COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
HOUSE VETERANS AFFAIRS AND
EMERGENCY PREPAREDNESS COMMITTEE

EAST WING
HEARING ROOM 60
HARRISBURG, PENNSYLVANIA

THURSDAY, JUNE 28, 2007
9:30 A.M.

PUBLIC HEARING ON FLOODING, FLOODING MITIGATION, AND FLEXIBLE FLOW

BEFORE:

HONORABLE ANTHONY J. MELIO, CHAIRMAN
HONORABLE RUSSELL FAIRCHILD
HONORABLE TIMOTHY J. SOLOBAY, SUBCHAIRMAN
HONORABLE BOB BASTIAN
HONORABLE MARTIN T. CAUSER
HONORABLE NEAL GOODMAN
HONORABLE ROBERT T. GRUCELA
HONORABLE JOHN HORNAMAN
HONORABLE BRYAN R. LENTZ
HONORABLE DARYL D. METCALFE
HONORABLE RON MILLER

(CONT'D)

HONORABLE EDDIE DAY PASHINSKI
HONORABLE JOHN D. PAYNE
HONORABLE KATHY L. RAPP
HONORABLE JOHN J. SIPTROTH
HONORABLE ROSE MARIE SWANGER
HONORABLE ROSITA C. YOUNGBLOOD

ALSO PRESENT:

HONORABLE MARIO SCAVELLO
HONORABLE MARGUERITE QUINN
HONORABLE MICHAEL PEIFER
HONORABLE TONY PAYTON, JR.

PATRICK M. CUSICK, EXECUTIVE DIRECTOR (D)
RICK O'LEARY, EXECUTIVE DIRECTOR (R)
HARRY M. BUCHER, II, RESEARCH ANALYST
SEAN HARRIS, RESEARCH ANALYST

BRENDA S. HAMILTON, RPR
REPORTER - NOTARY PUBLIC

INDEX

NAME	PAGE
CATHLEEN CURRAN MYERS	11
DIANE THARP	65
WALT CONWAY	94

P R O C E E D I N G S

SUBCHAIRMAN SOLOBAY: Good morning, everyone. I'm Representative Tim Solobay from Washington County, a subchairman on -- on emergency readiness, Veteran Affairs and Emergency Preparedness Committee.

Before we begin this morning's testimony at this informal hearing on flood mitigation issues, I'd like to start, as we do each of our meetings, with the pledge of allegiance, led by the man of the hour today, our Representative John Siptroth.

(Pledge of allegiance.)

REPRESENTATIVE SIPTROTH: That flag is flying twisted.

SUBCHAIRMAN SOLOBAY: Yeah. The flag is twisted around, that is correct. We'll get that done before the video gets turned on.

Again, this morning, just to set a couple of the very minimal ground rules. We're going to have testimony by four or five different individuals on flooding issue here in Pennsylvania.

And all you have to do is turn the TV on this morning and see some of the messes

that are going on across the country, especially in Texas and Oklahoma, to be a little bit thankful that our issues here in Pennsylvania aren't quite as complex as those.

But needless to say, whether it's a foot of water or an inch of water, any time you get flooded out, it causes a lot of problems, and we're here to hear some of those issues that are going on in Pennsylvania and try to see what, if possible, the legislature can do to help and assist.

We have session beginning this morning at eleven o'clock. It's a tentative schedule. As of House rules, we cannot have any committee meetings going on during the -- when the session is in, on the floor, so we may have to suspend with wherever we're at come eleven o'clock if session has begun.

And I apologize ahead of time for any of those testifiers or any questions that may not get answered prior to that time and if there are those, we will surely get answers down the road and get the testimony from those individuals who were not able to participate.

The first thing I would like to do is just have all the members of the committee who are here introduce themselves and their -- and their district that they represent. We'll start to my far left.

REPRESENTATIVE HORNAMAN: John Hornaman, Perry County.

REPRESENTATIVE QUINN: Marguerite Quinn, Bucks County.

REPRESENTATIVE PAYNE: John Payne, Dauphin County.

REPRESENTATIVE SWANGER: RoseMarie -- RoseMarie Swanger, Lebanon County, District 102.

REPRESENTATIVE BASTIAN: Bob Bastian, Somerset/Bedford.

REPRESENTATIVE MILLER: Ron Miller, 93rd District, York County.

REPRESENTATIVE FAIRCHILD: Russ Fairchild, Snyder and Union Counties.

REPRESENTATIVE SIPTROTH: John Siptroth, 189th District, Monroe and Pike Counties.

CHAIRMAN MELIO: Tony Melio, Bucks County.

And as chairman of the committee, I'd like to thank the presenters for being here today because your testimony is very valuable to this committee. Thank you.

REPRESENTATIVE GRUCELA: Rich Grucela from the 137th District, Northampton County.

One of the testifiers, Mayor Bucci, is one of my constituents.

REPRESENTATIVE CAUSER: Marty Causer. I represent McKean, Potter and Cameron Counties.

REPRESENTATIVE PASHINSKI: Eddie Day Pashinski, Luzerne County, 121st District.

SUBCHAIRMAN SOLOBAY: Okay. Before we get started with testimony, we do have a few other brief opening remarks by several of the members prior to.

I'd first like to call on Chairman Fairchild for his comments.

REPRESENTATIVE FAIRCHILD: Thank you. And thank you, Chairman Melio and the subcommittee, for addressing this important subject.

I'm also the chairman of the Susquehanna River Basin legislative caucus.

So we share a lot of the same problems as far as flooding that you do.

And I just want to say that we have this little problem going on called the state budget and we have to -- the Republicans have a caucus at ten o'clock. So some of our members are going to have to leave.

But I can assure you that we will get the written testimony and the information to all of our members.

And I think we all share in the flooding problem. It's not going to get any better. We know that. So we really got to address this problem. Thank you.

SUBCHAIRMAN SOLOBAY: Thank you, Chairman.

Also now I'd like to call on representative Ron Miller from York County for some opening comments.

REPRESENTATIVE MILLER: Thank you, Mr. Chairman.

You know, sometimes in Harrisburg we do things and we think that we have solved an issue. Act 64 of 1999 was a start. We all recognize that it didn't fix anything. But it

established Pennsylvania's membership in the Federal Emergency Management Assistance Compact, allows us to work with other states when there's disasters.

Without going after some provisions at that time, we have a lot of legislation that has been introduced, was introduced last session and the session before. I was very happy to pick up the challenge from former Chairman Semmel with House Bill 236, looking at creating a flood insurance assistance program modeled very much after our agricultural drought assistance type programs, crop insurance programs and I mean I think there are several other bills that people have out there that have been introduced this session. I know Representative Petri has a bunch of them. Representative Scavello has some. And I know it's a very important issue to many people in the Pocono area. So I appreciate the fact that we're having this hearing today.

Thank you.

SUBCHAIRMAN SOLOBAY: Thank you, representative.

We've also been joined by Representative Daryl Metcalfe, Representative Mario Scavello, and I'm sorry, there are new -- Michael --

REPRESENTATIVE PEIFER: Mike Peifer.

SUBCHAIRMAN SOLOBAY: Mike Peifer, that's right. Sorry about that.

Now, some comments from Representative John Siptroth before we start with the testimony.

REPRESENTATIVE SIPTROTH: Thank you very much. I'd like to thank Representative Melio for hosting this and Representative Solobay for chairing this committee and all the other members that joined us.

Certainly it is -- has been a problem in my specific area and neighboring neighborhoods. The flooding the past few years has been very devastating, and one of two hit us, and hopefully we can get a resolution to the Delaware River Basin Commission employing a simple majority regarding the regulation of the water risk of containment in the New York reservoirs.

That's the purpose of this hearing

today, and hopefully that piece of legislation will be resolved.

So thank you very much. Thank you to all the testifiers also.

SUBCHAIRMAN SOLOBAY: Thank you, representative.

We've also been joined by Representative Rosita Youngblood from Philadelphia.

Our first testifier is Cathleen Curran Myers, Deputy Secretary of the Office Of Water Management, Department of Environmental Protection.

Madam Secretary, when you're ready.

DEPUTY SECRETARY MYERS: Thank you very much. Am I on?

SUBCHAIRMAN SOLOBAY: Is your mike on?

DEPUTY SECRETARY MYERS: No, I'm not on. Ahh, there we go.

Chairman Melio, Chairman Fairchild, Representative Solobay, and members of the committee: I appreciate this opportunity to appear before you today to discuss Pennsylvania's flooding program, especially

with regard to the Delaware River flooding in 2004 to 2006.

I'd like to start with a little background on flooding, flood mitigation, and the management of the water resources of the Delaware River basin.

Pennsylvania has the most extensive flood protection program in the nation. As a result of abundant rainfall, over 83,000 miles of streams and our beautiful hilly topography, Pennsylvania is tied with North Carolina as being the most flood-prone state in the nation.

As early as 1936, the legislature authorized our predecessor agencies to provide structural protection to the state's flood prone communities.

And I am going to stop here and put my testimony out, which I should have done when I walked in the room, so you have a copy. I apologize for that oversight.

Since 1940, the Department of Environmental Protection's Waterways Engineering Bureau and its predecessors have constructed about 200 channel improvement and

flood protection projects in nearly 100 communities, at a current dollar cost of about $485 million.

These flood control projects are initiated by local municipalities and funded through the capital budget process. DEP provides the design, the site and environmental assessment, construction coordination and oversight of these projects from feasibility to installation.

In addition to the capital budget funding of local projects, the Governor's budget, usually, and this year again, provides $2.8 million for local flood protection projects, including grants for non-routine maintenance and specialized equipment for flood project maintenance.

Since 2004, Pennsylvania has experienced three devastating floods in the Delaware Basin of a magnitude not experienced since 1955. The June 2006 flood on the Susquehanna River as well broke historic records for flood crests in major communities from Bloomsburg to Hershey.

