



pennsylvania

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SECRETARY

RECEIVED/DELAWARE RIVER
BASIN COMMISSION

April 11, 2011

2011 APR 15 P 3:41

Ms. Carol Collier, Executive Director
Delaware River Basin Commission
Post Office Box 7360
West Trenton, NJ 08628-0360

Dear Ms. Collier:

Pennsylvania supports regulatory efforts by the Delaware River Basin Commission (DRBC) that add value to the programs developed and implemented by member states. Pennsylvania posits that it is appropriate for the DRBC to regulate water withdrawals and track wastewater disposed within the basin, including interbasin transfers. Regulatory efforts on these issues protect the interests of all member states and allow for proper management of the water resources within the basin. With that said, Pennsylvania urges that duplicative regulatory programs be avoided and believes that where a member state is implementing a program, other than water withdrawal and wastewater management, oversight by the DRBC is duplicative and unnecessary.

Article 1, § 1.5 (Existing Agencies; Construction) of the Delaware River Basin Compact states the following: "It is the purpose of the signatory parties to preserve and utilize the functions, powers and duties of *existing* offices and *agencies of government*...." Among the reasons why this provision is in the Compact is the need to manage public resources without unnecessary duplication of efforts. DRBC staff maintains that protection of the special protection waters is the basis for additional regulation, but the states also have special protection tributary waters to protect and the state programs are designed to protect them. Given these times of scarce financial resources, agencies cannot afford to create redundancy, and we must work to fill regulatory gaps rather than build layers of regulations that address the same problems.

Pennsylvania has comprehensive programs in the following areas: wastewater discharge permits; residual waste management; natural gas construction and operation activities; and erosion and sediment control activities. Pennsylvania has a history of quality management of these programs. It is important that any new DRBC regulations are harmonized with these existing Pennsylvania programs and that no duplication of these efforts take place.

DRBC provides quality program management in the areas of water withdrawal regulation and wastewater discharge regulation. The proposed regulations should be scaled back to properly address these two important regulatory functions of the DRBC. In addition, DRBC should focus on its efforts to perform water quality and water quantity monitoring for the basin, similar to the function the Susquehanna River Basin Commission performs for the Susquehanna River Basin, to provide an early warning system of any environmental degradation. Therefore, Pennsylvania requests that the proposed regulations be substantially modified to address only these functions at this time.

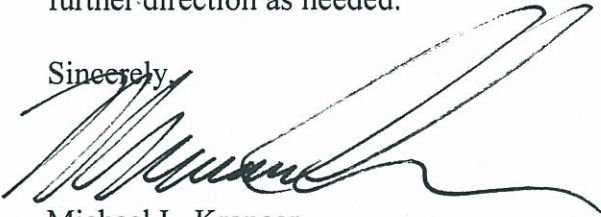
Ms. Carol Collier

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Scaling back the final regulations should be performed in an expedited manner. The continued delay in development of these regulations has very real economic impacts to the citizens of Pennsylvania who live and work in the Delaware basin. Pennsylvania will work with you to move this initiative forward. As our two agencies, along with the other signatories, work together to finalize the regulations, we will continue to make ourselves available to discuss and provide further direction as needed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Michael L. Krancer', with a long, sweeping horizontal stroke extending to the right.

Michael L. Krancer
Acting Secretary