

DELAWARE RIVER BASIN COMMISSION

MEETING OF MARCH 7, 2012

Minutes

The Commission met at the West Trenton Volunteer Fire Company in West Trenton, New Jersey.

Commissioners Present: Lieutenant Colonel Philip M. Secrist, United States, Chair
Kelly J. Heffner, Pennsylvania, Vice Chair
Michele N. Siekerka, New Jersey, Second Vice Chair
Angus Eaton, New York
Kathleen M. Stiller, Delaware

DRBC Staff Participants: Carol R. Collier, Executive Director
Robert Tudor, Deputy Executive Director
Kenneth J. Warren, Hangley Aronchick Segal Pudlin & Schiller, DRBC
General Counsel
Pamela M. Bush, Commission Secretary & Assistant General Counsel
Thomas J. Fikslin, Manager, Modeling, Monitoring & Assessment Branch
Richard C. Gore, Chief Administrative Officer
William J. Muszynski, Manager, Water Resources Management Branch
Amy Shallcross, Supervisor, Operations Section

Commission Chairman Lieutenant Colonel Philip M. Secrist convened the business meeting at 1:30 p.m. with introductions and a statement announcing that today's meeting would adjourn by 4:00 p.m.

Minutes. The Minutes for the Commission Meeting of December 8, 2011 were approved unanimously on a motion by Ms. Stiller, seconded by Mr. Eaton. Ms. Siekerka noted for the record that she would abstain from a vote on the Minutes (since she did not attend the December meeting) but said that the Minutes had been reviewed by NJDEP staff and she understood them to be accurate.

Announcements. Ms. Bush announced the following meetings and events:

- *DRBC Water Quality Advisory Committee Meeting.* Wednesday, March 21, 2012 from 10:00 a.m. until 2:00 p.m. in the Goddard Conference Room of the DRBC's West Trenton office building, 25 State Police Drive. Staff contact: Donna Barnett, (609) 883-9500, extension 308.

- *DRBC Regulated Flow Advisory Committee Meeting.* Tuesday, April 17, 2012 at 10:00 a.m. in the Goddard Conference Room. Staff contact: Hernan Quinodoz, (609) 883-9500, extension 225.
- *DRBC Water Management Advisory Committee Meeting.* Tuesday, May 1, 2012 from 10:00 a.m. until 2:00 p.m. in the Goddard Conference Room. Staff contact: Donna Barnett, (609) 883-9500, extension 308.
- *DRBC Flood Advisory Committee Meeting.* Tuesday, May 15, 2012 at 10:00 a.m. in the Goddard Conference Room. Staff contact: Laura Tessieri, (609) 883-9500, extension 304.
- *Schuylkill Watershed Congress.* Saturday, March 10, 2012 at the Montgomery County Community College West Campus in Pottstown, Pennsylvania from 7:30 a.m. until 4:00 p.m. Coordinated by the Delaware Riverkeeper Network and partners, this one-day program includes 28 concurrent sessions, 6 poster sessions, and two workshops. DRBC staff member Robert Limbeck will lead one of the sessions. The cost to attend is \$60 with a limited number of scholarships available.
- *Delaware River and Bay Blitz – Dash for the Trash.* AmeriCorps Week runs from Saturday, March 10 through Sunday, March 18, 2012. The DRBC has partnered with NJDEP's Watershed Ambassadors' AmeriCorps and the New Jersey Clean Communities Council Programs to organize cleanups within the Delaware River Basin and Bay during this time. Two of the ten scheduled events will be led by DRBC-hosted Watershed Ambassador Allison Kohler.

Chair's Remarks on Status of DRBC Natural Gas Regulations. Lieutenant Colonel Secrist recounted that the DRBC had postponed a vote on the proposed regulations that had been scheduled for November 21, 2011. Since then, he said, the Commissioners have continued working on the regulations, both to ensure they are based on sound science and to ensure they will be protective of the water resource. The Commissioners have not set a firm date for a vote but are continuing to work together on development of a final rule.

Chairman Secrist shifted the Agenda by asking the Executive Director to make her report before the Hydrologic Report.

