



April 26, 2001

Governor Ruth Ann Minner
Chair, Delaware River Basin Commission
Tathall Bldg, 2nd Floor
William Penn Street
Dover, DE, 19901

Dear Governor Minner,

After years of concerted attention and action, the Congressional and State delegations of the region, supported by the Delaware River Basin Commission, local and state elected officials, and citizens, have secured Wild and Scenic designation for the Lower Delaware River. The result is national recognition for the Lower Delaware River and the environmental, community and economic resources it supports. We are now seeking your support and action to ensure Wild and Scenic designation provides substantive benefits to our region.

We are petitioning the Delaware River Basin Commission to designate the Lower Delaware River as Special Protection Waters, and for other considerations. The attached petition is being submitted to the Commission in accordance with its Water Quality Standards for the Delaware River Basin, Section 3.10.3A.2. Since the petition requests changes to the Commission's Comprehensive Plan, we respectfully ask that it be treated as a reviewable project pursuant to Compact Section 3.8.

We recognize that the Commission is embarking upon the development of a new Comprehensive Plan for the Delaware River Basin. Rather than add to the burden of the Commission, we have framed our petition in such a manner that the comprehensive planning process can accommodate it.

Thank you for your consideration.

Yours sincerely,

A handwritten signature in blue ink that reads "Maya K. van Rossum". The signature is written in a cursive style.

Maya K. van Rossum
Delaware Riverkeeper

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Colonel Gregory Bean
Carol Collier, Executive Director
David Goldberg, General Counsel
Pamela Bush, Commission Secretary and Assistant General Counsel
Delaware River Basin Task Force:
 U.S. Representative Rush Holt
 U.S. Representative Sherwood Boehlert
 U.S. Representative Robert Borski
 U.S. Representative Michael Castle
U.S. Representative Jim Greenwood
U.S. Representative Don Sherwood



A PETITION TO DESIGNATE THE LOWER DELAWARE RIVER AS SPECIAL PROTECTION WATERS AND OTHER MATTERS

The Delaware Riverkeeper Network petitions the Delaware River Basin Commission to classify the Lower Delaware River as a Special Protection Water. This petition is made in accordance with Article 3: Water Quality Standards for the Delaware River Basin (Comprehensive Plan Section X), Section 3.10.3A.2¹ which states:

In determining waters suitable for classification as Special Protection Waters, the Commission will consider nomination petitions from local, state and federal governing bodies, and the public for waters potentially meeting the definition of Outstanding Basin Waters and Significant Resources Waters as described in 3.10.3A.2a.

This petition asks:

1. That the entire reach of Delaware River main stem from River Mile 209.5 (downstream boundary of the Delaware Water Gap National Recreation Area) to River Mile 133.4 (Head of Tide) be designated as a *Special Protection Water*;
2. That those sections of the proposed Special Protection Waters that are now components of the National Wild and Scenic Rivers System due to the enactment of Public Law 106-418 cited as the "Lower Delaware Wild and Scenic Rivers Act", be classified by the Commission as *Outstanding Basin Waters*;
3. That those sections of the proposed Special Protection Waters that are not components of the National Wild and Scenic Rivers System be classified by the Commission as *Significant Resource Waters*;
4. That the Commission adopt the Lower Delaware River Management Plan, as cited in Public Law 106-418 and dated August 1997, into its Comprehensive Plan as provided for in Compact Section 3.1;
5. That the Commission, in cooperation with the States of New Jersey and Pennsylvania, initiate the development of the bi-state water quality management plan

¹ *Administrative Manual, Part III:*

called for in the Lower Delaware River Management Plan, said plan to be focused on preserving and/or improving existing water quality;

6. That the Commission make the development of the bi-state water quality management plan for the Lower Delaware River a specific and high priority task of its pending Comprehensive Planning activity; and,

7. That the Commission adopt interim measures during the third quarter of 2001 that protect existing water quality from changing in the Lower Delaware while all necessary planning is being conducted. These measures should include interim definitions of existing water quality derived from all currently available data and effluent requirements based upon Best Demonstrable Treatment technology or facsimile as defined in the Special Protection Waters regulations.

Furthermore, we request:

1. That the Commission comply with Section 3.10.3A.2e.3) of its regulations. This section of the Commission's water quality standards required the Commission to prioritize watersheds in the currently designated Special Protection Waters drainage area (Middle and Upper Delaware) by February 1996. We note that this deadline was not met. Priority watersheds are watersheds where nonpoint source control plans were to be developed by the Commission no later than 2001. This deadline was not met either. We suggest that the February 1996 deadline be extended by Commission action to a date in 2003 that corresponds to the release of a draft new or updated Comprehensive Plan and that said plan contain the information and recommendations required by Section 3.10.3A.2e.3).
2. That the Commission prioritize the watersheds draining to the Lower Delaware River simultaneously with its prioritization of upper basin watersheds. This prioritization is necessary for the development of the bi-state water quality management plan as described above. Moreover, performing the prioritization activity as part of an overall Comprehensive Planning process insures that all future activities are directed at the highest priorities.

Lastly, we suggest that:

1. That the Commission's Comprehensive Planning program consider using the Special Protection Waters boundary and interstate control point approach as its basic framework for developing policies and managing all water resource issues in the Basin - to the extent applicable. The control point approach establishes specific goals, objectives, and measures of success on an individual watershed and location basis as well as at a Basin level. This allows specific goals and objectives to be established, distinct priorities and activities to be developed, and explicit actions to be assigned to

specific organizations and agencies rationally within an overall Delaware River Basin planning context.

This petition is being submitted by the Delaware Riverkeeper Network (DRN). The Delaware Riverkeeper Network, an affiliate of the American Littoral Society, has been working since 1988 to protect and restore the Delaware River, its tributaries and habitats. DRN represents a diverse membership located throughout the entire Watershed, including members living within the requested designation area. DRN programs include water quality monitoring, stream protection advocacy, stream restoration, citizen education, grassroots organizing and enforcement.