We will continue to engage the

Delaware and the Susquehanna River Basin Commissions in assisting with the outreach and assessment of our flood warning and response systems that were energized during those floods and are under improvement as a result of the things that worked and the things that did not work during those floods.

And I think PEMA will be addressing these emergency programs later in your hearing.

Governor Rendell has made flood mitigation and response an administration priority for 2007/2008, as evidenced by an increase of $2.2 million in the budget for DEP for technical assistance for stormwater and flood planning, including creation for the first time of an interagency task force with a senior level flood mitigation coordinator to work full-time on flooding -- before, during, and after a flood.

These floods will leverage nearly $5 million -- no, flood -- these funds will leverage nearly $5 million in federal funding for restoration projects from NRCS resulting from the June 2006 flooding.

One aspect of this initiative will be a new emphasis on non-structural alternatives, measures, such as buyouts, flood proofing, greenways and stream and wetland improvements, which can often eliminate the need for or reduce the footprint of a more expensive structural solution, such as a levy or a dam or detention area.

Turning more specifically to flooding on the Delaware, since I know that is the current need and current primary interest of this body.

It's interesting to note that the public health and safety crisis that originally brought Delaware Basin states to the negotiating table to find a better way to manage jointly the shared water resources of the Delaware River was drought, not flooding.

By the middle of the last century, the basin states and New York City had sued each three times in the U.S. Supreme Court in three different decades.

When our normally plentiful rains don't fall, there is simply not enough water for the 15 million people in the basin who

depend upon Delaware River water reservoir storage to augment the natural flows.

So New York City built three water storage reservoirs in the Delaware headwaters in the Catskills -- Cannonsville, Pepacton, and Neversink reservoirs -- to store and save spring runoff for the dry times.

Some of the water stored in the New York City reservoirs is piped to New York City residents.

And everybody really knows that.

Most importantly, though, for thirsty Philadelphians, the remainder is dedicated for release into the river for downstream use and as a freshwater flow to hold back the salt seawater at bay when rainfall is scarcer, as occurs typically in late summer and fall.

About 2.5 million Pennsylvania and New Jersey residents living downstream of the Delaware Water Gap in Easton, in Yardley, in Trenton, in Philadelphia, depend upon the water stored in those New York City reservoirs in the dry months.

During a recent drought nearly half of the water in the river at Trenton came from

the New York City reservoirs. And the Philadelphia Water Department tells us that at some times as much as three-quarters of the water they are using in low flow times is water that was released from the New York City reservoirs.

So as a commissioner for the Governor who sits for Pennsylvania on the DRBC, it is not a simple situation. I have flood victims who are closer to the dams who believe the reservoirs -- keeping those reservoirs empty is the solution and people in Philadelphia that will have no water to drink if we keep those reservoirs empty.

So perhaps you're wiser than I am because I would love to figure out how we can safely balance those two critical needs in the interest of our public.

So what lessons do we have from the historical flood data? After more than 50 years without a flood of this magnitude, we had three devastating floods -- nobody really knows why. We did ask. We've looked at the global warming. Everyone is trying to figure out whether this is just the flip of the coin

that randomly can happen or whether this is some new trend and we do not know the answer to that.

The June 2006 flood was so widespread it also broke historic flooding records in nine communities in the Susquehanna River Basin as well as in the Delaware. Extraordinary rains filled the three New York City reservoirs.

As the rains continued, water began to overflow and spill over the dam spillways, much like an overflowing bathtub.

And I apologize if that seems simplistic, but the only way that I've been able to understand all of this is to think about a bathtub to understand the dynamics of the situation.

As a result, some flood victims erroneous -- erroneously concluded that the reservoirs caused the flooding and that if there hadn't been reservoir spills, their homes and businesses could have been spared inundation and could be spared in the future.

The historical data unfortunately support neither of these contentions. In

fact, seven of the ten worst main stem floods in the Delaware Basin occurred with no reservoir spills at all contributing water and three occurred when reservoirs were spilling.

Surprisingly, and counter to, no greater common sense imagining, even when a large impoundment is full and spilling and overflowing, it has the effect of lowering the peak discharges downstream because the impoundment itself and the friction and the water having to flow through the reservoirs slows the water down, it sticks together, and it actually helps lower the flood even when it's full.

In the April 2005 flood the effect of the spilling Neversink reservoir has been measured and calculated and it actually halved the peak rate flowing out of the reservoir, even though it was overflowing at the time.

So reservoirs can help manage flooding. But we need to understand the differences in operating reservoirs that are used for flood control primarily and were built for flood controls and operating reservoirs that are used for water supply, for

drinking water supply primarily and were built for that purpose of storing water.

The Delaware River Basin has 13 reservoirs for multiple purposes ranging from water supply storage to power generation, to recreation like Nockamixon, and flood control.

These flood control reservoirs, including five owned and operated by the U.S. Army Corps of Engineers in the basin, maintain year-round flood storage voids or empty spaces capable of capturing and temporarily storing runoff from major storm events.

Like an empty bathtub, these reservoirs can capture massive inflow rates, store the water temporarily, and then release it at controlled rates to help prevent that water from contributing to downstream flooding.

In contrast, water supply reservoirs are operated to be as full as possible at all times. Water supply reservoirs fill during the winter and spring months of normal years. They are managed to be at full capacity by late spring in order to provide maximum water

supply storage for the drier summer and fall seasons.

Intentionally not filling the reservoirs, or maintaining voids, decreases the safe yield of a water supply reservoir and puts the public at risk of running out of water.

Similar constraints on managing voids for flood control apply to reservoirs created for other purposes. Recreation reservoirs, like Nockamixon, must maintain a pretty constant water level so that docks and boats and swimming areas are not getting stranded, either high and dry, or as islands in water that's fluctuating in this level.

Operators of power generation reservoirs, like Wallenpaupack, must operate in accordance with licenses issued by the Federal Energy Commission.

However, it's certainly true that operations of reservoirs not designed for flood control may sometimes be modified to provide some voids to help mitigate flooding, without seriously diminishing their primary function for water supply, for recreation or

for power generation.

And we need to know about that and we need to use it to the maximum we can. Knowing that Governor Rendell led the basin in providing funding for development of a flood modeling tool that will allow analysis of all 13 of the major reservoirs and impoundments in the basin to determine the extent to which each of them might be able to provide some increment of help in managing flood flows. The problem was we don't -- we have a good tool right now for knowing what happens with the three New York City reservoirs and the main stem of the Delaware. We got a good hydrologic model and we know that if you take water from here and you put it in there what's going to happen at Belvidere and Montague and Port Jervis and Trenton and Philadelphia. We have a good model for that.

We don't have a model that lets us look at what happens on the Schuylkill and the Lehigh and the Lackawaxen, Wallenpaupack, and Nockamixon and if we change something at three of those places what happens all along the way.

Because we certainly don't want, as was suggested to us, we don't want to have a reservoir start to let water out in anticipation of a storm and have that water hit another community just as the storm breaks. Which can happen.

It takes three days, for example, for that water from the New York City reservoirs to make it all the way down to Philadelphia. And I was criticized at a public hearing, understandably, because how would you know that? I didn't know that. Who would think it takes three days for water to get there. But it does.

So, you know, that's why we really need to investigate this and get good engineering. But the fact is we were being screamed at because by Wednesday before the last -- Isabella, I believe it was, that didn't end up being a problem, but on Wednesday it was forecast to smack us again, I was asked to be letting -- telling New York City to let water out of those reservoirs.

If we had done that, the peak -- the report was for peak rain at the lower part of

the basin, not the upper part of the basin -- so we would have been sending water stored in the upper basin to the lower basin which was going to get hit and we could have actually created a dam of water that would have prevented the tributaries from emptying just when they needed to empty and make -- we could have actually -- we can create the floods.

That would be a way we could create the floods, by sending extra water down at the wrong time, having it hit downstream when they're getting tributary flooding, flash flooding locally, that could create a flood.

So we have to do this with good tools and good engineering. But we need to do it.

So this new tool, it's a half million dollar project. The Governor put up 150 and challenged the other states to, and they all did. So that project is underway.

It's going to be another year or perhaps two years, I believe I just heard, to get that tool but when we get it it will be a big help for us to figure out what we can do with the 13 available reservoirs, not just those three at the top, to help us with the

flooding.

Another problem with looking at this problem is the sheer magnitude of the water. I just want to speak to that for a moment while I'm talking about how hard it is to get your head around this size of a problem.

One other solution that's been proposed, and sounds really good, is that we should require New York City to take the 32-foot aqueduct that takes water from these reservoirs to New York City for drinking and remove water to that 32-foot aqueduct when there's going to be floods. And that aqueduct can take .9 billion gallons, 900 million gallons of water a day out of the reservoirs and head it for the Hudson Basin instead of the Delaware basin.

Sounds like a really good idea. In fact, with all the infrastructure you could get 1.5 billion gallons a day out of those reservoirs. And that may be something we should be doing and, in fact, it's one of the considerations that's in the engineering studies we're requesting and pressing New York to provide that information.

But look at the size of the problem. One inch of rain makes 16 billion gallons of water. So it would take about ten days. With my simple math, if we can get 1.5 out a day, at 16 from one inch, it was -- to get rid of one inch of rainfall, we'd need ten days to make the space, for one inch of rainfall.

And how much rainfall did we get in these extraordinary events? We got 12 to 15 inches.

So I'm not saying it's not important. It might be something we should do. It might make some difference. But it will not solve the problem. It get some water out. It could be part of the solution.

But these are going to take a little bit here -- to solve the flooding it's going to take a little bit here, a little bit there, everybody doing what they can to diminish the impact.

Okay. So the New York City reservoirs, a little bit more about them. They are operated to provide releases downstream throughout the year to achieve river level targets at Montague and Trenton.