Executive Director's Report. Ms. Collier's remarks are summarized below:

- *Franz Edelman Award Finalist.* The DRBC has been recognized with a plaque as one of the finalists for the *Franz Edelman Award* for achievement in the practice of operations, research and management science, for breaking a deadlock and improving water release policies in the Delaware River through operations research. Ms. Collier recognized Dr. Peter Kolesar of Columbia University and Jim Serio of the Delaware River Foundation for bringing about this achievement. Bob Tudor's name is listed on the award because he participated in these developments and gave the presentation.

- *Water Resources Association Dinner and Sam Baxter Award.* The WRA dinner on April 18, 2012 will include presentation of the prestigious *Sam Baxter Award* to DRBC's Deputy Executive Director Bob Tudor.
- *Wissahickon Watershed.* The Wissahickon Watershed Association will hold an event on March 29, 2012, entitled, *Wissahickon: A Creek in Crisis?* at the Springside School in Chestnut Hill, Pennsylvania. This Wissahickon is one of the major tributaries to the Schuylkill River.
- *U.S. Environmental Protection Agency Drug Drive.* The EPA has is holding a drive on April 28, 2012 to collect expired prescription drugs. Ms. Collier noted that fliers were available with detailed information.
- *2012 Delaware River Sojourn.* The 2012 Sojourn will take place June 24 – 30, 2012, and registration has begun. Details and on-line registration is available at riversojourn.com
- *Tribute to Former DRBC Staff Members.* DRBC lost two excellent staff persons back in November of 2009 – Donna Gushue and Bridget Ferry. Members of the staff led by Chad Pindar have put together a memorial with a bench, a newly planted dogwood tree and memorial plaques. The memorial includes a tribute to all those in the DRBC family that we have lost over the years. Please take a moment to visit this fitting tribute, located near the DRBC entranceway.
- *DRBC Budget.* DRBC's revenues are down in 2012 and are expected to be down again in 2013. Staff and Commissioners are discussing different ways that a balanced budget for both years can be achieved, including reinstatement of the federal government's statutory share. In the past 17 years, the Commission has received federal government signatory party funding in just one year. Ms. Collier and Deputy Executive Director Bob Tudor met with senior staff of Vice President Biden's office, who have arranged for a meeting with the Office of Management and Budget (OMB) to take place on March 9. Ms. Collier urged anyone so inclined to phone the President and let him know the federal government should pay its share.
- *DRBC Projects.* Ms. Collier said that because so much attention had been focused on the natural gas regulations, people might lose sight of everything else that DRBC is doing. She listed some of the agency's current activities:
 - The spring season is also the beginning of the monitoring season, so a number of the staff will be out on boats or in waders collecting chemical, physical and biological samples to measure the health of basin waterways.
 - DRBC is working with EPA and the states to advance the clean-up of PCBs in the Delaware Estuary. Great progress has been made and a new phase of this successful program is in the works.
 - Staff in consultation with state and federal partners recently completed a draft water quality assessment report, which will be submitted to the EPA on April 1,

2012. The report analyses the main stem Delaware River. It is used by the states to meet their obligations under Sections 305(b) of the Clean Water Act (requiring states to develop an inventory of the water quality of all water bodies in the state and submit an updated report to the EPA every two years) and 303(d) (requiring the states to develop lists of water bodies that do not meet water quality standards and to submit updated lists to the EPA every two years).

- DRBC is working with a range of stakeholders on the development of a strategy for managing nutrients in the Delaware Estuary.
- DRBC hydrologic and water quality modelers are engaged in modeling efforts to support the Parties to the Supreme Court Decree of 1954 in development of the next phase of the FFMP (Flexible Flow Management Plan), which is due for renewal in May.
- IT (“information technology”) improvements, including most visibly, an update of the Commission’s website, are allowing the Commission to share data and information more readily on the web. Ms. Collier noted that the Commission has received the second part of a William Penn Foundation grant that will fund the development of GIS layers for the Upper Basin to help identify landscapes with high value to water resources.
- In partnership with a number of federal agencies, including the U.S. Geological Survey, U.S. Army Corps of Engineers, NOAA, National Weather Service, the basin states and cities, DRBC also is developing a strategy for sustainable water resources for the future, extending out to 2060. As more meat is added to the bones of that strategy, there will be more to report.

