

## Regional Water Management Task Force

For ten years, Southwestern Pennsylvania has been investigating and categorizing its water-related challenges. Repeatedly, studies have documented the serious nature of this region's water problems and suggested greater regional collaboration in water planning and management. The most recent of these studies, the National Research Council's *Regional Cooperation for Water Quality Improvement in Southwestern Pennsylvania* (2005), stated:

*“If the region is to take an initiative toward new organizational arrangements [for water quality planning and management], serious further discussion around several specific alternatives will be necessary. A consensus must emerge from that discussion.”*

The Regional Water Management Task Force was created to make such a discussion happen. This independent Task Force was formed by the University of Pittsburgh Institute of Politics and endorsed by the Southwestern Pennsylvania Commission in 2006. Over the last year, the Task Force has engaged in an ambitious process of research, dialogue, and consensus-building with key stakeholders and the public at large. (For more information on specific Task Force activities, please reference its *Framing Paper* and *Phase I Report*. You can also visit the Task Force on the web at [www.iop.pitt.edu/water](http://www.iop.pitt.edu/water).)

Between January and June 2007, the Task Force completed a regional public opinion poll, conducted 14 public meetings throughout the region attended by over 200 people, and held numerous meetings with organizations and individuals. The purpose of these activities was to discuss and evaluate specific regional water planning and management alternatives for Southwestern Pennsylvania.

Regional opinion indicated a strong desire for progress on water-related challenges and significant dissatisfaction with the status quo. Despite this dissatisfaction, stakeholders and the general public expressed little support for regional infrastructure financing mechanisms or forced consolidation of water and sewer systems. On the other hand, over 80 percent of those who attended the public meetings lent their support to regionwide planning, prioritization, technical assistance, and dialogue. Similarly, the public opinion poll found that 75 percent of respondents supported such an entity if it only collected a minimal amount of money each year. These results suggest support for a regional water planning organization as long as its cost is modest.

The Task Force believes that its recommendations reflect a broad regional consensus, and that they have the capacity to improve Southwestern Pennsylvania residents' quality of life by using public dollars effectively, protecting water quality, and enhancing cooperation among the hundreds of entities involved in water planning and management. The Task Force members also believe that these recommendations provide substantial support to our local governments and officials in carrying out their water-related responsibilities.

## RECOMMENDATIONS

- I. **Description:** The Regional Water Management Task Force recommends the creation of the **Three Rivers Water Planning District** (District) for the 11-county southwestern Pennsylvania region (region). The region includes Allegheny, Armstrong, Beaver, Butler, Fayette, Greene, Indiana, Lawrence, Somerset, Washington, and Westmoreland counties.
  
- II. **General Purpose:** The District will be a **regional planning and local government service entity**. It will serve as the region's forum for the establishment of policy, creation of plans, and promotion of a regional perspective on water issues. It will encourage multi-jurisdictional water-related projects and seek to enhance access to funding for water-related projects among local governments and non-governmental water organizations in the region.
  
- III. **Governance:**
  - a. The Three Rivers Water Planning District shall be an independent entity, but it shall be a strategic partner of the Southwestern Pennsylvania Commission (SPC) and staffed by the Southwestern Pennsylvania Corporation (Corporation).
  - b. The District **Governing Board** (Board) shall manage the business and affairs of the District.
  - c. **Board Membership**
    - i. The Board shall consist of the following voting members:
      1. Two members appointed by each county in the region. Members appointed by each county must live in that county, and one of them must be a county, municipal, or authority official.
      2. Two members appointed by the Mayor of the City of Pittsburgh. Both must reside in the City, and one must be a public official.
      3. One member appointed by the Governor.
      4. One member appointed by the Speaker of the House.
      5. One member appointed by the Minority Leader of the House.
      6. One member appointed by the Majority Leader of the Senate.
      7. One member appointed by the Minority Leader of the Senate.
      8. The Executive Director of the Southwestern Pennsylvania Commission.
    - ii. All board members shall be appointed to six-year terms.
      1. To begin the rotation of board members, one of every county's members and one of the City of Pittsburgh's members shall be appointed to a three-year instead of a six-year term.
      2. To maintain continuity with the work of the Task Force, it may be beneficial, at the discretion of individual Task Force members and of the county commissioners, to appoint Task Force members to the initial three-year terms on the Board.
    - iii. Appointing powers shall have 90 days to name members to vacant Board positions.
    - iv. The Board shall also include the following non-voting members or their respective designees:

1. Executive Director of the Port of Pittsburgh Commission.
  2. Executive Director of the Ohio River Valley Water Sanitation Commission.
  3. Pennsylvania Secretary of Environmental Protection.
  4. Executive Director of the Pennsylvania Fish and Boat Commission.
  5. Pittsburgh District Engineer of the U.S. Army Corps of Engineers.
  6. Director of the Allegheny County Health Department.
  7. Region III Director of the U.S. Environmental Protection Agency (EPA).
- v. The Board shall meet at least four times per year, and all such meetings shall be open to the public. The District shall provide access to public records to the fullest extent required by law and Commonwealth of Pennsylvania policy.
- d. **District Expansion:** After the District adopts its first regional integrated water resource plan, any Pennsylvania county that is at least partially located in the Ohio River Basin may be added to the District upon the application of such entity by resolution of its governing authority and upon approval by the Board. The exact process for petition and inclusion shall be established by the Board.