That's what Pennsylvania got out of its Supreme Court decree. We got the right to 750 (sic) c.f.s. coming downstream to augment low flows. That was the exchange for them taking water out of the basin, that they had to provide water from storage for 1750 c.f.s.

And the U.S. Supreme Court has a river master appointed whose job is to measure that every day and tell the reservoirs to dump water to keep the water levels that high for us.

During drought emergencies these releases are critical to protecting downstream municipal and industrial water supplies, including the Philadelphia water supply intake at Torresdale. Philadelphia depends on that intake in the Delaware River for more than half of its water supply.

During extreme droughts, when flows to Philadelphia's Schuylkill River intake decrease, the city water department may rely even more heavily on water from the Torresdale intake on the Delaware.

The water released from the New York City reservoirs, in combination with releases

from Beltzville and Blue Marsh Reservoirs, also pushes back the salt water from Delaware Bay which creeps upriver as natural flows diminishes and is crucial to keeping salinity downstream and out of the Torresdale intake.

Over the past several years, releases from the basin's New York City reservoirs have been increased during the summer months to maintain cold-water flows for fish in the upper watershed and in the winter months to mitigate the potential for spills.

A world class trout fishery has developed in the tailrace and downstream of the three reservoirs as an unintended, but welcome, result of the release of cold reservoir water throughout the summer and fall to augment lower basin river flows.

But that is another issue you may have heard about. We need to balance a third interest. We got water supply which wants reservoirs full. We got floods which floods want the reservoirs empty. And we have the fisheries which want enough water to send down stream at the right time for the fish. So we got a third factor to balance.

And there are several factors which limit the potential for creating and maintaining the year-round voids to address flooding at the New York City reservoirs.

I already mentioned the U.S. Supreme Court decree which allows New York City to have the right to have up to 800 million gallons per day from its three Delaware Basin reservoirs.

New York City has historically taken less than its full allocation and it manages the reservoirs to achieve full storage in the late spring in order to hedge against the possibility that a severe drought might develop.

The fact that they take less has not gone without notice, and we are currently through the river basin commission negotiating a flexible flow management program that recognizes they really don't use that water and that water can be considered for other uses and the lack of their need can be considered in the flooding and the creation of voids.

Water supply needs. As I mentioned

during dry periods the states of Delaware, Pennsylvania, and New Jersey rely on these releases from the New York City reservoirs to not only provide water supply but to sustain aquatic life and support fishing and boating activities.

During the month of August 1999 an average of 73 percent of the flow of the main stem at Montague, New Jersey and 46 percent of the flow of the main stem at Trenton were comprised of the releases from the three New York City reservoirs.

I would also note that if you go to the DRBC website, you can see a picture of a more recent emptying of the reservoirs from low rainfall in -- and I'm going to talk about that a little bit. So I'm just saying there is a picture and it's quite amazing.

About weather forecasting. Weather forecasting is not yet sufficiently advanced to furnish reliable drought predictions. Severe droughts can, in fact, develop within a matter of months. By way of example, on May 1, 2001, New York City's Delaware Basin reservoirs were 100 percent full, holding

approximately 271 billion gallons of water. By December 15, less than eight months later, the combined storage had declined to 63 billion gallons or only 23 percent of capacity.

One frequent request by flooding victims is that we keep a 20 percent year-round void in the New York City Delaware reservoir system.

So if we figure out what that means to water supply, if a void of this size, about 54 billion gallons is in effect in May of 2001, the reservoirs would have only had 217 billion gallons of water stored rather than 271.

In that case, by December 15th, the three giant impoundments would have been essentially empty.

The system did not refill again until spring of 2003. So it takes -- can take nearly two years to fill those reservoirs. Again, it takes a long time to empty them. It takes a long time to fill them. In -- compared with what we need in creating voids in the flood.

Since 1980 there have been eleven droughts triggered by declines in the New York City reservoir storage.

Weather forecasting is improving in accuracy and some have suggested that in place of permanent voids, water could be released to make space in anticipation of impending storm events. Unfortunately, that is not enough time for reservoirs which are not designed for flood control to release enough water to create big enough voids to make a significant reduction in flooding in locations more than a few miles below the dams.

To illustrate, by the time you reach Easton, about 80 percent of the water you're seeing coming downstream at you in the main stem or in a flood is coming from parts of the watershed that are not affected by the New York City reservoirs.

So even if we had the reservoirs empty and the reservoirs happen to be able to contain all of the water coming into them and they didn't fill, we would have gotten 80 percent of the water we got at Easton. And more like 90 percent by the time you get down

to New Hope and Yardley and farther south.

So we can't control that water with just those reservoirs.

Well, what are the answers to reducing flood damage in Pennsylvania? Governor Rendell has provided leadership in three key action areas to find the answers in response to these disasters.

First, he directed the Delaware River Basin Commission to form a -- do you want me to continue or do you need to recess? A broad-based task force of local leaders, scientists and legislators to find answers to flooding on the Delaware.

That report is due tomorrow. I have seen a draft, so I know it's ready. There are 45 recommendations in it. We will all want to digest that and perhaps we will all need to then reconvene and decide what of those items may be aided by your legislative assistance.

The mandated -- the development of a half million dollar flood analysis modeling tool that would tell us about the lower basin and the 13 reservoirs available, not just the three in New York City.

We accelerated negotiations among the parties to the 1954 consent degree to develop a flexible flow management plan that would include flooding, water supply, and fisheries in one management scheme, instead of in patchwork, and allow the basin operations to evolve as we evolve our science of -- of basin management.

From these actions will come critical data and feedback on the best courses of action to improve our flood mitigation program. Draft recommendations discussed at recent public meetings indicate the task force has concluded unfortunately that no set of mitigation measures, however, will eliminate flooding along the Delaware main stem and its tributaries in an extraordinary rainfall event like those of recent memory.

Much of the burden will fall on local government zoning and planning to direct future growth out of the floodways and protect those currently in harm's way.

A combination of non-structural and structural measures can improve the basin's resiliency -- reduce the frequency and

severity of floods, reduce flood damage, and prepare for and recover from flooding.

In the next few weeks we do expect to receive the recommendations of the task force. We will be hiring a flood coordinator at the -- at the Governor's Office level, senior level, to organize federal and state agencies on a constant basis, to integrate flood mitigation more significantly than in any previous program, and provide for adaptive management going forward.

In the long term, legislation may be needed to fully implement some of these recommendations so I really appreciate this opportunity to begin that dialogue.

Thank you very much. If you have questions, I would be happy to respond.

SUBCHAIRMAN SOLOBAY: Thank you very much. For the record, I'd just like to also mark that Representative Kathy Rapp was here and had to leave.

Since the Republican members have been called to caucus, I will call for any questions from the Republican members first.

REPRESENTATIVE METCALFE: You guys

were called first.

SUBCHAIRMAN SOLOBAY: Well, I think that was there. That was there. We're not supposed to be in here.

All right. Representative Scavello.

REPRESENTATIVE SCAVELLO: Thank you. Thank you, Mr. Chairman, for giving me the opportunity, although I'm not a member of the committee.

Cathleen, I want to thank you for your testimony. But you made a statement that I just had to ask this question. Are you saying that those three reservoirs up in New York -- that New York State has up there, they don't use much of that water?

DEPUTY SECRETARY MYERS: They use 800 -- they use about 665, on the average, million gallons.

REPRESENTATIVE SCAVELLO: And what is that? In the capacity of their storage, they're storing, percentage, what are we talking about, the capacity of those -- those three dams?

DEPUTY SECRETARY MYERS: They store 271 billion gallons of water and the rest

can't -- is and -- is used as needed to keep the flow target at Montague at the level that gives us the flow coming down stream and that -- and how much is needed to supply that varies. Obviously in the -- in 2001, which I described, almost all 271 billion gallons, less the 800 million gallons a day for New York City, was used.

REPRESENTATIVE SCAVELLO: In your comments you've -- you've also stated -- in this report that we haven't seen -- was the reduction of the -- of the levels of those three an option?

DEPUTY SECRETARY MYERS: Oh, yes.

REPRESENTATIVE SCAVELLO: It was an option?

DEPUTY SECRETARY MYERS: Oh, yes. We're considering all options and we will need to do a combination of things. And the reservoir operations have already been changed twice since the flooding, once to -- once to include snow pack, for example. In the past we just figured how full are the reservoirs and then we said, wait a minute. We can be pretty sure the reservoirs will fill based on

how much snow there is. So we can subtract the snow and let that much water out. And so we started doing that about two years ago.

And we've refined that so we have a much better estimate and have further been able to -- in real time we do aerial photographs and measure the snow pack, and so we really know how much is there, so that we can count on that water coming in for water supply and we can subtract more.

So we have done that with snow pack and we have changed the rule curves of when water is released. So that when the water is -- when the storage is above normal, we -- it's a complex formula, but basically when the -- when the water in the reservoir is above normal, we now have a rule to start releasing water. So send -- send it towards normal. So then if it then, of course, if it rains, and what people are watching, the percent full. So you can be headed down and releasing water. If it rains a million gallons, it may help -- be back at the 90 or 95 percent full very quickly, but it doesn't mean we're not releasing water.

So it's a combination of releasing and actual filling, but we are now releasing water whenever it's above normal.

And the new -- the flexible flow management program I talked about incorporates all those ideas into a new program.

We have gone out twice with that for public comment. It's going to be out for final public comment -- for final release in July. And you will see it has still more -- and year-round ability to be reducing and trying to keep what voids we can while still pretty sure the reservoirs will be full enough to supply water supply.

REPRESENTATIVE SCAVELLO: In the three storms that pretty much devastated parts of Monroe County, there was no early release. Am I correct? When those -- those -- those reservoirs were pretty much close -- close to full?

DEPUTY SECRETARY MYERS: Oh, they were full. They were full and spilling but there were two storms a week apart. So they were full and spilling from the first storm when the second storm hit.