Hydrologic Conditions. Ms. Shallcross reported on hydrologic conditions in the Basin:

The observed precipitation for the portion of the Basin above Montague, New Jersey for the period January 1 through March 5, 2012 was 4.93 inches or 1.28 inches below normal. The observed precipitation for the Basin above Trenton for the same period was 4.40 inches or 2.28 inches below normal and for the Basin above Wilmington, Delaware for this period, 5.16 inches or 1.72 inches below normal.

The average observed streamflow of the Delaware River at Montague in February 2012 was 4,681 cubic feet per second (cfs) or 82 percent of the long-term average for the month. For the same period, the average observed streamflow at Trenton was 10,724 cfs, or 78 percent of the long-term average for the month.

For the period of March 1 through March 5, the average observed streamflow at Montague was 4,496 cfs, or 51 percent of the long-term average for the month. The average streamflow at Trenton during the same period was 9,594 cfs, or 53 percent of the long-term average for the month.

In the Lower Basin, as of March 6, 2012, Beltzville Reservoir contained 13.95 billion gallons (bg) usable, or 100.2 percent of usable storage, and Blue Marsh contained 4.33 bg usable, or 101.1 percent of winter pool usable storage. As of March 5, Merrill Creek contained 15.336 bg usable, or 97.8 percent of usable storage.

In the Upper Basin, as of March 6, 2012, Pepacton Reservoir contained 120.872 bg usable or 86.2 percent of usable storage. Cannonsville contained 82.593 bg usable, or 86.3 percent of usable storage. Neversink contained 31.447 bg usable or 90.0 percent of usable storage. The total New York City Delaware Basin reservoir storage was 234.912 bg usable or 86.7 percent of usable storage.

During the month of February 2012, the location of the seven-day average of the 250-parts-per million (ppm) isochlor, also known as the “salt line,” ranged from River Mile (RM) 63 to RM 70. The normal location of the salt line during February is RM 68, which is ten miles downstream of the Delaware-Pennsylvania state line.

As of March 5, the salt line was located at RM 70. The normal location of the salt front during March is RM 67.

General Counsel’s Report. Mr. Warren reported on the three consolidated cases pending in the Eastern District of New York, which challenge publication of the Commission’s draft Natural Gas Development Regulations on the grounds that National Environmental Policy Act (NEPA) compliance is allegedly required. The Commission and the federal defendants filed motions to dismiss. The plaintiffs asked for and were granted leave to file summary judgment motions and have filed those. Briefing on the motions to dismiss and for summary judgment is underway, and the Court has scheduled oral argument for April 25, 2012.

Also pending is a case brought by the Riverkeeper in the District of New Jersey, challenging the Executive Director’s Supplemental Executive Director Determination with respect to natural gas. This matter also is in the briefing stage on motions to dismiss that were filed by two of the natural gas companies and the DRBC.

Yet another case in the District of New Jersey involves the Riverkeeper’s appeal of the docket issued by the Commission to Stone Energy Corporation. That matter is in the stage of determining the content of the administrative record upon which the case will be resolved, and scheduling briefing on the merits for a final determination by the Court.

Assistant General Counsel Report on Settlements. Ms. Bush reported on four settlement agreements that the DRBC staff had reached with docket holders for violations that were relatively minor and about which there were no contested facts. The settlements are for amounts authorized by the civil penalty matrix that the Commissioners adopted by Resolution No. 2009-13 in 2009, and they are consistent with Section 2.7.8 of the *Rules of Practice and Procedure*, which provides for settlements in lieu of a penalty proceeding where it is in the interest of the Commission and the party to proceed that way.

These amounts all correspond to violations classified as minor or moderate on the penalty matrix. They are the lowest amounts authorized under circumstances where the docket holder has no record of previous violations, has cooperated in good faith with the Commission, has not willfully violated Commission requirements, has incurred only minor economic benefits as a result of the alleged violations and where limited or no adverse effects on water resources have occurred as a result of the violations. All involved failures to monitor.

