

DELAWARE RIVER BASIN COMMISSION

MEETING OF JUNE 10, 2015

Minutes

Commissioners Present: Angus Eaton, New York, Chair
Kara S. Coats, Delaware, Vice Chair
Lieutenant Colonel Michael A. Bliss, United States, Second Vice Chair
Daniel M. Kennedy, New Jersey
Kelly J. Heffner, Pennsylvania

DRBC Staff Participants: Steven J. Tambini, Executive Director and Hearing Officer
Kenneth J. Warren, Warren Glass LLP, General Counsel
Pamela M. Bush, Commission Secretary & Assistant General Counsel
Thomas J. Fikslin, Branch Manager, Modeling, Monitoring and Assessment
Richard C. Gore, Chief Administrative Officer
David Kovach, Supervisor, Project Review
William J. Muszynski, Branch Manager, Water Resources Management
Kenneth F. Najjar, Branch Manager, Planning and Information Technology
Amy Shallcross, Supervisor, Operations

The Commission met at the Washington Crossing Historic Park Visitor Center in Washington Crossing, Pennsylvania on June 10, 2015.

Minutes. The Minutes for the Commission Meeting of March 11, 2015 were approved unanimously on a motion by LTC Bliss, seconded by Ms. Coats.

Announcements. Mr. Tambini announced the following events:

- *DRBC Water Management Advisory Committee (WMAC).* The Commission's WMAC will meet on Tuesday, June 16, 2015 at the Commission's office building in West Trenton, New Jersey at 10:00 a.m. For more information, contact Jessica Sanchez at extension 202.
- *DRBC Flood Advisory Committee (FAC).* The Commission's FAC will meet on Wednesday, June 24, 2015 in West Trenton, New Jersey at 10:00 a.m. Contact Laura Tessieri at extension 304 for more information.

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 June 8, 2015 was 12.93 inches or 5.47 inches below normal. The observed precipitation for the Basin above Trenton for the same period was 14.80 inches or 4.50 inches

below normal and for the Basin above Wilmington, Delaware for this period, 25.01 inches or 6.92 inches above normal.

The average observed streamflow of the Delaware River at Montague, New Jersey in May 2015 was 2,545 cubic feet per second (cfs), or 44 percent of the long-term average for the month. The average observed streamflow of the Delaware River at Trenton, New Jersey for the same period was 9,134 cfs, or 127 percent of the long-term average for the month.

For June 1-8, the average observed streamflow at Montague was 3,178 cfs, or 100 percent of the long-term average for the month. The average streamflow at Trenton during the same period was 9,134 cfs, or 127 percent of the long-term average for the month.

In the Lower Basin, as of June 9, 2015, Beltzville Reservoir contained 13.55 billion gallons (bg) usable, or 100.4 percent of usable storage, and Blue Marsh contained 5.93 bg usable, or 102.9 percent of summer pool usable storage. As of June 8, Merrill Creek contained 14.31 bg usable, or 91.2 percent of usable storage.

In the Upper Basin, as of June 9, Pepacton Reservoir contained 131.8 bg usable or 94.2 percent of usable storage. Cannonsville contained 89.2 bg usable, or 93.2 percent of usable storage. Neversink contained 33.5 bg usable or 96.0 percent of usable storage. The total New York City Delaware Basin reservoir storage was 254.6 bg usable or 94.0 percent of usable storage.

During the month of May 2015, the location of the seven-day average of the 250-parts-per million (ppm) isochlor, also known as the “salt front,” ranged from River Mile (RM) 70 to RM 73. The normal location of the salt front during May is RM 68, which is ten miles downstream of the Delaware-Pennsylvania state line. As of June 8, the salt front was located at RM 71, which is two miles upstream of the normal location of the salt front during June.