So nothing we could have done in terms of releasing water would have helped at that point.

However, in some storm situations -- I mean it's hard to generalize. In some storm situations, reducing water consistency and managing it so that we have what voids we can afford, as much of the time as we possibly can, will help in some events.

It probably wouldn't have helped -- when you get a double whammy like that and you get six inches of rain one weekend and it fills up the reservoirs, because six inches of rain is six times that 16 billion gallons, it's going to fill them up unless they're really empty. Then we're going to have a problem when you get six more inches the following weekend.

But there are some -- it will help and we're going to work on that and fine tune it.

REPRESENTATIVE SCAVELLO: Thank you very much.

SUBCHAIRMAN SOLOBAY: We've also been joined by Representative Bryan Lentz.

Next question, Representative Peifer.

REPRESENTATIVE PEIFER: Thank you, Ms. Myers.

It just seems that there's such a lack of coordination with the -- with the three states. Now, obviously we have the study coming out, which you say is in July, that was the half million dollar study that was ordered by Senators Clinton and -- as well as --

DEPUTY SECRETARY MYERS: No.

REPRESENTATIVE PEIFER: No?

DEPUTY SECRETARY MYERS: No.

REPRESENTATIVE PEIFER: Was that part of the testimony that was traveling that was in Easton? Or a couple of testimony --

DEPUTY SECRETARY MYERS: There's a lot of things going on. There's a lot of people worried about flooding. There's a lot of things going on. There's a one million -- there's a one million dollar study that was already started in about 2004 that is the one that Senator -- that you referred to Senator Clinton that was --

REPRESENTATIVE PEIFER: Senator

Clinton, Senator Specter.

DEPUTY SECRETARY MYERS: Senator Specter. A lot of folks participated in that. And we focused it a little bit in the scope of work after these floods to get more information about basin management.

But it's not -- and that's coming out in July. And that will provide some data and information. But it's mostly gathering a lot of information for -- for better understanding of the water resource and how it -- how it works.

But it's not the half million dollar study to give us a specific engineering tool to figure out the water scenarios for the 13 reservoirs. That one is a separate one.

So there's a one million dollar study and a half million dollar study, both involving the Corps, which makes it confusing.

REPRESENTATIVE PEIFER: The -- I'm part of the Wallenpaupack Watershed Advisory Committee. We've done some really good things there with PPL.

DEPUTY SECRETARY MYERS: Yes, you have. I should have mentioned that.

REPRESENTATIVE PEIFER: And they've been monitoring pumping as part of that, you know, and we've been monitoring the -- basically the basin for -- for what's coming in with impervious surfaces and trying to get better data on what's coming into our link.

DEPUTY SECRETARY MYERS: Yeah.

REPRESENTATIVE PEIFER: But it just seems like that's a small piece of the pie and --

DEPUTY SECRETARY MYERS: Well --

REPRESENTATIVE PEIFER: -- it's hard to coordinate counties, let alone states, let alone emergency management.

There's just a huge lack of coordination between the three states. And we're all affected by the water.

DEPUTY SECRETARY MYERS: Yep.

REPRESENTATIVE PEIFER: So hopefully somewhere in the study we can address the coordination of safety, which is obviously the reason for this hearing.

DEPUTY SECRETARY MYERS: Uh-huh.

REPRESENTATIVE PEIFER: The second thing is I'd just like to say from the

comments that I hear about this flexible flow module, it still does not address flooding.

We have many issues where I'm from, from brown trout to the rafters to the -- to the constant water flow, and it just seems like again and again and again that whatever New York City wants for their water source, that's what they get.

And that's -- that's -- that's from a Pennsylvanian's viewpoint, but that's what I hear.

DEPUTY SECRETARY MYERS: Well, it does address flooding and I'll be happy to discuss it further with you when the proposal is -- the proposal is going to all of the states for their various publication of notice.

So, please, contact me and we --

REPRESENTATIVE PEIFER: Sure.

DEPUTY SECRETARY MYERS: -- can talk more about that.

REPRESENTATIVE PEIFER: Thank you.

SUBCHAIRMAN SOLOBAY: Thank you.

Representative Grucela.

REPRESENTATIVE GRUCELA: Thank you,

Mr. Chairman.

Deputy Secretary, you and I have discussed this several -- many times.

DEPUTY SECRETARY MYERS: Yes, sir.

REPRESENTATIVE GRUCELA: Because this is an area that's affected my district, all three of those floods, as well as north of me in Monroe County, and as well Representative Bob Freeman in the Easton area.

Of course, we were at Lafayette College --

DEPUTY SECRETARY MYERS: Yes.

REPRESENTATIVE GRUCELA: -- when Congressman Dent held a hearing.

And I want to start with -- my colleague is right about the coordination.

DEPUTY SECRETARY MYERS: Uh-huh.

REPRESENTATIVE GRUCELA: Because there's a couple things, after pursuing this so many times, because of the three disastrous floods, there's no doubt about the coordination.

But, first of all, you mentioned -- and -- I don't know if it's a slip or maybe it's just a semantic thing, but the issue

isn't to have the reservoirs empty. I don't think anyone wants them empty.

DEPUTY SECRETARY MYERS: Uh-huh.

REPRESENTATIVE GRUCELA: I think the issue has always been that they're over capacity. And what I was able to find out -- and correct me if I'm wrong -- but that was governed, I think, by the Supreme Court case that you cited, and that in order to change it it needed to be -- it's three governors and the mayor of New York have a vote?

DEPUTY SECRETARY MYERS: Uh-huh.

REPRESENTATIVE GRUCELA: And -- and, again, when you talk about coordination and trying to get three governors, even if our governor agrees and the other two governors agree, the mayor's vote obviously stops it.

DEPUTY SECRETARY MYERS: Uh-huh.

REPRESENTATIVE GRUCELA: So I think the issue has always been, you know, not empty but that there's too much.

DEPUTY SECRETARY MYERS: Right.

REPRESENTATIVE GRUCELA: And secondly --

DEPUTY SECRETARY MYERS: Could I --

could I just respond to that a little bit?

REPRESENTATIVE GRUCELA: Absolutely.

DEPUTY SECRETARY MYERS: Because that is what is -- the flexible flow management program is the negotiations among those decreed parties.

REPRESENTATIVE GRUCELA: It would be the three states and --

DEPUTY SECRETARY MYERS: So it would be me sitting at the table with the mayor --the representative of New York City and New York state and New Jersey and Delaware, and us, and this -- and that is the focus of that, to relook at the whole way the New York City reservoirs are managed and to see if we can increase the voids without decrease -- without increasing significantly drought days downstream.

REPRESENTATIVE GRUCELA: And the key word is negotiating. Does it take all four to vote or just can it be three/one?

DEPUTY SECRETARY MYERS: Think of it as a settlement agreement, because it is exactly --

REPRESENTATIVE GRUCELA: The question

is -- I want to know the answer. Does it take all four or does it take three?

DEPUTY SECRETARY MYERS: Yes, it takes all four.

REPRESENTATIVE GRUCELA: Okay.

DEPUTY SECRETARY MYERS: Because it's a settlement agreement.

REPRESENTATIVE GRUCELA: Okay. That's all I needed to know. That's all I needed to know. They can settle and negotiate and do all the studies in the world; but if one says no, then we're out --

DEPUTY SECRETARY MYERS: Yes. But we could go back to the Supreme Court if we were unsatisfied with that.

REPRESENTATIVE GRUCELA: I understand that. I understand that.

And, secondly, I found out that the problem is, as you mentioned, that this was never designed for flood. It was designed for water.

DEPUTY SECRETARY MYERS: Yes.

REPRESENTATIVE GRUCELA: For water supply. And that's a problem.

DEPUTY SECRETARY MYERS: Yes.

REPRESENTATIVE GRUCELA: So we need to retool. And I'm just speaking now of the reservoirs, not the other areas.

We need to retool or redesign those to make them for flood control as well as water supply.

How -- do we know, A, who has the authority to do that? Is it the federal government? And, B, do we know what it costs to do that?

How do we do that? How do -- how do we redesign those --

DEPUTY SECRETARY MYERS: One of --

REPRESENTATIVE GRUCELA: -- reservoirs for flood control?

DEPUTY SECRETARY MYERS: I don't know. I'm not an engineer, but that is one of the specific provisions that we -- that I and New Jersey sought from New York in these negotiations, that we would do a comprehensive review, including potential augmentation of their storage and augmentation of their storage in a way that would provide better flood control.

REPRESENTATIVE GRUCELA: Okay. And

then I just have one more about -- in your solutions, and then unfortunately I have to run to caucus because they are running one of my bills that I have to talk about.

You mentioned here that the burden will fall on local governments, zoning and planning to direct future growth of the floodways and protect those currently in harm's way.

My question is, how do you do that? I mean the small -- you're going to hear from the mayor of Portland.

DEPUTY SECRETARY MYERS: Uh-huh.

REPRESENTATIVE GRUCELA: The small Borough of Portland already has a business district that's there.

DEPUTY SECRETARY MYERS: Uh-huh.

REPRESENTATIVE GRUCELA: Okay? The zoning -- I mean I don't know. We have to be careful when we talk about zoning. We already have issues with that.

In fact, part of the bill that I have to go talk about in caucus is about notification of planning and building.

We have a development -- it's close

enough to the river that it's going to affect it -- proposed development of 1257 homes, but it's in the other township. It's in the township contiguous to the Borough of Portland.

Now, there's no doubt in my mind -- and I was never a good science student, but a little common sense tells me that 1257 roofs, the rain is no longer going to fall gently on the plain. It's going to be collected from 1257 roofs and channeled somewhere and this has got to have some effect on the overall water management of that area.

So -- but you have to be careful because if the local government -- if you're saying local government zoning, suppose they zone that area environmentally sensitive or floodplain or you can't build, you know, you're going to end up in court, which is probably where they're going to end up anyway, with spot zoning where this township doesn't have enough of this type of zone, et cetera, et cetera.