If the four settlements are acceptable to the Commissioners, their ratification is requested. The four are for Great Wolf Lodge (D-2003-025-2), Pen Argyl Municipal Authority (D-1975-028 CP-2), Mt. Airy #1, LLC (D-1977-058-3) and Coolbaugh Township (D-2006-023 CP-2), all in Pennsylvania. All four settlement agreements have been signed by the docket holders and by Carol Collier and will be final and effective upon your ratification.

Ms. Heffner so moved, Mr. Eaton seconded her motion and the four settlement agreements were ratified by unanimous vote.

Appeal by Catasauqua. Mr. Warren reported for the Commissioners' information that an appeal had been filed by the Borough of Catasauqua regarding its obligation to seek a docket for certain work in the drainage area of Special Protection Waters, but that the matter was resolved by staff. Mr. Warren said that no action by the Commissioners was requested and he hoped to report at the next Commission meeting that the request for hearing had been withdrawn.

Ms. Bush added that the Borough of Catasauqua had filed the appeal to preserve the right to appeal a decision by the Executive Director that the Borough must apply for a docket. Catasauqua has since agreed to submit a docket application.

Public Hearing: Project Review Applications. Mr. Muszynski of DRBC presented for the Commissioners' consideration 25 of the 28 dockets listed in the public hearing notice. The dockets were presented in three groups: Category A, consisting of docket renewals involving no substantive changes (hearing items 1 through 10); Category B, consisting of renewals involving significant changes, such as an increase or decrease in an authorized withdrawal or discharge (hearing items 11, 14, 15 and 16, and 18 through 23); and Category C, consisting of projects not previously reviewed by the Commission (hearing items 24 through 28). Mr. Muszynski noted that hearing items 12, 13 and 17 had been postponed to allow additional time for review.

A. *Renewals with No Substantive Changes (hearing items 1 through 10).* The Commission received no comments on these projects.

1. Philadelphia Gas Works, D-1976-055 CP-2. An application to renew the approval of an existing discharge of up to 6.67 million gallons per day (mgd) of non-contact cooling water (NCCW) from the Philadelphia Gas Works process compressors and heat exchangers via Outfall No. 004. Outfall No. 004 will continue to discharge to Water Quality Zone 3 of the Delaware River at River Mile 106.5, in the City of Philadelphia, Pennsylvania.

2. NGK Metals Corporation, D-1989-053-2. An application to renew the approval of the existing 0.36 mgd NGK groundwater treatment plant (GTP) and its related discharge, as well as the withdrawal of up to 6.479 million gallons per month (mgm) of groundwater from the three existing on-site remediation wells (Wells Nos. DW-12, DW-13, and DW-32). The GTP has been out of operation for several years; however, the EPA has required the facility to re-open and resume operation. The existing project wells are located at NGK's former metal production site in Muhlenberg Township, Berks County, Pennsylvania, and are completed in the Allentown Formation. The existing NGK GTP will discharge to Laurel Run via Outfall No. 002 at River Mile 92.47 - 80.4 - 2.3 (Delaware River - Schuylkill River - Laurel Run), in Muhlenberg Township, Berks County, Pennsylvania.
3. Warrington Township, D-1990-019 CP-3. An application to renew the approval of an existing groundwater withdrawal (GWD) of up to 45.14 mgm to supply the applicant's public water supply system from existing Wells Nos. 1, 2, 3, 4, 5, 6, 8, 9 and 11, completed in the Stockton Formation. The Warrington Township Municipal Authority serves customers in Warrington Township, Bucks County. The requested allocation is not an increase from the previous allocation. The wells are located within the Commission's Southeastern Pennsylvania Groundwater Protected Area ("GWPA") in Little Neshaminy Creek Watershed in Warrington Township, Bucks County, Pennsylvania.
4. JBS Souderton, Inc., D-1996-021-4. An application to renew the approval of an existing discharge from the 1.5 mgd JBS Souderton, Inc. industrial wastewater treatment plant (IWTP). The IWTP will continue to discharge at River Mile 92.47 - 32.3 - 3.0 - 12.8 (Delaware River - Schuylkill River - Perkiomen Creek - Skippack Creek), in Franconia Township, Montgomery County, Pennsylvania.
5. Warminster Township Municipal Authority, D-2000-019 CP-2. An application to renew the approval of an existing GWD of up to 128.52 mgm to supply the applicant's public water supply system from existing Wells Nos. 1, 2, 3, 4, 5, 6, 7, 9, 10, 13, 14, 15, 24, 26, 36, 37, 39, 43, 44, 45 and NATC-10, completed in the Stockton Formation. The Warminster Municipal Authority serves customers in Warminster Township, Ivyland Borough and a portion of Warwick Township in Bucks County. The requested allocation is not an increase from the previous allocation. The project is located within the Commission GWPA in Little Neshaminy and Pennypack Creek Watersheds in Warminster Township, Bucks County, Pennsylvania.
6. Crayola, LLC, D-2000-033-2. An application to approve the renewal of a ground water withdrawal and injection project, to continue to withdraw 16.53 mgm from Wells Nos. 1 and 4. The withdrawal and injection support industrial processes, geothermal cooling, and replenishment of an on-site landscape pond. The project wells are located in the Epler Formation in the Bushkill Creek Watershed in Forks Township, Northampton County, Pennsylvania within the drainage area of the section of the non-tidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