Executive Director’s Report. Mr. Tambini’s remarks are summarized below:

- *Federal Funding for the DRBC.* The President issued his proposed budget for fiscal year 2016, which lacks funding for the Mid-Atlantic river basin commissions. The House and Senate appropriations bills are working their way through Congress. The Senate Committee on Appropriations approved the FY 2016 Energy and Water Development Appropriations bill with strong report language directing the U.S. Army Corps of Engineers to find and implement the means necessary to financially support the Susquehanna, Delaware and Potomac River Basin Commissions. Congress clearly intends for the three river basin commissions to be supported and expects the Corps to act appropriately.
- *2015 Delaware River Sojourn.* The annual Delaware River Sojourn will take place on Saturday, June 20 through Saturday, June 27. Registrations prior to June 13 receive a reduced rate. For more information, go to delawareriversojourn.org.
- *Parties to the U.S. Supreme Court Decree of 1954.* The Decree Parties adopted a one-year Flexible Flow Management Plan (FFMP) in late May that is very similar to the FFMP of the preceding year.

- *DRBC Meeting Venues.* In recent years the DRBC has enjoyed holding its Commission Meetings at the Washington Crossing Historic Park Visitor Center. From time to time, DRBC will meet in other venues. Interested parties are encouraged to check the DRBC website, DRBC.net, between meetings for information about the venue of each upcoming meeting.

General Counsel's Report. Mr. Warren reported that the Commission was not involved in any litigation. Ms. Bush reported on recent settlement agreements, as follows.

Settlement Agreements. During the March 11, 2015 Commission Meeting the Commissioners authorized the Executive Director, after consultation with the Chair and the host state representative, to enter into settlement agreements without the need for Commission ratification in the event of alleged violations when the agreements involve amounts of \$10,000 or less. In the past, Commissioner approval was needed for each settlement in accordance with the Commission's *Rules of Practice and Procedure*. Since March, the Executive Director has exercised this authority at the request of regulated entities alleged to have violated the terms of their DRBC approvals and where the Executive Director believed settlement to be in the Commission's best interests. The entities with which settlement agreements were executed were: Kinsley Group Family LP (Docket D-2010-005-1); Town of Bethel (Docket D-2005-019 CP-2); and Town of Thompson, Melody Lakes (Docket D-2011-025 CP-1).

All of the alleged violations were deemed "Moderate" on the Civil Penalty Matrix that the Commission adopted in 2009. The settlement amounts were the lowest authorized where a docket holder has no record of a past violation, has cooperated in good faith with the Commission, has not willfully violated Commission requirements, has incurred only minor economic benefit as a result of the alleged violations and where minimal effects on water resources occurred as a result of the violations.

Resolution to Apportion Among the Signatory Parties the Amounts Required for Support of the Current Expense and Capital Budgets for the Fiscal Year Ending June 30, 2016. Mr. Gore reported that the apportionment of the signatory party contributions is as follows: Delaware – \$447,000; New Jersey – \$693,000; New York – \$359,500; Pennsylvania – \$750,000; and the Federal Government – \$715,000. The total contribution from the signatory parties is \$2,964,500.

Mr. Eaton requested a motion to approve the resolution apportioning among the signatory parties the amounts required for support of the current expense and capital budgets for the fiscal year ending June 30, 2016. Ms. Heffner so moved and Ms. Coats seconded her motion. Because unanimous approval of such apportionment is required by sub-section 13.3(b)(2) of the *Delaware River Basin Compact*, Ms. Bush performed a roll call vote, by which Resolution No. 2015-5 was unanimously approved.

Resolution Approving the Commission's Annual Current Expense and Capital Budgets for the Fiscal Year Ending June 30, 2016. Mr. Gore reported that the aggregate amount of the budget is \$5,675,100. The Capital Budget reflects projected revenues of \$4,053,300 and expenditures of \$3,642,900. The details associated with these sums are contained in a document entitled the "Current Expense and Capital Budget," dated June 9, 2015. The sum of \$2,964,500 in contributions is apportioned among the signatories. Other revenues are anticipated in the amount

of \$2,710,600. The resolution directs the Executive Director to provide notice of the approved budget and signatory party apportionment to the principal budget offices of the signatory parties. The resolution provides that should actual funding fall short of projected funding, the Executive Director is authorized to reevaluate the Annual Work Plan and in consultation with the Commissioners, make adjustments accordingly.

The resolution provides that the Commission will continue to operate the Pennsylvania Ground Water Protected Area Program in fiscal year 2016 at an estimated cost of \$123,000. The Commission is anticipating receiving \$63,000 from the Commonwealth of Pennsylvania in 2016 to fund this activity.