But I'm curious as to how or what type of zoning and planning, because a lot of

these municipalities are hamstrung with their planning and zoning ordinances.

Is there any recommendations?

DEPUTY SECRETARY MYERS: Well, I -- New Jersey has put in mandatory requirements for buffers and floodway regulation that have been upheld. So I think it is possible to do that.

There has been a mix -- my understanding is there has been mixed results with -- with municipalities cases that have tried to do that and some have been challenged.

And I think that is an area to give more teeth and clarity to. The municipal ability to zone for public health and safety in flood-prone areas would be a good thing.

REPRESENTATIVE GRUCELA: Tell me about that first one. Buffering?

DEPUTY SECRETARY MYERS: New Jersey -- New Jersey has put some mandatory buffer and setback requirements for floodway protection that have been upheld. So it is possible to do that.

A court's decision on whether you can

zone for a purpose and whether what you did is reasonable and within the public police power -- powers is going to depend upon what the laws giving authority to municipalities say.

So that may be an area that we can work together to improve the teeth for local municipalities and then the courts would say, yes, you have that authority.

Where currently it's not terribly clear the extent to which municipalities, even though they are, within our state, home rule and the basis for land use planning -- it's not clear exactly what their role is in flood planning and I think if we -- we may need to strengthen that.

REPRESENTATIVE GRUCELA: Okay. And so I would be safe to say -- and I'm a strong opponent of these 1257 homes.

It would be safe for me to say that -- or recommend to those township officials to take a look at this New Jersey buffering and that it's possible that this would be another quiver in their arrow or quiver in their -- however you say -- that

they could use in their argument that, conversely, with the argument that the builder says that there's not enough homes that are allowed for in the township.

So it's possible that they could possibly use that --

DEPUTY SECRETARY MYERS: Yeah.

REPRESENTATIVE GRUCELA: -- you know, as a -- as a defense.

Okay. Thank you very much, Madam Secretary.

DEPUTY SECRETARY MYERS: You're most welcome.

REPRESENTATIVE GRUCELA: I apologize. I have to leave and go to caucus.

SUBCHAIRMAN SOLOBAY: Sure. Spend 20 minutes asking questions and then run out of here.

Representative Miller.

REPRESENTATIVE MILLER: Thank you, Mr. Chairman.

Thank you for the excellent presentation. It will really help. I don't live in the Delaware River Basin, but the Susquehanna River Basin is applicable, I

believe, to any of them as far as their complexities --

DEPUTY SECRETARY MYERS: Yes.

REPRESENTATIVE MILLER: -- of flood control and water issues and everything else.

My question, I know New York state had an issue, because I lived in Mansfield in the early '70s when we had flooding from northern Pennsylvania flow into New York, Horsehead and Elmira --

DEPUTY SECRETARY MYERS: Right.

REPRESENTATIVE MILLER: -- and cause some troubles there.

My question is this -- and I don't understand the Delaware River basin well enough -- does any water from the New England states impact this?

DEPUTY SECRETARY MYERS: No.

REPRESENTATIVE MILLER: Because when we talk about this compact, we're only talking those few --

DEPUTY SECRETARY MYERS: No. All of the states that have water that drains into the Delaware are in the compact.

REPRESENTATIVE MILLER: They're all

in the compact?

DEPUTY SECRETARY MYERS: Yes, sir.

REPRESENTATIVE MILLER: Okay. Thank you.

That was my only question, Mr. Chairman.

SUBCHAIRMAN SOLOBAY: Thank you.

Representative Pashinski.

REPRESENTATIVE PASHINSKI: Thank you very much. My question is similar to what Representative Grucela was talking about.

In your studies, have they determined how much of the water flow is from the lack of reservoirs in other areas or the ground water or has development altered that course to allow for more flow into the rivers rather than seeping into the ground?

DEPUTY SECRETARY MYERS: The answer is generally yes. But I think you have to separate -- there are two kinds of flooding going on in most of the river communities.

One is local flash flooding, really coming from the tributaries coming up very fast. And the solutions to that -- that may well be better storm water controls; less

impervious surface; better land use planning; using our new BMP manual which says first look at the site, manage as little -- you know, don't gather together all the water and shoot it out there. Manage as much on site as you possibly can, infiltrate what you can, and then manage a smaller amount structurally so that we don't perpetuate this constant increase of water we're sending into the stream and expecting things to be fine.

So on the local flash flooding, the local tributary flooding, which is usually happening at the same time as the river coming up, it will help a lot.

The main stem flooding, however, while -- while help will not -- will not be helped as much the -- this basin has lots of high density areas and those high density areas flood locally.

But the main stem flooding comes from the total quantity of storm water and the combined rain drops that get to the stream.

Most of the watershed is filled with trees. The large -- it's a huge area and it's mostly in trees, and the percentage of

increase in impervious surface is quite small.

It's not like the Chesapeake Bay where they're showing like ten percent increases in impervious surface over only ten years. That's extraordinary and -- and really contributes to water problems.

I really don't think that, for the main stem flooding, is the problem. But it does make where people live worse because you've constrained the ability of the tributaries to handle and help. And so they back up.

REPRESENTATIVE PASHINSKI: Thank you.

SUBCHAIRMAN SOLOBAY: Representative Youngblood.

REPRESENTATIVE YOUNGBLOOD: Thank you for your excellent report, Madam Secretary.

I have a question. In Philadelphia County in certain areas, everyone is well aware that a lot of the waterways were bottled up.

What is primarily being done, relying on the bottled-up waterways and how are they affecting the residents? I've requested a map

of the Army Corps of Engineers.

I live in Germantown in the southwest. Back in colonial times, Germantown was considered sort of the summer homes for a lot of our colonial folks because of the streams, the ponds, and the creeks.

They've all bottled up, and when it rains we're experiencing a massive flooding problem through people's basements and through their homes, anywhere from three to four feet.

And I did call DEP and they came down and said there's a problem underground but I need to go to my local municipalities and get the maps that showed actually how the waterways were running through because at some point in time they all emptied into the Schuylkill.

I have not been able to ascertain that information. I did contact the Army Corps of Engineers. They said that, yes, in Philadelphia there is a major problem, but they have not gotten the cooperation from local government.

So I was wondering if you have the

map? Have you gotten the cooperation? Because this is something that I am very concerned about everything that has been bottled up underground and some of the problems that we are currently experiencing.

DEPUTY SECRETARY MYERS: You have identified the single most intractable and difficult problem that we have in flooding, and one that has even fewer good answers than the Delaware River itself.

Darby Creek, Crumb Creek, Ridley Creek, all of the -- all of the tributaries down by Philadelphia, are extremely flashy, because -- flashing, in that as soon as it rains, they just (sound) fill up because there is no way for water to get into the ground water and into the soil.

And they were. I mean people just said, oh, there's a stream in the way. We'll just put it in a big pipe and we'll build over it.

That was unwise. But we have wonderful cities and wonderful towns. And in Upper Darby, for example, the beautiful brownstones on the main street are right over

where the stream bed is supposed to be and where it flows underground in a much too small culvert. And so every time it rains it's a -- it's a disaster and it all comes up from the bottom because it can't stay in the pipes.

And we have -- I have 35 -- we're very fortunate. We have waterways engineers in Pennsylvania. I have little old -- my own little Army Corps.

And we're one of the only states that does, that certifies civil engineers that would love to solve that problem. That's what they live for, is to just protect people from floods and build a structure to do it.

There's no place to work. There's -- there's no room to redesign. You can't even get at it without demolishing half the town and you can't make room for the stream to expand and be able to flood safely because there's no place to work.

And that's the same situation in Philadelphia, although -- and what you really have to do is very intelligent, smart future planning, long-term planning, where you find out -- and I don't know. I don't know where

those -- only in the municipalities in some careful records would you find out where those streams have been contained.

We don't have accurate maps. But you need to find that out. You need to, whenever you're doing -- you need to declare it a flood management zone. You need to say that whenever people move out and there's going to be redevelopment, we're not going to rebuild. We're going to make a space. And then some day there will be enough room for my engineers or someone's engineers to go in and try and start fixing it with some projects that let it flood safely into a park or wetland or something that you build, or even a structure that you build if that's what we can do.

But right now there's no way, short of moving out whole neighborhoods, to fix it.

REPRESENTATIVE YOUNGBLOOD: Well, I think that's eventually what's going to happen. They'll have to move out whole neighborhoods. Because in the area they're going to have more parkland and I live across the street from a 54-acre park. There's a portion of the park, I think it was 90 or so

that are still left and that tells me -- and I had talked to my dad. At one time there was a creek and a pond --

DEPUTY SECRETARY MYERS: Okay.

REPRESENTATIVE YOUNGBLOOD: -- in the park but they drained it off to build the Schuylkill Expressway and that's probably part of this problem. And I see in certain areas where the streets are caving in or homes are falling in because of the bottled-up waterways.

DEPUTY SECRETARY MYERS: You're absolutely right. And you may have a local opportunity there and we would be happy to come and look at the situation to see if there is something, if you got the room to work and if you have some open space, whether there's something that could be done.

REPRESENTATIVE YOUNGBLOOD: Thank you.

SUBCHAIRMAN SOLOBAY: Representative Siptroth.

REPRESENTATIVE SIPTROTH: Thank you, Mr. Chairman.

Secretary Myers, thank you very much

for testifying today. I certainly do appreciate it.

One thing that wasn't touched on and may be a possible solution, but has there been any discussion regarding the rechannelization of the river itself in the areas that we have a lot of debris and sandbars that have been created by previous floods, and if that would promulgate the problems that we have in the river?

DEPUTY SECRETARY MYERS: Yes, it has been looked at and it has been suggested. It's even been suggested that we bulldoze and remove all of the islands to make more space in the whole river.