7. The ACE Center, D-2001-057-2. An application to renew the approval of an existing GWD of up to 13.12 mgm to supply the applicant's golf course from existing Wells Nos. 1 and 4 completed in the Wissahickon Formation. The requested allocation is not an increase from the previous allocation. The wells are located within the GWPA in the Schuylkill River Watershed in Whitemarsh Township, Montgomery County, Pennsylvania.
8. Town of Bethel, D-2005-019 CP-2. An application to renew the approval of an existing discharge from the 0.035 mgd Town of Bethel leachate treatment plant (LTP). The discharge is located within the drainage area of the section of the non-tidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters. The LTP will continue to discharge to an on-site absorption bed near River Mile 261.1 - 19.7 - 3.1 - 0.1 (Delaware River - Mongaup River - West Branch Mongaup River - UNT), in the Town of Bethel, Sullivan County, New York.
9. To-Jo Mushrooms, Inc., D-2007-003-2. An application to renew the approval of an existing discharge of up to 0.049 mgd of treated industrial wastewater and 0.035 mgd of contact cooling water (CCW) from Outfalls Nos. 001 and 002, respectively. The existing discharges will continue to an unnamed tributary (UNT) of Trout Run at River Mile 70.7 - 18.5 - 5.2 - 7.4 - 0.8 - 0.1 (Delaware River - Christina River - White Clay Creek - East Branch White Clay Creek - Trout Run - UNT), in New Garden Township, Chester County, Pennsylvania.
10. East Stroudsburg Borough, D-2007-039 CP-2. An application to renew the approval of an existing discharge of up to 0.09 mgd of filter backwash from the 2.1 mgd East Stroudsburg Borough Water Filtration Plant (WFP). The WFP is located within the drainage area of the section of the non-tidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters. The WFP will continue to discharge to the Delaware River at River Mile 213.5 - 5.2 - 3.5 (Delaware River - Brodhead Creek - Sambo Creek), in Smithfield Township, Monroe County, Pennsylvania.

Mr. Muszynski recommended that the Commissioners approve hearing items 1 through 10, consisting of docket renewals without substantive changes. Mr. Eaton so moved, Ms. Heffner seconded his motion, and hearing items 1 through 10 were approved by unanimous vote.

B. Renewals with Substantive Changes (hearing items 11, 14, 15 and 16, and 18 through 23). Mr. Muszynski presented the next category of dockets consisting of renewals involving significant changes.

11. Camden County Municipal Utilities Authority, D-1971-009 CP-10. An application to approve an expansion to the service area of the existing CCMUA Delaware No. 1 Water Pollution Control Facility (WPCF) to accept an additional 5.3 mgd of out-of-basin municipal wastewater from portions of Chesilhurst Borough and Waterford and Winslow Townships in Camden County, New Jersey, located in the Atlantic Ocean Basin. The project, referred to as the Atlantic Basin Interceptor Project and located in Chesilhurst

Borough and Gloucester, Waterford, and Winslow Townships in Camden County, includes the installation of approximately 127,000 linear feet of gravity and force main sewer, the construction of two (2) pump stations, and the upgrade of three (3) existing pump stations. CCMUA's existing 80 mgd WPCF has the hydraulic design capacity to accept the additional flow without modifications to the treatment processes. The WPCF is located in the City of Camden, Camden County, New Jersey and will continue to discharge to Water Quality Zone 3 of the Delaware River at River Mile 98.0. DRBC approved an emergency certificate for this project on December 14, 2011.