IV. **Powers and Functions:** The District shall work to improve water quality in an equitable manner; to foster the efficiency, accountability, and security of water-related systems; to enhance the region's economic development potential; to promote coordination and cooperation among water systems in the region; and to pursue other objectives it finds appropriate. Toward these goals, the District will carry out a series of defined, obligatory activities and may also perform other roles as its resources permit. The obligatory activities of the District are identified in sections a. through c. below and described in further detail in section V.

- a. The District shall develop a regional **integrated water resource plan, model ordinances, and best management practices.**
- b. The District shall identify existing and potential **funding sources** for the implementation of the integrated water resource plan and shall seek to enhance access to funding for water-related projects among local governments and non-governmental water organizations in the region.
- c. The District shall regularly review and report on its **progress in the implementation** of the water plan.

Other possible activities of the District, which have provided significant benefit when performed by similar regional entities in other U.S. metropolitan areas, include the following:

- d. **The District may provide appropriate technical assistance** to counties, municipalities, authorities, nonprofit organizations, and citizens in the planning and implementation of water resource projects. In the delivery of such assistance, priority shall be placed on the facilitation and support of multi-jurisdictional, countywide, and watershed-based planning and management processes and projects.

- e. The District may support, develop, and coordinate a regional **water quality monitoring program** and develop and maintain a corresponding **database** reflecting available monitoring data.
- f. The District may review specific situations or problems that call for attention and may **help to resolve multi-jurisdictional disputes** pertaining to water issues at the request of the entities involved and at the discretion of the Board. The District will be authorized to make specific recommendations with implementation goals for each situation it analyzes. These recommendations will not be binding, but the District will work toward their adoption.
- g. The District may **participate in regulatory proceedings** involving the Pennsylvania Department of Environmental Protection (DEP), EPA, and local governments at the request of any of these entities and at the discretion of the Board.
- h. The District may establish **education programs** on water quality issues and promote water conservation.
- i. The District may recommend **emergency preparedness procedures** for the region related to water, wastewater, and stormwater/flooding systems.
- j. The District may recommend **training and other standards** related to operations and oversight of water, wastewater, and stormwater systems in the region.

V. *Model Ordinances, Best Practices, and Integrated Water Resource Plans:*

- a. **Model stormwater ordinance:** Within two years after the establishment of the District, unless such time period is extended by majority vote of the Board, the District shall prepare for public comment one or more model ordinances for local governments designed to provide for effective stormwater management. Following completion of the public comment period, the District shall finalize the model ordinances and publish them for recommended adoption by local governments.
- b. **Model on-lot sewage system ordinance:** Within two years after the establishment of the District, unless such time period is extended by majority vote of the Board, the District shall prepare for public comment one or more model ordinances for local governments designed to provide for effective management of on-lot sewage disposal systems. Following completion of the public comment period, the District shall finalize the model ordinances and publish them for recommended adoption by local governments.
- c. The District may promulgate and circulate **additional water-related model ordinances** at the Board's discretion.
- d. The District shall collect, disseminate, and encourage the application of information on **best management practices (BMPs)** in water-related planning and management.
- e. Within three years after the establishment of the District, unless such time period is extended by majority vote of the Board, the District shall prepare for public comment a **regional integrated water resource plan** based on a watershed model that will cover a time period no less than 20 years. The District shall make a reasonable effort to build upon and coordinate with existing water planning efforts undertaken by local governments, counties, and other entities in the region. The Task Force recognizes that, due to the considerable scope of this task, the

District's first integrated water resources plan will most likely not be fully comprehensive. However, any such plan should address each of the following components:

- i. Stormwater and flooding management.
  - ii. Abandoned mine drainage remediation.
  - iii. Short- and long-term wastewater management.
  - iv. Water supply and conservation, including both surface water and groundwater.
  - v. Alleviation of water quality impairments related to both point and non-point pollution sources.
  - vi. Watershed protection, including provisions for recreation and tourism, fish and wildlife, and cultural and visual elements.
  - vii. Water-related education and public awareness, including measures to be taken by the District and recommendations for other entities in the region.
  - viii. An inventory of water-related infrastructure needs within the region.
  - ix. Prioritization of planning and capital projects (short- and long-term) based on the infrastructure needs inventory, the overall integrated plan, and an evaluation and ranking process established by the Board. This component shall represent the District's prioritized path to regional compliance with the Clean Water Act.
  - x. Evaluations and recommendations for new and alternate technologies that could be used in the plan's implementation.
  - xi. Identification of opportunities for multi-jurisdictional and watershed-based collaborations, coalitions, and consolidations.
  - xii. Recommendations to the state, counties, municipalities, authorities, non-governmental entities, and citizens on plan implementation.
  - xiii. Delineation of short-term and long-term goals to be accomplished by the plan, and measures for the assessment of progress in accomplishing such goals.
- f. **Additional watershed-specific integrated water resource plans:** The District may prepare for public comment additional watershed-specific integrated water resource plans at the discretion of the Board. These plans may include any of the above components of the regional plan.
- g. **Plan updates:** The District shall review the integrated water resource plan and its implementation annually to determine whether there is a need to update such plan and shall report to the Board on the progress of implementation of its goals, and in any case the District shall prepare an updated integrated water resource plan no less frequently than every four years after adoption of the initial plan. Watershed-specific plans may be updated as necessary and at the Board's discretion following the revision of the regional plan.
- h. **Public comment and adoption:** The District shall hold public meetings concerning any plan or updated plan developed by the District and shall publish for public notice and comment any proposed approval, disapproval, or conditional approval of any such plan. The public comment period must last at least 30 days. After completion of the public comment period and certification by the Pennsylvania Secretary of Environmental Protection that the plan is consistent with standards established for such plan, the District may approve the plan.

- i. **Implementation:** The District shall work cooperatively with federal, state, and local governments, non-governmental entities, and citizens to implement the provisions of the District plans. At the discretion of the Board, the District may provide technical and public education assistance to said entities in the implementation of District plans. The Pennsylvania Department of Environmental Protection shall consider the District's plans and local governments' efforts to come into compliance with the plans in the issuance, modification, or renewal of permits. DEP shall also consider District plans, priorities, and timelines in carrying out its enforcement actions. Any local government project determined by DEP to be consistent and compliant with the plans developed by the District shall be given priority among water-related projects within the region for state grants and loans.
  - j. **No extension of time** by the Board for preparation of the above ordinances or plan shall exceed six months, nor shall more than one extension be granted, with the exception that the Board may approve two six-month extensions for the first regional integrated water resource plan.
- VI. **Revenue:** Prior to January 1 each year, the Board shall adopt a budget for the operation of the District during the ensuing calendar year, which shall also be the fiscal year. Funding for District operations shall be derived from the following sources:
- a. **Dues paid by public water providers** within the region such that the aggregate total of all such dues shall be no more than \$6 per water meter annually and no less than \$2 per water meter annually in their service area. The funds collected by the various water providers should be submitted to the county into a special fund for transfer in aggregate to the District.
  - b. Citizens currently being served by a well will pay no immediate fee. In the event that a well user connects to public water in the future, the public water provider will collect a tap fee equal to the dues payments for each year since the District was established. This fee cannot exceed \$300.
  - c. The District shall provide its services and carry out its responsibilities only in Pennsylvania and within the Ohio River Basin. Therefore, water providers shall pay the per water meter assessments only for those citizens living within the Ohio River Basin.
  - d. Water providers will be assessed a total amount due; they may collect the dues in any manner they consider appropriate for their particular situation.
  - e. At the time of budget adoption, the Board shall also set the per meter assessment rate for the next fiscal year.
  - f. The District is specifically empowered to contract with or otherwise participate in and to accept appropriations, grants, funds, fees, or services from any federal, state, or local government or its agencies or instrumentalities and from private and civic sources and to expend funds received therefrom under provisions as may be required and agreed upon by the District in connection with any program or purpose for which the District exists.
  - g. The Board shall assure the equitable flow and prudent expenditure of public funds.

- VII. **Staffing:** A portion of the District's revenues shall be used to maintain staff with expertise in water-related planning within the Southwestern Pennsylvania Corporation. The District may contract for such additional staff and consulting services as the Board in its discretion may determine to be necessary. At the direction of the Board, the District may collaborate with existing organizations (including non-SPC regional planning commissions) within the Ohio River Basin in carrying out its responsibilities.
- VIII. **Advisory Councils:** The Board, at its discretion, may create volunteer advisory councils in order to receive input from technical experts, representatives of local governing bodies and non-governmental organizations, or the general public. Members of these councils will not be paid for their services, but may receive reimbursement for expenses.
- IX. The District shall submit a **written report** on the previous fiscal year not later than March 31 of each year to the member counties, the City of Pittsburgh, the Governor, the Speaker of the House, the Minority Leader of the House, the Majority and Minority Leaders of the Senate, and the Southwestern Pennsylvania Commission. This report shall contain a detailed account of the activities and progress of the District throughout the previous year, an accurate accounting of all funds received and expended by the District, a report on the implementation of plans and attainment of goals, and the establishment of appropriate goals and implementation strategies for the next fiscal year. This report shall also be available to the public.