dried up and the water supply depended on by over 1,000,000 people, including those supplied by municipal and private wells became unreliable. As a direct result of this program and DRBC’s management, conflicts between users have declined dramatically and the resources of the Triassic Lowlands and adjacent areas have once again become reliable sources of high quality drinking water for residential, commercial and industrial use. DRBC’s policies and procedures assure the efficient use of a finite and valuable resource. In addition, these same policies and procedures protect the significant investment many individuals and municipalities have made in wells, treatment and pumping facilities in this region.

I would also like to comment on the Special Protection Water Program. The Delaware River is the longest undammed river east of the Mississippi. Three quarters of the non-tidal portion

of the River upstream of Morrisville, Pennsylvania has been included in the Wild and Scenic Rivers program by Congressional action. The Special Protection Waters program is designed to prevent degradation in streams and rivers where the existing water quality is better than the minimum standards through more stringent regulation of discharges. The entire 197 miles of the Delaware River above Morrisville is included in the Special Protection Waters program. Because of the focus of this program, many recreational programs that support growth and development in the Poconos are possible. Essentially, this program is responsible for the continued growth and development within the Lehigh River Valley and in the Poconos, generally. All of these areas of the mainstem and tributaries of the Delaware River are exceptional in the scenic, recreational and environmental value.

It is my understanding that some members of your Committee may have issues with the Susquehanna River Basin Commission. I ask that you not allow those issues to adversely color your opinion of the DRBC. DRBC is an essential agency that deserves the full and continued financial support of the Commonwealth.

Very truly yours,



Howard J. Woods, Jr., P.E.

cc: The Honorable Matthew Bradford, Minority Chair
The Honorable Kristin Hill, Secretary
The Honorable Donna Bullock
The Honorable Mary Jo Daley
The Honorable Pamela A. DeLissio
The Honorable Madeleine Dean
The Honorable Cris Dush
The Honorable Isabella V. Fitzgerald
The Honorable Seth M. Grove
The Honorable Jerry Knowles
The Honorable Stephen McCarter
The Honorable Brett R. Miller
The Honorable Christopher M. Rabb
The Honorable Brad Roae
The Honorable Francis X. Ryan
The Honorable Rick Saccone
The Honorable Tommy Sankey
The Honorable Brian Sims
The Honorable Jared G. Solomon
The Honorable Craig T. Staats
The Honorable Emilio A. Vazquez
The Honorable Justin M. Walsh
The Honorable Judy Ward
The Honorable Jeff C. Wheeland