Mr. Eaton requested a motion to approve the resolution authorizing the Commission's annual current expense and capital budgets for the fiscal year ending June 30, 2016. Ms. Heffner so moved, Lieutenant Colonel Bliss seconded her motion, and Resolution No. 2015-6 was unanimously approved.

Resolution for the Minutes Amending the DRBC Employee Salary Schedule. Mr. Gore presented to the Commissioners a resolution for the minutes providing for an adjustment to the Commission's general salary schedule to establish two new salary grades: an N10 and an E21. The N10 grade will exist between the current grades, N8 and E12. The E21 grade will exist between the grades E20 and E22. Mr. Gore said creation of these new grades would expand the opportunity for employees to advance based on their performance and acquired skills. He said an adjustment was requested for an increase to the general salary schedule in the amount of 2.5 percent for all grades effective July 1, 2015.

Mr. Eaton requested a motion to approve the resolution amending the employee salary schedule. Ms. Heffner so moved, Ms. Coats seconded her motion and the Resolution for the Minutes was adopted by unanimous vote.

The text of the resolution follows:

A RESOLUTION for the Minutes providing for adjustments to the Commission's General Salary Schedule.

WHEREAS, in order to effectively administer DRBC's Salary and Compensation Program, the Commission finds that two adjustments to the Fiscal Year 2015 General Salary Schedule are appropriate; and

WHEREAS, the first adjustment is to establish two new salary grades – an N10 between existing grades N8 and E12, and an E21 between existing grades E20 and E22 – to expand opportunities for employees to advance based on their performance and acquired skills; and

WHEREAS, the second adjustment is to increase the Commission's General Salary Schedule, which in combination with an employee's annual performance appraisal provides the basis for calculating his or her compensation; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that:

1. Two new salary grades are hereby established – a Salary Grade N10 with a minimum salary of \$35,950 and a maximum salary of \$53,850, and a Salary Grade E21 with a minimum salary of \$66,150 and a maximum salary of \$99,200.
2. The Commission’s current General Salary Schedule is hereby increased by two and one-half percent (2.5%) for all grades, effective July 1, 2015.

This Resolution shall take effect immediately.

Resolution Providing for Election of Commission Officers. A resolution providing for the election of the Commission Chair, Vice Chair and Second Vice Chair is approved annually at the last meeting before commencement of the Commission’s new fiscal year on July 1. In accordance with the customary rotation, the officers for the fiscal year beginning July 1, 2015 and ending June 31, 2016 are the Governor of Delaware, Chair; the United States representative, Vice Chair; and the Governor of Pennsylvania, Second Vice Chair.

Mr. Eaton requested a motion to approve the resolution providing for the annual election of Commission officers. Mr. Kennedy so moved, Lieutenant Colonel Bliss seconded his motion and Resolution No. 2015-7 was adopted by unanimous vote.

Project Review Applications. The Commission held a duly noticed public hearing on June 9, 2015 on 37 draft dockets for water-related projects. A description of each of the applications is provided in an appendix to these Minutes. Twenty-seven of the projects are located in Pennsylvania, five in New York, three in Delaware, and two in New Jersey. The public hearing on two additional dockets originally included in the notice of public hearing – dockets D-1998-043 CP-3 for Pennsylvania American Water Company (hearing item 19) and D-2002-034 CP-4 for Artesian Water Company (hearing item 29) – was postponed to allow additional time for review.

The projects are customarily considered in three categories – *Category A* – project renewals with no substantive changes; *Category B* - project renewals with substantive changes; and *Category C* – projects not previously reviewed by the Commission.

Mr. Kovach described minor changes to the dockets for *Category A* projects under consideration – hearing items 1 through 18 and 20 through 23 – and recommended their approval. The Commission had received no substantive comment on these items.

Chairman Eaton requested a motion to approve the dockets for hearing items 1 through 18 and 20 through 23. Ms. Heffner so moved, Ms. Coats seconded her motion, and the 22 dockets were approved by unanimous vote.