The engineers advise us that that really won't give us more space. Significant -- enough more space to make a measurable difference and is likely to move where it floods downstream or to a different location, but not eliminate the flooding.

So I'm told that won't work.

REPRESENTATIVE SIPTROTH: Thank you very much.

SUBCHAIRMAN SOLOBAY: Thank you,

Madam Secretary. I appreciate your time.

And I think we're going to be calling on you probably on a more regular basis as we continue on with this process.

DEPUTY SECRETARY MYERS: You know where I am and we're always happy to talk about this and try and find some solutions because it's going to take everybody working together to make things better.

SUBCHAIRMAN SOLOBAY: Thank you.

As usual we're about 15 minutes behind on the testimony but that's okay. We'll work through. We're trying to find out now if we can delay the start of session for a little bit to continue on.

I'd like to call now Diane Tharp to come and testify.

You can begin as soon as you're set up there. Do you have the testimony for all of us or do you have --

MS. THARP: Yes. I think it was passed out. Wasn't it?

I would like to thank Chairman Melio, and Chairman Fairchild and Representative John Siptroth, and all the representatives here

today for giving me this opportunity to speak before this assembly.

I am Diane Tharp; science and math teacher, a business owner, wife, mother, grandmother, and a three-time flood victim.

As you are aware, the Delaware River Basin that includes 4 states, 42 counties, and 800 municipalities has experienced the devastation of three catastrophic floods in a period of 18 months. The massive devastation that occurred from these floods has taken the lives of nine people, destroyed fishing habitats, vegetation both in and on the banks of the river and its tributaries, and has placed an economical disadvantage on the businesses and communities that depend on this river for their livelihood.

Ironically, today is the one-year anniversary of the June 2006 flood. The lives of many of your constituents have been changed in only ways that a flood victim can imagine.

Today, up and down the Delaware, communities, homes, and businesses continue to recover; many homes and businesses have simply disappeared and others lie in ruin.

I have been researching this flooding issue for the past three years and have been given the opportunity to speak publicly -- publicly before federal and state politicians, the DRBC and representatives from many state and federal agencies involved in this flooding issue.

The DRBC in the next few months, as Ms. -- as Mrs. Myers just told you, will be adopting a flexible flow plan which will affect the lives of every single person in the states of Pennsylvania, New Jersey, New York and Delaware either due to flooding, water supply or the cost to every taxpayer that must bear the burden of the massive clean-ups and rebuilding that occurs after each devastating flood.

The proposed plan submitted to the public previously did not address the needs of the fisherman, the recreational industry and, most importantly, did not provide an adequate plan for flood control

I commend the DRBC for taking the additional time to review and fully consider the public comments received on this plan and

for contacting the USGS, Army Corps of Engineers, NOAA and the National Weather Service to develop a flood analysis modeling tool to replace the ineffective Oasis Model that is used now.

I realized that one of the major problems facing this agency is that they must have unanimous agreement for all their plans.

Today I would like to present to you information that will help you understand the problems facing the people of this commonwealth and all people in the Delaware Basin.

Flooding is caused by excessive rainfall, which is an act of nature. It occurs on rivers and streams with or without reservoirs.

However, 100 percent full reservoirs spilling billions of gallons of water into our river system is an act of poor management, arrogance, and negligence by the owners and parties that have been entrusted with the protection of this river.

The day before each of the floods, the New York City's reservoirs in the upper

Delaware and Lake Wallenpaupack in Pennsylvania were at or above 100 percent capacity. The New York reservoir system at 100 percent capacity in its 19 reservoirs and three controlled lakes has a total storage of 580 billion gallons of water.

The Delaware system contributes 270.8 billion gallons and the Catskill reservoirs the remaining 309.

New York City's gross consumption is approximately 1.1 billion gallons per day, including the sale of water to many communities before it reaches the city. Ten years ago, there were over 60 communities. I have not been able to locate the current figures, but I am sure that it is many more.

Thus, without a drop of rainfall for a year, mathematically, New York City has enough water for approximately 300 days in its Catskill system alone and over 500 in both systems.

I realize also that 2.5 million Pennsylvania and New Jersey residents depend upon this river for their water supply; only this river. Therefore, it is imperative that

it is managed in a fair and equitable way.

In Pennsylvania we also have seven multi-purpose reservoirs that may provide water during drought conditions. I realize the concerns for water when drought conditions exist, but New York has access to the reservoirs on both the Hudson River and Delaware River. The risk of completely depleting these reservoirs is improbable.

I believe that a realistic solution for flood control, based on year-round capacity levels of the reservoirs, can be reached in conjunction with diversions, voids, and releases.

I have not come here today to only address the New York City reservoirs. There is another reservoir in the Delaware River system that has also played an important role in releases of excessive water into the Delaware, increasing the height of the crests.

PP&L's Lake Wallenpaupack has been under fire from local officials and residents also for causing increased flooding during the last three floods.

Of major concern since the

relicensing of Lake Wallenpaupack by FERC on July 8, 2005, under Section 10 of the settlement agreement, the new target lake levels -- levels would be higher than current target levels.

This is in collaboration with the DRBC and the Upper Delaware River Basin for drought conditions. The use of water from Lake Wallenpaupack to meet the Montague target of 1750 cubic feet per second results in even fewer releases by the New York City reservoirs.

This not only allows the reservoirs to keep even more water, but provides for major concerns for the fishing habitats that depend on these cold water releases from the upper reservoirs for survival.

I will address the fishing issue in a moment.

The Pike County commissioners have written letters to FERC concerning the lack of any flood control elements in the relicensing settlement. Since Lake Wallenpaupack is now linked to the reservoirs by virtue of this relicensing, the DRBC must include in their

new plan a comprehensive flood plan from PP&L including voids.

When Lake Wallenpaupack opens their flood gates for emergency spills, when the river is already swollen and flooding, it adds feet to the crest of the river -- water.

During last year's flood, Lake Wallenpaupack was releasing over 8,000 cubic feet per second through its flood gates.

To better understand how much water this is, it would be as if 32 Olympic size pools were emptying every minute.

I do know that the Lake Wallenpaupack Advisory Committee, which was just mentioned, has been working on a plan to avoid this type of catastrophic releases, but this plan must be included in the new flexible flow management plan and must be one that protects the people living downstream from this dam also.

All reservoirs along the Delaware need to have voids to help reduce flooding.

The DRBC, in their latest publication entitled, "Water Supply Reservoirs and Flood Protection" presents a chart -- and Mrs. Myers

just mentioned that -- listing the top ten flood crests -- and actually she said in the main stem Delaware, but it was actually at Trenton -- in the last 100 years saying that seven out of ten of the worst main stem floods of the Delaware recorded in Trenton occurred in the absence of reservoirs or in the absence of spills.

As a science teacher, I teach my students when you compare events you must record all the variables. This chart does not list the rainfall total and the number of days of rainfall of each event, which obviously is the main predictor of flood crests and in the case of the 1955 flood there were two hurricanes, as some of you remember, Connie and Diane, in a period of one week depositing over 21 inches and also during that event smaller dams on tributaries broke.

Also the flood after further -- excuse me.

Therefore, after further analysis, if you look at the floods after 1955, in their chart, since the flood control dams were put into place, the crests of the 2004, 2005, and

2006 floods are extremely high considering that the rainfall amounts were far less than in 1955. And I've listed those for you.

If the DRBC had published the chart from the Tocks Island gauge on the main stem near the Delaware Water Gap, where I live, the highest recorded crests are 1955, 2006, 2005, and 2004. Flood stage is 21 feet.

How can they explain such high crests with rainfall being so much less when compared to the 1955 amounts?

The DRBC, using a hypothetical model, has publicly said that the full reservoirs made a difference of only inches downstream from the dams.

Tim Pryor, a 21-year member of the American Society of Mechanical Engineers for the Greater Trenton Area, did an analysis at the Trenton gauge for the 2006 Flood and has concluded that the reservoirs contributed 2.5 feet to the crest height at Trenton, or 17 percent, and that these numbers will increase dramatically at each gauge upriver.

This does not include the momentous spills at Lake Wallenpaupack which have been

estimated to have increased crests at least two to three feet during the highest flows.

Roger Ruggles, the renowned hydrologist at Lafayette College, just honored as Engineer of the Year, has concluded that a 20 percent void in the reservoirs would have lessened the crest at Belvidere by six feet. Not inches, six feet.

His final report is coming out tomorrow and will include also the spills from Lake Wallenpaupack.

So at my home it is conceivable that the spills from the reservoirs and Lake Wallenpaupack together could have made a difference of six to seven feet or more. That would have saved both Portland and Water Gap, who are here today to testify.

The DRBC needs to use the actual data to find the true effects of the reservoirs and not theoretical models. Spilling reservoirs cause millions of dollars of additional damage to homes and businesses that would have been spared had they not spilled and instead contained voids.

We all agree that rivers flood with

or without reservoirs. However, the DRBC also acknowledges voids in the upper basin water supply reservoirs can reduce, but not totally eliminate, floods.

It has often been said that the reservoirs actually help us, as was mentioned, because they are releasing less water than the in-flowing volume. However, if you have a hole in your roof, you don't really care that there were ten inches of rain that fell on your roof. Instead you care that there is five inches of water in your living room.

Thus, we care that there were billions of gallons of water funneled directly into the Delaware rather than a void that would have held back those billions of gallons of water.

Also, as rainfall falls upon a full reservoir, it acts almost like a paved surface and there is 16 times more runoff per acre from a paved surface than from one that allows absorption. Thus, the reservoirs funnel the water directly into the tributaries or water rather than allowing the ground to absorb more rainfall and flooding creeks would take much

more time for the water to find the main river tributary.

During the flood last year from June 26th through the 20th Pepacton spilled 30 billion, Cannonsville 46 billion and Neversink over five. The total spillage by these reservoirs was 82 billion gallons.

