

Environmental Forum
10/29/06---Ottsville Firehouse in Tinicum Township

An environmental forum was held on 10/29/06 at the Ottsville Firehouse. The purpose of the meeting was to have informed, local, water quality specialists share their knowledge about important water quality issues, hear what residents want to see happen with local water resources and hear their other water quality issues/concerns, and to try to find ways to prevent irreversible, local environmental catastrophes.

Four panel members discussed current water resource issues:

1. Amleto Pucci, Ph.D., P.E., a Tinicum Township resident, is an environmental engineer with emphasis on hydrology. Amleto also acted as panel leader.

Amleto gave the audience a short water resources “101” course: includes natural and man made water resources, as well as quantities, flows, quality, water planning concepts, etc.

--generally, water resources is a “local” issue because of the local controls on flow systems; and, in Pennsylvania, local governments are given the opportunity to manage water resources through the Municipal Planning Code; many local governments can know more and can react to local water resource issues better than other governmental levels because of their interest and involvement

--however, his observation is that local water resource ordinances are “uneven” or too dissimilar in the state, primarily because of the availability of resources at the local level

--there needs to be greater focus or emphasis on the cumulative impacts of water resources and better approaches dealing with these cumulative impacts

--cumulative impacts may not always be addressed by all ordinances in a region: need to address the central issue of “where is the water coming from?”

--coined new term, “ecological flow”: rapid growth impacts on the water supply: you can lose the base flow, and then lose aquatic species when you lose the base flow; basically this indicates the impact of water resources development through increased demand, changes in flows, water quality and properties, etc.

--an essential tool is performance zoning; use planning and zoning to guide development away from areas where the hydrogeologic formations have insufficient yield for intense development, e.g., diabase formations, which provide less reliable water resources; also need to plan on a watershed basis: this makes technical and political sense.

2. Steve Donovan of Nockamixon Township, and a member of the Nockamixon, Bridgeton, Tincum Joint Water Management Committee

--Steve said the current planning process is a little short sighted

--also agrees with Amleto that ordinances and zoning should be based on rock formations and good scientific basis

--different formations provide varying levels of water resources, e.g., speculates that zoned minimum 2 acre lots located over diabase formations would overdraw water resources located there if the entire area was built out to the limit

--alternative would be to have water piped in from other areas, e.g., the Delaware River, which then magnifies the extent of possible development

--such an alternative could add \$30,000 to the price of a new home and local governments pay permanently for facilities

--planning also needs to take into consideration flooding issues based on elevation of lands and “drought years”; planning also needs to take into consideration contamination levels

--the law should say, “You shall not take water away from your neighbor”; and ordinances should be updated accordingly—a difficult statement to make.

3. Graham Orton of Buckingham Township, Director of Water and Wastewater Department

--Graham said, when Buckingham was faced with the potential development of 12,000 new homes in the ‘70s, the Township began to deal with water and sewer issues

--the Township advanced new well ordinances

--these ordinances have bounced around from township to township, each one getting a little bit better

--recommends that local governments have contingency plans for developers that get water from other areas, e.g., the Delaware River.

4. Marti Kyde, Ph.D., of Tincum Township; V.P. of Tincum Conservancy; currently preparing application for EV status for the Tohickon Creek with Bob Stanfield, Ph.D., also of Tincum Township

--Marti said EV status for creeks and rivers goes back to Nixon’s EPA’s Clean Water Act and Clean Rivers Act: states were required to amend their laws to correspond to the federal levels of protection *at least*, and provide special protection for exceptional waters

--Pennsylvania did, as did other states, a “Clean Streams Act”

--the Tincum Creek was awarded EV status in the ‘90s

--since the ‘90s, Pennsylvania was sued over standards for EV status by environmentalists. The state initiated a regulatory negotiation process to revamp its laws. The stakeholder group was dominated by oil, coal and gas companies, developers and farmers; the negotiation process took two years, but in the end the commercial interests won!

--unlike other states, e.g., New Jersey, there are higher standards for EV status for creeks and rivers in Pennsylvania; other states place the burden of proof on the developers, etc., to show they are not polluting streams, creeks and rivers; in Pennsylvania, that burden falls on the municipality

--the history of EV status for the Tohickon Creek is complex; status is still in limbo

Note: Dr. Bob Stanfield, in the audience, mentioned the following:

--the Dublin sewer plant pumps 190,000 gallons per day of supposedly clean effluent into Cabin Run Creek; nitrates are *above the roof*, two to three times the federal drinking water limits!

--recommends doing away with quotas in the development process; rather, do good water quality planning

--recommends legislative review of the Municipal Planning Code with regard to water resource issues to give municipalities more of a role in the review process

--need to require PADEP to consider the *taking of neighborhood water properties rights* when permitting quarry and mining operations

5. At the conclusion of the panelists’ presentation, each panelist was asked for one good legislative initiative to be taken to Harrisburg for introduction/passage by our representatives:
 - A. More autonomy at the local level; rather than one size planning process fits all, require planning for natural resource at the local level
 - B. Less emphasis on Statewide plans and planning; rather, need regional/area plans/planning for areas targeted for sprawl development, and the resources to help support local water resources planning and management
 - C. Require unified/integrated approach to local planning: federal water quality 537 planning and local water resources planning

D. Get EV status for the Tohickon! And require better water quality planning at the local level

The meeting ended with many questions asked by audience as well as their providing many recommendations.