Mr. Kovach next explained that the Commission had received no comments on *Category B* projects (renewals involving substantive changes), hearing items 24 through 30, with the exception of a renewal of the approval for the Chambers Works facility in New Jersey (The Chemours Company, FC, LLC, D-1969-059-2) (hearing item 24). During the June 9 public hearing, Mr. Bill Wolfe of Bordentown said that DRBC should not be the first to officially recognize and thereby legitimize the transfer of ownership of facilities from DuPont to its wholly owned subsidiary Chemours, which is to be spun off as an independent, publically-traded company on July 1, 2015. Mr. Wolfe described the planned spin-off as an improper move by DuPont to off-load its

environmental liability and associated litigation costs to the new company, which Mr. Wolfe suggested would end up in bankruptcy. Mr. Kovach explained that the draft docket approved the docket transfer only effective upon separation of Chemours from DuPont. He noted that the draft docket for the DuPont Edge Moor facility in Delaware (The Chemours Company, FC, LLC, D-2015-003-1) (hearing item 39) contained similar language.

Mr. Wolfe also objected to the amount of water allocated to the Chambers Works facility – approximately 1.3 billion gallons/30 days. Mr. Kovach explained that staff's recommended allocation was actually just one-third of the current entitled amount, considering all sources. He said that DRBC bases water allocations first and foremost on peak demand and second, on peak demand over a ten-year period. DRBC considers volumes that are generally higher than the current usage in order to accommodate fluctuations and ensure normal use can occur throughout the term of the approval. He noted that business climates change and the Commission allocates in a manner that allows for the possibility of growth. Moreover, water use by this facility is primarily non-consumptive. The water serves as once-through, non-contact cooling and process water and is returned directly to the Delaware River. No other comments on hearing items 24 through 30 were received. Mr. Kovach recommended the Commissioners approve the docket renewals with substantive changes.

Mr. Eaton requested a motion to approve the dockets as recommended. Ms. Heffner so moved, Ms. Coats seconded her motion, and docket items 24 through 30 were unanimously approved.

Mr. Kovach presented the last group of projects, *Category C* (new projects), several of which were the subjects of commenter objections, to which the staff had prepared responses. He said Mr. Muszynski would be addressing comments on draft dockets for the Plumsted Township Municipal Utilities Authority's wastewater treatment plant (hearing item 38) and PPL Utilities Corporation's Northeast Pocono Reliability Project (hearing item 36) later in this segment of the meeting. Beforehand, however, Mr. Kovach would summarize the comments received and staff's responses concerning draft dockets for the Tennessee Gas Pipeline Company, LLC 300 Line Project (D-2013-021-1) (hearing item 31 of June 9) and two holdover projects – the Columbia Gas Transmission, LLC Columbia Pipeline Group, Line 1278 – Line K Replacement Project (D-2014-008-1) (item 40); and the Transcontinental Gas Pipeline Company, LLC Leidy Southeast Expansion Project – Franklin Loop (D-2014-022-1) (item 41) – for which the Commission had completed its public hearing on March 10, 2015, but on which the Commission had not yet acted.

Mr. Kovach explained that staff had provided comment and response documents to the Commissioners on hearing item 31 and the two pipeline projects that had been the subjects of hearings in March.

He noted that the Columbia Line 1278 and Tennessee 300 Line projects had received after-the-fact reviews and were already fully constructed and in operation. The projects were not reviewed prior to their construction due to a screening error. A number of commenters asked how DRBC would avoid such errors in the future. Mr. Kovach explained that the Commission has addressed the problem in three ways. First, it now evaluates prospective pipeline projects based on a checklist that includes all of the thresholds in DRBC's *Rules of Practice and Procedure* (RPP) that could potentially apply to such projects. Second, the Commission has used GIS to map recreation areas that were added to the Comprehensive Plan over the course of the Commission's history. Until

recently, these areas were denoted only by names and dots on hand-drawn maps. GIS technology allows for multiple overlays so that proposed pipeline routes can be superimposed on base maps showing the boundaries of recreation areas that were added to DRBC's Comprehensive Plan. Staff can now readily detect crossings and flag the projects for review. Third, DRBC staff have improved communications with staff of the Federal Energy Regulatory Commission (FERC) and state agencies that review pipeline projects. Better communications among staff afford the means for project sponsors to be alerted earlier to the potential need for DRBC review and approval.