This does not include the spillage from the other Pennsylvania reservoirs.

To put this amount into perspective, this would be the same as draining over half the Pepacton Reservoir or draining 90 percent of the Cannonsville in a period of five days.

The DRBC goes to great lengths to make comparisons with or without reservoirs. We need to end this entire rhetoric and face the reality that the reservoirs do exist and indeed they can reduce flooding when voids are present.

In October 2005 we experienced excessive rainfall in our area. We recorded eleven-and-a-half inches of rain on -- it's supposed to be on October 8th through the 11th.

During this same time period the

Upper Delaware River Basin received a little over -- almost five inches of rain, a substantial amount of rain. Actually it was the same amount that they recorded in September. Yet the river rose six feet in front of our home, not 34 feet as it did during the June flood.

At this time you can see the reservoir level, 26 percent, 56, and 63, and Lake Wallenpaupack's levels also contained voids. No spills occurred.

As you compare the summary of hydrologic conditions for the months of the last three floods with the report for October 2005, you will find that even though October 2005 recorded a higher precipitation than any of the other flood months, we experienced absolutely no flooding on the Delaware.

I think that everyone agrees that when the reservoirs contain voids rainfall is obviously retained and river and stream levels are also much reduced.

The NYDEP and the DRBC consistently separate the eleven reservoirs affecting the Delaware into water supply reservoirs and

multi-purpose reservoirs. The flood control reservoirs operated by the Army Corps of Engineers in Pennsylvania do maintain year-round storage voids and also have recreational -- additional release for recreational activities such as rafting on the Lehigh.

The Delaware River Basin Commission, which created the DRBC in 1961, was formed to establish a joint responsibility and control for the shared use of the Delaware River between the four states of Delaware, New Jersey, Pennsylvania, and New York, and the federal government. It originated from the Supreme Court decree that we've all been talking about.

The New York DEP consistently state that the reservoirs are not designed for flood control but for a water supply system. Yet, in Part 1 of the compact, it does not differentiate between water supply reservoirs and other reservoirs.

It says "Whereas the public interest requires facilities must be ready and operative when needed, to avoid the

catastrophe of unexpected floods, of prolonged drought, and for other purposes".

Also in Article 6.1 Flood Protection of the compact it states: "The commission may plan, design, construct and operate and maintain projects and facilities, as it may deem necessary or desirable, for flood damage reduction. It shall have the power to operate such facilities and to store and release waters on the Delaware River and its tributaries and elsewhere within the basin, in such a manner, at such times, and under such regulations as the commission may deem appropriate to meet flood conditions as they may arise."

This statement certainly and legally gives Pennsylvania the right to demand the acceptance of a plan to release water from the reservoirs at appropriate times and to reduce flooding through the voids.

The commission after the 2004 flood could have asked for more releases by the NYDEP but did not act. They could have again asked for a change after the 2005 flood but did nothing to add additional releases or

require that New York divert water from the Delaware reservoirs to their Catskill reservoirs.

From January 1st, 2006 to June 20th, 2006 the New York system never fell below 90 percent, meaning that they have 100 billion gallons of water stored above drought warning. Yet during this time no additional releases or diversions were made and, thus, on June 28th, a year ago today, the residents of the Delaware River Basin had to endure a third catastrophic flood with higher crests than the previous two.

Why wasn't action taken? It wasn't until a letter from the four governors demanding that something be done than an interim plan was put into effect in September 2006.

Under this interim plan in place since September, we have experienced many days that the reservoirs have been 100 percent full, even though releases were made according to the chart. But no one calculated the amount of precipitation we received.

If you have a full glass of water and

pour out one-third, and then pour one-half back into the glass, it will obviously spill. Thus, there must be an additional release formula calculated in conjunction with the rainfall.

For example, if a reservoir receives rainfall that increase its capacity by one billion gallons, an additional release of 800 cubic feet per seconds for 48 hours would void those one billion gallons.

In this way reservoirs in times of above average rainfall would not get to the deadly levels of 95 to 100 percent or more.

Besides releasing water into the Delaware, New York City can release into its tunnels or aqueducts into the Catskill System, as was mentioned previously. The purpose of this FFMP plan must include a flood mitigation plan by the city that includes mandatory diversions to its Hudson system.

The New York DEP at the Gilboa Dam on the Schoharie Reservoir in the Catskill reservoir system did install four siphons that are capable of moving 500 million gallons of water per day from the reservoir. Next year

they will begin a project -- someone asked about that here, about how we could retrofit the reservoirs for flood control. They're going to be doing it. That will include flood gates on one of the reservoirs in the Catskills.

So why doesn't the New York DEP give the same consideration to people that live in the Delaware River Basin as it gives to its own citizens on the Catskill system?

The Supreme Court decrees of 1954 allowed New York City to divert an average of 800 million gallons a day -- and this has already been discussed. And historically actually the average is 460 million gallons to 630 million gallons, which actually was a high average, which is only 60 to 80 percent of their allotment.

They must also release enough water to keep the Montague gauge at 1750. It was never the intention of the Supreme Court in their decree that the DRBC's job was to be responsible for the New York City water supply. The Supreme Court decree was meant for the equitable apportionment of waters.

Consequently, in the original Supreme Court decree of 1954 in Section IIB1c, there were provisions provided for the release of excess water by the reservoirs in a period of 120 days called the seasonal period so that they would not be able to bank an excessive amount of water, thus taking it away from the Delaware.

However, the DRBC in the Delaware River Basin Water Code of 2001 has had -- has made many resolutions and rules such as excess release quantity, excess release bank, conservation releases, and excess release credits, have given the New York reservoirs the opportunity to remain 100 percent full or higher.

Spills are unauthorized releases into the Delaware. The Supreme Court does not mention the word spills because they assumed that there would be none.

The New York DEP has the attitude that the water in the reservoirs at Pepacton and Cannonsville is their water to be controlled by them. However these dams are located at the head waters of the Delaware

River, which is a free flowing river to be shared by all four states.

Another important fact to consider is that two-thirds of the non-tidal Delaware River is designated as part of the National and Scenic Rivers System. Under this federal legislation, the Delaware River is to be protected for the benefit of future generations.

The DRBC in their recent resolution adopted May 10th said that until September 20th we were going to be under the Revision 9, which is the interim release plan, and Revision 7, the tailwaters fishery program which releases cold water for the fish. The amount of releases is spelled out specifically in this plan. Yet an e-mail on June 11th, 2007 from Rick Fromouth of the DRBC states that the New York City DEC has decided not to follow this plan specifically in fear of lack of water in the thermal banks and has shut down 12 miles of prime wild rainbow trout water by moving a gage in Hankins and putting it at Lordsville. The DRBC said that we would follow these other revisions until September.

How can the New York City DEC simply change the rules? There are four release banks set up in this revision for water to be released for the protection of the fisheries.

Presently there is 249 billion gallons of water in the three Delaware reservoirs. Why are the fish dying in the upper Delaware? Why are boaters carrying their canoes and rafts down many sections of the Delaware?

Both the fishing and recreational industry brings in millions of tax dollars into this state and brings employment to otherwise economically disadvantaged areas. It is an important aspect of this state's economy. It deserves the attention of this assembly.

It has been stated by Ian Michaels of the New York DEP that it would be negligent on their part to have permanent voids in the reservoirs in case of drought. Drought has been the main focus of the decree parties since the inception of the DRBC in 1961.

However, on the New York DEP website in a chart labeled "History of Drought and

Water Consumption," the lowest percentage listed is 33 and one-third percent. This means that the capacity of the reservoirs has never fallen below 190 billion gallons, still enough water for 190 days.

Isn't it time to face reality and focus on the problem at hand, flooding?

Also, isn't it the epitome of negligence to have no back-up water filtration in case the water system would become polluted?

Since the decree of 1954, New York City has done nothing to supplement their water supply other than work on a third tunnel that is taking 50 years to build and will cost over $6 billion and it does not increase their water supply.

The EPA has just granted them an unbelievable ten-year extension on the filtration avoidance which I find to be quite suspicious.

The state health department of New York has just declared on June 8th that the town of Newburgh, who takes water directly from the Delaware aqueduct, must build a

filtration plant.

Pregnant women have been asked to consult their doctors before drinking. If this water coming directly from the Delaware system must be filtered, then certainly the water from the Delaware system that eventually mixes in the reservoirs close to New York which has had pollution problems for years due to the extensive development must certainly -- must be filtered.

The EPA has already ordered New York City to build a filtration plant on the Croton Reservoir system. Exactly what data did the EPA use to support this ten-year extension?

Are we running out of time, John, or --

SUBCHAIRMAN SOLOBAY: Yeah. What I was wondering, if you could make a summary of what --

MS. THARP: Okay. I can just summarize.

Okay. The most alarming part of this proposed plan is that they are allowing additional storage of the New York reservoirs without finding out how safe these dams are.

And if additional storage could actually be put into the dams.

How can the DRBC actually just put the word additional storage in its plan without a complete investigation of the dams? I feel that additional storage, if it's going to be put anywhere, should be put in the Catskill system where the Hudson does not flood. If they put 20 percent additional storage -- if they're going to spend the millions of dollars to make additional storage in the Delaware system, spend the same millions of dollars on the Catskill system. Increase the storage there 20 percent, decrease it 20 percent on our side, and they will not compromise their water supply at all.

And if modifications are going to be made, as Bill Gast of the DRBC said that they would have to make alterations to the dam, these earthen dams were put into service in 1954, 1955, and 1964.

How safe are they? We need inspection reports. We need to know what these dams are doing.

We just had eight inches of rain in

two hours in Roscoe, New York. If that had shifted, if that had been over the Pepacton Reservoir, would the dam have held? That's a question and that's a frightening question.

So we need information before you can just say that additional storage is going in there.