14. Bath Borough, D-1988-051 CP-2. An application to renew the approval of an existing 1.02 mgd Bath Borough Authority WWTP and to approve the replacement of that facility with a new 2.0 mgd WWTP constructed on the same parcel as and adjacent to the existing WWTP. The existing and proposed WWTP site is located within the drainage area of the section of the non-tidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters. Treated effluent from the existing WWTP will continue to discharge to Monocacy Creek at River Mile 183.66 - 11.5 - 13.2 (Delaware River - Lehigh River - Monocacy Creek) via Outfall No. 001, in Bath Borough, Northampton County, Pennsylvania.
15. Upper Gwynedd Township, D-1991-088 CP-7. An application to modify the service area of the existing Upper Gwynedd WWTP to accept an annual average flow of 0.43 mgd from the service area of the existing North Wales Water Authority (North Wales) WWTP, which is proposed to be abandoned as part of the project. The Upper Gwynedd WWTP treatment facilities will not be modified as a result of the project because the 6.5 mgd Upper Gwynedd WWTP has the capacity to treat the additional 0.43 mgd of flow from the North Wales WWTP service area without modification to the treatment facilities; however, the project does include the construction of appurtenant facilities for the interconnection, including gravity sewers and redundant and emergency pumping at the Upper Gwynedd WWTP. The Upper Gwynedd WWTP will continue to discharge to the Wissahickon Creek, a tributary of the Schuylkill River, at River Mile 92.5 - 12.8 - 12.7 (Delaware River - Schuylkill River - Wissahickon Creek) in North Wales Borough and Upper Gwynedd Township, Montgomery County, Pennsylvania.
16. Bridgeport Disposal, LLC, D-1993-063-3. An application to renew and update the approval of the existing Bridgeport Disposal IWTP approved by the Commission on July 19, 2006, D-1993-063-2, which expired on September 30, 2010. The update includes modifying the DRBC approval to reflect the current projected long-term average flow of 0.61 mgd. No modifications to the IWTP facilities are proposed. The former commercial hazardous waste treatment facility currently includes an on-site biological treatment system and a groundwater and leachate treatment system. The facility discharges through a subsurface diffuser to Raccoon Creek, a tidal tributary of Water Quality Zone 4 of the Delaware River, in Logan Township, Gloucester County, New Jersey.
18. Deposit Village, D-1999-064 CP-2. An application to renew the approval of an existing groundwater withdrawal project to supply up to 15.5 mgm of water to the applicant's public water supply system from Wells Nos. 1, 2, 4, and 5. The original application was

the subject of a notice published on August 23, 2010. The amended application no longer includes the request to approve bulk water sales to serve the natural gas industry. Project wells (Wells Nos. 1, 2, and 4) are screened in glacial outwash deposits and Well No. 5 is cased into the Devonian-age Upper Walton Formation. The wells are located in the West Branch Delaware River Watershed in the Village of Deposit, Broome and Delaware Counties, New York, within the drainage area of the section of the non-tidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters.