One of the comments received on the Tennessee 300 Line and Transco Leidy Line projects is that the scope of DRBC's review on these projects was too narrow. In the case of Tennessee's 300 Line, the Purpose section of the docket describes the project as an after-the-fact approval for the construction of a natural gas pipeline, including water withdrawals, discharges and compliance with DRBC's *Floodplain Regulations*. The scope of the review included erosion and sediment control plans, post-construction management plans and site restoration. The Leidy Line project received similar treatment. Additionally, staff reviewed the Environmental Construction Plans for these projects prepared for the FERC, which relied on rules of the U.S. Army Corps of Engineers, U.S. Department of Agriculture, Pennsylvania Department of Conservation and Natural Resources and Pennsylvania Department of Environmental Protection. In particular, DRBC reviewed the wetland and waterbody construction mitigation procedures the project sponsors were required to provide due to FERC's involvement. DRBC also reviewed the discharges, water withdrawals, and stream crossings. In staff's view, the Commission may have exercised its review authority more broadly than the rules require to perform a comprehensive – not narrow – review.

Commenters on the two after-the-fact project approvals expressed concern that violations occurred during the construction of these projects. In particular, commenters complained that DRBC failed to evaluate numerous notices of violations and noncompliance during the construction of these projects. Notably, the Commission had not issued a docket at the time the alleged violations occurred. Staff maintains that if violations of federal and state approvals occurred, then enforcement would have been the responsibility of the federal and state entities that issued the approvals. The Commission nevertheless reviewed the instruments resolving these alleged violations and confirmed that water-related concerns were thoroughly addressed. Staff also inspected portions of the pipelines, including areas where violations were alleged to have occurred, and found that restoration work had been performed or was underway in the areas visited.

Comments on the Tennessee, Columbia and Transco projects included objections that all three were "segmented" projects, meaning that the projects were improperly defined by their sponsors to exclude construction activities, which, if considered together with the projects as defined, would have resulted under the National Environmental Policy Act (NEPA) in more intensive environmental impact analyses and public process. Notably, the Commission is not a federal agency subject to NEPA, and thus the problem of "segmentation" as that term is defined under federal law, does not apply to DRBC's process. Nevertheless, the Commission does take seriously any attempt to evade Commission review by improperly defining a project's scope. In the case of the Tennessee 300 Line, the commenters alleged that DRBC's review improperly failed to consider other Tennessee pipeline projects that were in fact closely related to the 300 Line project, since all were designed to increase the capacity of a single existing transmission line. In response, Mr. Kovach explained that two of the projects alleged to have been segmented improperly were not located within the Delaware River Basin at all, and the Commission could exercise no jurisdiction

over them. As to a third, known as the Tennessee Northeast Upgrade Project (“NEUP”), DRBC did review and issue a docket for that project. At the time, however, the 300 Line had already been constructed. Staff did not recognize that the 300 Line crossed Delaware State Forest, a recreation area included in the Comprehensive Plan, and thus had not required the project to undergo Commission review prior to its construction. DRBC has rectified that omission by performing an after-the-fact review and has instituted procedures for ensuring that such omissions are not repeated in the future. In the case of the Transcontinental Gas Pipeline Company, the commenters alleged that three projects – the Northeast Supply Link, the Leidy Southeast Franklin Loop, and Diamond East – should be considered together. DRBC disagrees with this view. Whether the Diamond East project will actually be proposed and built is not yet known. The Commission reviewed and approved a docket for the Northeast Supply Link in 2013. The applicant subsequently applied for approval for the Leidy Line, and staff has prepared a separate docket for this project. In staff’s view, the two projects were not improperly defined for purposes of Section 3.8 of the Compact. That the applicant made two separate applications to DRBC rather than one did not result in either project escaping review under Section 3.8. Nor in staff’s view, are the results any less protective of the Basin’s water resources than if DRBC had reviewed them as a single project.

Another comment objected to the pipeline dockets on grounds that that the Commission failed to evaluate adverse impacts resulting from the permanent alteration of wetlands. The Commission’s rules relating to wetlands provide that DRBC will rely on reviews performed by federal and state agencies for projects involving the alteration of fewer than 25 acres of wetlands, except in instances where the state or federal agency’s final action may not adequately reflect the Commission’s policy regarding wetlands. For all three of the pipeline projects under consideration, staff reviewed the wetlands evaluations and approvals issued by state and federal agencies and found them to be consistent with Commission policy. Each of the dockets lists the wetlands-related permits issued by state and federal agencies, along with any mitigation measures that may have been required.