Also -- on Page 8, in the middle, since the DRBC is a federal-interstate compact agency, this legislature has several legal avenues to pursue if you are not in agreement with the decisions made by this agency.

The National Environmental Policy Act of 1969 calls for a detailed statement and analysis by the president of the DRBC explaining the entire environmental impact and also a proposed plan, if that one is not adopted. The Administrative Procedure Act of 1946 sets up a process for federal courts to directly review this agency's decision.

And this proposed plan that they are about to publish and give to all of you actually changes parts of the original Supreme Court decree and so it needs to be legally challenged as well as challenging adherence to

the Delaware River Basin Commission, as I just mentioned.

The Endangered Species Act, because we have the dwarf mussel that is now becoming extinct on the Delaware, and, lastly, of course, Pennsylvania can take it back to the Supreme Court if you do not feel that we're getting equitable...

I'd just like to read the last paragraph on Page 8. Assume for a moment that New York reservoirs and Lake Wallenpaupack are all at 100 percent or above capacity and it is announced that there will be six to eight inches of rainfall in three days.

What will happen differently today than before each of the last three floods? Absolutely nothing. Because in their interim plan right now there are no releases right now to take care of lowering those reservoirs.

We have had three years of public outcry; an interim plan that has proved itself ineffective; a four-state governors' flood mitigation task force with 40 recommendations, several of which call for releases sufficient to reduce the likelihood that the upper basin

reservoirs will spill during a storm, and hundreds of comments for changes; letters from both federal and state politicians; and hundreds of newspaper articles.

Yet, at this point today, on the anniversary of the third devastating flood and with hurricane season just arriving, we again are facing the possibility of yet another flood.

The political appointees for PA on this commission are not representing the people of the commonwealth. They are allowing the New York DEP to dictate the contents of the plan.

I am asking all of you and the Governor of this state to demand that we, the people of this commonwealth, get a fair and equitable plan.

There's a summary of the -- there for you and my references.

SUBCHAIRMAN SOLOBAY: Okay. Thank you very much. We are --

MS. THARP: I know you have to --

SUBCHAIRMAN SOLOBAY: -- attempting to see if we've started session or not.

MS. THARP: Okay.

SUBCHAIRMAN SOLOBAY: And see what's going on as far as session. What I'd like to do, especially since they made the trip down here, is to --

MS. THARP: Right. Is to get them on.

SUBCHAIRMAN SOLOBAY: Can you hold on for a second?

MS. THARP: Uh-huh.

SUBCHAIRMAN SOLOBAY: I'd like to let the two mayors come up next and be able to at least give their testimony to us.

Mr. Comey can always give at a later time. Of course, John has definitely run into these words. And I want to make sure that we don't run into problems here.

MS. THARP: Thank you for listening.

SUBCHAIRMAN SOLOBAY: Sure. Thank you very much.

REPRESENTATIVE SIPTROTH: Thank you. Thank you, Diane, for coming down from Susquehanna. I certainly appreciate it.

SUBCHAIRMAN SOLOBAY: Mayor Conway is here -- I thought you were here.

MAYOR CONWAY: Yes.

SUBCHAIRMAN SOLOBAY: We haven't gone into session yet, so I'd like to go ahead and let you guys get started and you share your testimony with us and we will play this by ear and hopefully we will be able to get your remarks on the record.

Mayor Conway.

MAYOR CONWAY: Thank you very much. I want to thank the committee for this invitation to speak before you today, and I'd like to thank my friend and neighbor, John Siptroth, for his invitation.

My comments are very brief and very short and hopefully being a businessman and a mayor, I can put this in terms you can relate to and not find typical.

The Borough of Delaware Water Gap is approximately one square mile in size and has over 700 residents and 400 homes. We have two major manufacturing plants and many small businesses located in the borough. The operating budget for the borough is around 300,000 a year. We have two full-time employees and all elected officials work

gratis.

The borough's main business district has been flooded three times, 2004, 2005, 2006. Each time worst than the previous event. Excuse me. The cost for each event is as follows: 2004 our expense was $2,523; 2005 it was $31,600 and 2006, $31,138. All costs were reimbursed through PEMA or FEMA. We received these within three months after requested.

Our borough clerk/secretary has the highest respect for how PEMA and FEMA has responded to us. And we really want to make sure that is understood. PEMA and FEMA were there immediately in all situations.

The support and assistance that we received from the county emergency management team was excellent in alerting us for the coming water and helped us during the flood. PEMA and FEMA, along with various state agencies, and our elected local officials, both state and federal, were greatly appreciated.

Our borough took a very aggressive approach in cleaning up after the flood.

Through our emergency plan, our superintendent had dumpsters and pumps reserved and ready to be delivered and put into operation before the water had receded. Basements were pumped out within 24 hours. Electric was reconnected within 36 hours. We have developed a list of all homes that have the electrical fuse boxes above the flood level so that the meters don't have to be pulled in the future.

Seven days after the flood we celebrated our Founders' Day celebration which was postponed a week because of the flood.

We have recovered from the flood? No. We still have businesses that are not completely operating at the level they were prior to June 2006. We have a hotel that was still renovating its first floor from the 2005 flood when it was flooded in 2006. It is now operating at only 50 percent capacity. We have other businesses that the debt servicing on their loans from the three floods is making it almost impossible to stay in business.

Delaware Water Gap has the distinct -- distinction of having a major international firm that makes shielding devices that are in

approximately 90 percent of the cell phones made in the world.

Motorola has four devices that were made in Delaware Water Gap that shields the microcircuitry that when it is in use that heats up. The shielding device keeps it from melting the other units. They're manufactured in Delaware Water Gap.

The plant was in danger of being closed and the operation shipped to China and North Carolina. But the quality of the work in Delaware Water Gap surprised -- or surpassed anything that the other two operations had and quality control suffered.

As a result, they brought that service back to Delaware Water Gap. This corporation has a $13 million payroll a year and it employs 3 to 400 people. Starting wages are eight to nine dollars and most are making 15 plus an hour.

There are technical positions such as toolmakers that are annually making over $70,000. Half of the employees have been there for over 20 years.

Now I got this information from the

plant manager yesterday. This plant has been flooded three times. For over 50 years everyone who operated in this plant was told that Route 80 was filled with material that would prevent the Delaware River from coming through the roadbed. This was incorrect.

Since funds could not be obtained from the state or federal government, this company went out and spent a million dollars of its own money to build a third leg or third section of a dike system to prevent water from coming into the plant. Last year's flood was within 12 inches of going over the dike.

There is also a 40,000 foot building that is supposed to be used as the administration building on this location that is outside the dike. This building is not being used now except for storage.

These are just a few of the current situations that exist in the borough.

And I offer the following concerns that I think you should consider. Cost of flood insurance. Every time someone has flood insurance and has a loss, their premiums go up.

Loss of jobs because businesses are moving or closing.

Reduction in property values. On our main street we have four buildings that are for sale with no takers.

Cost of business recovery and future operations. We have home owners and businesses that have not completely recovered from the 2005 flood, much less the 2006.

We also have a moral aspect that should be looked at. The effect on life style, effect on health, effect on families, and a regard by neighbors that no one seems to be doing anything.

Now DEP talks about the flood levels. Now, I would like to say this. Delaware Gap has what is called Cherry Creek, as John can -- probably, what, ten feet wide maybe.

The source of our flooding was the Cherry Creek. The Delaware River backed up through the creek, then came up through the town. The flood -- the crest levels for Cherry Creek was actually going down when the flood waters from the Delaware came down and backed up the creek again.

So this idea that the streams below are already at capacity when the water is coming down the Delaware is not true.

The thing that I want to say is the one phone call that I dread getting is from PP&L telling me that they're releasing water out of Lake Wallenpaupack, and it's only going to have maybe a six inch impact on the flood level. Well, I don't live in a flood zone but I have been flooded twice. My office and my home. And every time I get that phone call I know I'm going to be getting water.

There is definitely a correlation between the reservoirs and Lake Wallenpaupack and the water coming down the river.

Thank you very much.

SUBCHAIRMAN SOLOBAY: Thank you, Mayor. Unfortunately, Mayor Bucci, and I'm not sure, what we'd like to do if possible, and I know it may be an inconvenience for you, as well as the previous testifier, we'd like to keep you around for questions.

We are getting called to the floor right now and we're going to have to cease testimony. It's our understanding we may only

be in till around one o'clock this afternoon. I would like to reconvene the meeting immediately after.

We have this room to ourselves for the day. We will let staff work along with you as far as the convenience or the inconvenience that's going to impose to you.

But we do need to stop at this point and I would like to reconvene as soon as we're done, about 15 minutes after we close on the floor this afternoon, which I'm assuming is going to be around 1:00 or 1:15.

If we could get -- inform staff what your ability is to stay or not stay and the folks from PEMA, John, if you can be able to come back around 1:15 or 1:30, we're hoping that's when the session is going to end, to do your testimony then, we'll make an announcement on the floor that we're going to reconvene this meeting.

But unfortunately under House rules we cannot continue this hearing and I apologize for that inconvenience.

Pat or Harry, if you can meet with the testifiers that were presently on -- on

the stage right now and those previous to see if they would be able to stay until that time. If not, we'll definitely be reconvening at these type of meetings in the future because it's obvious from what we've heard so far this morning it's something we definitely need to touch upon.

I appreciate it and, again, I apologize for the inconvenience and, if not, maybe the prepared statements you have can get prepared and be able to be put in the permanent record as well as maybe someone can read that for us.

So we need to adjourn at this time and we'll reconvene as soon as session is over.

Also for the record show that Representative Goodman and Representative Payton were present.

(The hearing was adjourned.)

I hereby certify that the proceedings and evidence are contained fully and accurately in the notes taken by me on the within proceedings and that this is a correct transcript of the same.

_____
Brenda S. Hamilton, RPR
Reporter - Notary Public