19. Collegeville-Trappe Joint Public Works Department, D-2000-057 CP-2. An application to renew the approval of an existing groundwater withdrawal and to increase the withdrawal allocation from 31 mgm to 33.7 mgm to supply the applicant's public water supply from existing Wells Nos. CT-1, CT-3, CT-4, CT-5, CT-6A, CT-7, CT-8, CT-9, CT-10, CT-11, CT-12, CT-14 and CT-15, completed in the Brunswick Formation. The Collegeville-Trappe Joint Public Works Department serves customers in the Boroughs of Collegeville and Trappe in Montgomery County. The project is located within the Commission's designated GWPA in Little Perkiomen Creek Watersheds in Collegeville and Trappe Boroughs, Montgomery County, Pennsylvania.
20. Westfall Township Municipal Authority, D-2002-023 CP-4. An application to renew the approval of an existing discharge from the 0.374 mgd Westfall Township Municipal Authority (WTMA) WWTP and to approve the replacement of the six existing equalization tanks at the head of the current treatment train with a dual chamber equalization tank of equivalent capacity and to demolish the existing extended aeration tanks removed from service several years ago. The existing WWTP is located within the drainage area of the section of the non-tidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters. The existing WWTP will continue to discharge to the Delaware River in Water Quality Zone 1C at River Mile 252.5 in Westfall Township, Pike County, Pennsylvania. DRBC approved an emergency certificate for this project on December 19, 2011.
21. Nestlé Waters North America, Inc., D-2002-045-2. An application to renew the approval of an existing groundwater withdrawal of up to 7.23 mgm to supply the applicant's bottled water facility from Well No. PW-1 and to include the importation of 23.219 mgm of water from three additional water sources located in the Susquehanna and Potomac River Basins. The bottled water facility and project well are located in the Iron Run Watershed in Upper Macungie Township, Lehigh County, Pennsylvania, within the drainage area of the section of the non-tidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.
22. Riverton Borough, D-2004-014 CP-2. An application to renew the approval of an existing discharge from the 0.22 mgd Riverton Borough WWTP. The applicant does not propose any modifications to the existing WWTP; however, the Commission's approval by Docket No. D-2004-014 CP expired on May 27, 2009. The WWTP will continue to discharge to Water Quality Zone 3 at River Mile 108.76 - 0.1 (Delaware River - Pompeston Creek), in the Borough of Riverton, Burlington County, New Jersey.

23. Cott Beverages, Inc., D-2007-006-2. An application to renew the approval of an existing discharge and to approve the expansion of the 0.037 mgd Cott IWTP to 0.08 mgd and to eliminate the separate NCCW discharge. Treated effluent will continue to discharge to the West Branch Chester Creek at River Mile 82.93 - 8.37 - 6.30 (Delaware River - Chester Creek - West Branch Chester Creek) via Outfall No. 001, in Concord Township, Delaware County, Pennsylvania.

Mr. Muszynski recommended that the Commission approve the ten dockets consisting of renewals involving substantive changes. Ms. Siekerka so moved, Ms. Stiller offered a second, and hearing items 11, 14, 15 and 16, and 18 through 23 were approved by unanimous vote.

- C. *New Projects (hearing items 24 through 28).* These five projects comprised new discharges or withdrawals or constituted projects new to the Commission.

24. Mount Laurel Municipal Authority, D-2006-027 CP-1. An application to approve a surface water withdrawal and treatment plant project to supply up to 186 mgm of water to the applicant's public water treatment plant and supply distribution system from new Intake No. 1 on a tidal portion of Rancocas Creek. The project is located in the North Branch Pennsauken Creek and Rancocas Creek watersheds in Mount Laurel Township, Burlington County, New Jersey.

25. PSC Environmental Services, LLC, D-2011-009-1. An application to approve an existing discharge from the 0.1 mgd PSC Environmental Services, LLC IWTP. The PSC IWTP pre-treats wastewater that is conveyed to the Hatfield Township Municipal Authority wastewater treatment plant for ultimate discharge to the West Branch of the Neshaminy Creek, in Hatfield Township, Montgomery County, Pennsylvania.

26. Callicoon Water Company, Inc., D-2011-012 CP-1. An application to approve a ground- and surface water withdrawal of up to 8.46 mgm to supply the applicant's public water supply system from existing Wells Nos. Well-1 and Well-2 and existing Springs Nos. SP-1 and SP-2. The project is an existing withdrawal that was not previously reviewed and approved by the Commission. The project wells and springs are located in the Hamlet of Callicoon, Sullivan County, New York in the Callicoon Creek and Delaware River Watersheds within the drainage area of the section of the non-tidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters.