Another objection raised by a commenter on the three pipeline dockets is that the Commission failed to recognize in each instance that the project involved “a significant disturbance of ground cover affecting water resources”. Under the Commission’s *Rules of Practice and Procedure*, such a disturbance renders a natural gas transmission line project reviewable under section 3.8 of the Compact, notwithstanding that such projects as a class are otherwise expressly exempt from Commission review. Each of the three pipeline projects under consideration met at least one other threshold for the review under section 3.8 of the Compact, rendering unnecessary a determination as to whether the “significant disturbance of groundcover” threshold also was met. Mr. Muszynski noted that the staff relies for guidance in interpreting the “significant disturbance” threshold on a provision of the *Rules of Practice and Procedure* that requires DRBC to review projects resulting in “a change in land cover on major ground water infiltration areas when the amount of land that would be altered is [equal to or greater than] three square miles”. None of the three pipeline projects met this threshold.

Mr. Kovach explained that less substantive comments were also addressed in the comment and response document that in each instance becomes part of the Commission’s decision-making record. He recommended that the Commissioners approve the dockets for the three natural gas pipeline projects: (1) the Tennessee Gas Pipeline Company, LLC 300 Line (D-2013-021-1) (after-the-fact approval) (hearing item 31); (2) the Columbia Gas Transmission, LLC, Columbia Pipeline

Group, Line 1278 – Line K Replacement Project (D-2014-008-1) (after-the-fact approval) (item 40); and (3) the Transcontinental Gas Pipeline Company, LLC, Leidy Southeast Expansion Project – Franklin Loop (D-2014-022-1) (item 41).

Mr. Eaton requested a motion to approve the three projects as recommended by Mr. Kovach. Mr. Kennedy so moved, Lieutenant Colonel Bliss seconded his motion, and the motion to approve items 31, 40 and 41 was unanimously approved.

Mr. Kovach reiterated that with the exception of the dockets for the two projects that were to be presented by Mr. Muszynski, no substantive comments were received on any of the other *Category C* projects. Mr. Kovach recommended that the Commissioners approve hearing items 32, 33, 34, 35, 37 and 39.

Mr. Eaton requested a motion to approve the *Category C* dockets referenced as hearing items 32, 33, 34, 35, 37 and 39, as recommended by Mr. Kovach. Ms. Heffner so moved, Ms. Coats seconded her motion, and the dockets were unanimously approved.

Plumsted Township Municipal Authority (D-2015-002 CP-1) (hearing item 38). Mr. Muszynski said the Commission had received seven or eight written and oral comments on the Plumsted docket, most substantively from Bill Wolfe, Catherine Ross and Kelly Rypkema. One of the comments was a recommendation that DRBC postpone action on the docket, pending resolution of issues related to the NJPDES permit, which is still under review by NJDEP.

Another comment insisted that there were significant regulatory and scientific issues associated with this particular facility and, under the circumstances, inadequate time or opportunity for meaningful public input or DRBC staff review. Generally, applicants are advised that DRBC review will require approximately six to nine months. Mr. Muszynski said the Commission received the Plumsted application in January 2015 and staff's review of the project for compliance with DRBC requirements was completed within the projected timeframe. In addition, staff had had an opportunity to review the draft NJPDES permit and materials associated with this project. He noted that a separate public process was occurring for the NJPDES permit.

With respect to concerns relating to water quality in connection with the Plumsted docket, Mr. Muszynski noted that the Commission's regulatory requirements for toxics and metals apply in Water Quality Management Zones 2 through 6 of the main stem Delaware River and in the tidal portions of tributaries to these zones. The Plumsted project is not located in an area where these requirements apply; however, staff determined that the project is consistent with DRBC's interpretive guidelines for toxics applicable to this region. Nor is the facility located in the drainage area of the Commission's Special Protection Waters (SPW); so the SPW regulations likewise do not apply. Notably, with the exception of the limitations on TDS and pH, the effluent limits imposed by the NJPDES permit are more stringent than those required by DRBC. Staff has addressed this within the docket. In the case of TDS (the total dissolved solids requirement), the state used the Commission's basinwide requirements, and so the state's permit is consistent with Commission requirements. In staff's view, the comments and questions addressing the state's determinations relating to anti-degradation, ambient water quality and the calculations used to determine the NJPDES permit limits should properly be addressed by the state. NJDEP is in the process of responding to those comments.

One commenter objected to any Commission action before the state issued its final permit. In response, Mr. Muszynski explained that it is not unusual for DRBC to proceed ahead of the state, especially in light of the relative infrequency of Commission meetings (once each quarter) at which an action may be taken. Unless the state expressly requests that the DRBC delay issuance of its docket until after the state's process is complete, the Commission generally will proceed on its own timeline. Mr. Muszynski noted that upon receipt of an application, DRBC staff promptly initiates discussions with the appropriate state agency concerning the status of the state's review and the anticipated state requirements. In all instances, the more stringent of the state and Commission requirements are controlling. Within the Decision section of the Plumsted draft docket, condition 2.A. expressly provides that the project is also subject to all conditions, requirements and limitations imposed by the state – either through the NJPDES permit or the Treatment Works Approval.

A commenter also objected to action by the Commission ahead of the commenter's receipt of a response to comments raised with the U.S. EPA. Mr. Muszynski pointed out that the Commission's federal representative coordinates with federal agencies operating in the basin to ensure that their concerns, if any, are conveyed to the Commission staff. Staff received no comments on the Plumsted docket from the EPA. As the NJPDES program is the subject of a delegation agreement between the state and the EPA, the EPA may yet weigh in on the state's permit. Mr. Muszynski concluded that in staff's view, there would be no reason for the Commission to delay its approval of this project to await further input from the EPA.

Mr. Muszynski said that comments critical of the state's Clean Water Act antidegradation review involve state criteria that are outside the Commission's purview. Similarly, with respect to objections related to consistency with the Ocean County Water Quality Management Plan, he noted that this plan is part of an ongoing process through which the state will respond to public concerns. In response to comments alleging declining streamflow in the vicinity of the discharge, Mr. Muszynski responded that streamflow is an important factor in calculating effluent limitations in particular; however, such calculations must be performed in this instance by the state, not by DRBC.

A commenter noted that the facility is designed for approximately 600,000 gallons per day (gpd), while NJDEP's water allocations associated with inflows to the plant total only 275,000 gpd. The commenter questioned where the balance of the inflow would come from and whether and how DRBC would be involved in allocating the water. Mr. Muszynski explained that requests for new or increased allocations of fresh water, if they meet the Commission's review thresholds, require DRBC review under the Compact, DRBC rules and the Commission's administrative agreement with the NJDEP. The operative administrative agreement dates from 2009. He noted that due to the expense involved in constructing new facilities, it is customary to design treatment works and sewage pipelines to accommodate projected growth over a minimum of 10 years and in some cases 20 years. He added that the importation of water or wastewater from out-of-basin sources would require separate approval from the DRBC. In response to a comment concerning the evaluation of preferable and feasible alternatives, Mr. Muszynski noted that transferring the discharge out of the basin via a connection to the Ocean County Municipal Wastewater Treatment System had been considered, but that this approach would have entailed the construction of a lengthy pipeline. He explained that the Commission's policy preference is to keep basin waters within the basin whenever possible – ideally in the area in which the water is withdrawn and used.

One commenter asked how the Plumsted project could be the first project considered under the 2015 administrative agreement between NJDEP and DRBC implementing the One Permit Program, when the DRBC's rules providing for that program had not yet been finalized. Mr. Muszynski explained that references to the One Permit Program in the draft docket had been removed. He rejected as incorrect a comment to the effect that the 2015 administrative agreement had not been the subject of adequate public process, noting that the draft agreement had been published on the DRBC website before the March meeting; a hearing had been held on March 10 on the draft agreement and Resolution No. 2015-4 (directing staff to initiate rulemaking), and both had been adopted by the Commission on March 11. Accordingly, staff believes the public participation requirements were met. Until a rule is finalized, the 2015 administrative agreement will take full effect only as to the demonstration program.

Several comments were submitted concerning impacts of the Plumsted discharge on marshlands and water supply downstream. Mr. Muszynski said that the Plumsted facility is about 21 miles from the marshlands located at the confluence of the Crosswicks Creek and the Delaware River, an area of extremely high tidal fluctuations. He said that DRBC does not anticipate water quality or quantity problems in this area in connection with the facility, which will be subject to effluent limitations established by the state.