27. PSEG Nuclear, LLC, D-2011-017 CP-1. An application to modify the outfall for the existing PSEG Nuclear, LLC Salem Generating Station Cooling Water Intake Screen backwash discharge, including the construction of an approximately 650-foot long 48-inch diameter high density polyethylene outfall pipe extending along the bottom of the Delaware River to a point 600 feet offshore, and appurtenant structures. No modifications are proposed to the existing non-contact cooling water outfall for the generating station, which is approved by a separate DRBC docket. The existing facility will continue to discharge to Water Quality Zone 5 of the Delaware River at River Mile 50 in Lower

Alloways Creek Township, Salem County, New Jersey. DRBC approved an emergency certificate for this project on December 22, 2011.

28. Meadowlands Country Club, D-2011-024-1. An application to approve a groundwater withdrawal of up to 4.0 mgm to supply the applicant's golf course irrigation system from existing Well No. 10, Pump House Well and Maintenance Well completed in the Brunswick Formation. The wells are located within the Commission GWPA in the Stony Creek Watershed in Whitpain Township, Montgomery County, Pennsylvania.

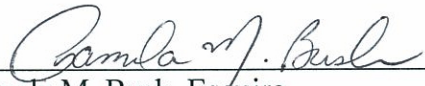
Mr. Muszynski recommended that the Commissioners approve hearing items 24 through 28, consisting of new projects and projects not previously reviewed by the Commission. Ms. Siekerka so moved, Ms. Heffner seconded her motion, and hearing items 24 through 28 were approved by unanimous vote.

Public Hearing: Resolution Authorizing the Executive Director in Connection with the Control of Certain Toxic Substances in the Delaware Estuary to Extend the Commission's Agreements with Axys Analytical Services, Ltd. for the Analysis of Ambient Water, Wastewater and Sediment Samples (Agreement of July 2010) and Fish Tissue Samples (Agreement of September 2006). Dr. Fikslin explained that the resolution would authorize the Executive Director to extend two agreements between the Commission and a contracting laboratory – Axys Analytical Services, Ltd. (“Axys”) – for the analysis of water, wastewater, sediment and fish tissue. Studies related to the development of the Stage 2 TMDLs for PCBs in the Delaware Estuary are ongoing. In addition, the Commission is assisting member states – in particular, the State of New Jersey – in the analysis of fish tissue samples that were collected in tributaries to the Delaware River. The Commission's calendar year 2011 grant under Section 106 of the Clean Water Act includes funds for the analysis of fish tissue samples and ambient water samples. The calendar year 2012 application also includes funds for the analysis of fish tissue samples collected from the mainstem Delaware River in both tidal and non-tidal regions. The fish tissue analysis is performed for toxic compounds including but not limited to PCBs, flame retardants and perfluorinated chemicals, as well as for metals. Axys was originally selected under a competitive bidding process and has performed consistent, high quality work for the Commission on PCBs since 2000. The Commissioners are asked to authorize the renewal and extension through the end of 2012 of a purchase order dated July 26, 2010, which expired last July, and the execution of a five-year extension of an agreement dated September 2006 for analytical interpretive services. All funds would be provided by DRBC's Section 106 grant. The aggregate amount is \$225,000.

Hearing no further comments or questions, Lieutenant Colonel Secrist requested a motion to approve the resolution authorizing the Executive Director in connection with the control of certain toxic substances in the Delaware Estuary to extend the Commission's agreements with Axys Analytical Services, Ltd. for the analysis of ambient water, wastewater and sediment samples (July 2010 agreement) and analysis of fish tissue samples (September 2006 agreement). Ms. Heffner so moved, Mr. Eaton seconded her motion, and Resolution No. 2012-01 was adopted by unanimous vote.

Public Dialogue Session. Four individuals registered in advance of the meeting to address the Commissioners during the Public Dialogue portion of the meeting. A recording of their comments is on file with the Commission Secretary. Like all public records of the Commission, this recording is available for inspection by appointment.

At the conclusion of the Public Dialogue Session, Lieutenant Colonel Secrist requested a motion to adjourn the meeting. Ms. Stiller so moved, Mr. Eaton seconded her motion, and the Delaware River Basin Commission Meeting of March 7, 2012 was adjourned at 3:05 p.m.



Pamela M. Bush, Esquire
Commission Secretary