Addressing the Commissioners, Mr. Muszynski recommended that they approve the Plumsted Township project, Docket No. D-2005-002 CP-1 (hearing item 38).

Mr. Eaton requested a motion to approve the Plumsted Township Municipal Authority docket as recommended, Ms. Heffner so moved, Ms. Coats seconded her motion and the Plumsted project application – hearing item 38 – was unanimously approved.

PPL Utilities Corporation, D-2014-023-1 (hearing item 36). The Commission also received comments on hearing item 36, the docket for PPL Utilities' Northeast Pocono Reliability Project ("NEPOC"). Approximately 10 different entities submitted written comments on the project, relating to a variety of issues, including wetlands conversion, stormwater management, stream crossings, herbicide use, vegetation, stream corridor impacts, and Lehigh River water temperatures. Many of the comments were copies of comments previously submitted to PADEP in connection with the multiple permits required from that agency for the power line. Several of the comments are addressed in the Findings section of the docket.

One commenter requested that PPL Utilities be restricted to a 330 foot right-of-way in certain areas – in particular, within the Lackawaxen State Forest, which is included in the Commission's Comprehensive Plan. DRBC staff is of the view that in the absence of any express provisions in the Commission's Comprehensive Plan or DRBC rules or guidance documents relating to management of the Lackawaxen State Forest, the Commission's water-related concerns are adequately addressed by an agreement between the Commonwealth and PPL that establishes guidelines for right-of-way development to ensure compliance with the State Forest Program. The majority of the planned electric transmission line runs along existing forested roads. Fifty-two (52) acres of forest land in all are affected.

Several commenters were concerned about stormwater and erosion control in connection with NEPOC. Because the project is located within the drainage area of DRBC Special Protection

Waters, a non-point source pollution control plan (NPSPCP) is required. DRBC staff reviewed the plans that PPL submitted to the county and state in accordance with their respective requirements and found that those plans satisfy DRBC's NPSPCP requirement as well. DRBC relies on the states for most non-point source pollution control plans in SPW areas. In accordance with docket condition C.F.1., the applicant is required to submit its final plans to the Commission within 30 days after submitting them to the county and state agencies and after comments on the draft plans are addressed by those agencies.

With respect to wetlands, the Commission's regulations provide that for projects involving less than 25 acres of wetlands disturbance, the Commission will rely on state and Corps reviews. The NEPOC project will disturb approximately 77 acres of wetlands within the basin. Because the project consists of an aerial power line, however, the impacts consist primarily of tree removals or the conversion of forested wetlands to scrub and shrub wetlands – not the same level of disturbance as that associated with projects such as pipelines, which may involve substantial excavation and compaction. In particular, it is noted that the wetlands altered by the selected transmission line route are not contiguous, and in many instances involve between one and six acres. Permanent wetlands impacts will occur only in connection with the installation of the poles needed to support the transmission line, and these involve a combined total of less than one acre.

One commenter stated the NEPOC docket should recognize that the project involves “a significant disturbance of ground cover affecting water resources”. Under the Commission's *Rules of Practice and Procedure*, such a disturbance renders an electrical transmission line project reviewable under section 3.8 of the Compact, notwithstanding that such projects as a class are otherwise expressly exempt from Commission review. Notably, because the project met at least one other threshold for review under section 3.8, it was unnecessary for staff to determine whether the “significant disturbance of groundcover” threshold was also met. However, Mr. Muszynski noted that the staff relies for guidance in interpreting the “significant disturbance” threshold on a provision of the *Rules of Practice and Procedure* that requires DRBC review of projects resulting in “a change in land cover on major ground water infiltration areas when the amount of land that would be altered is [equal to or greater than] three square miles”. The NEPOC project falls short of this threshold, involving only approximately two square miles of land disturbance in the aggregate. Notably, PPL undertook an evaluation of alternative routes in order to minimize and balance impacts of the project on environmental resources.

The Commission does not generally impose conditions relating to herbicide usage; however, Mr. Muszynski noted that the docket on page 8 references the vegetation management plans adopted by PPL in compliance with federal and state requirements. In relevant part these plans limit the use of herbicides in areas draining to Pennsylvania-designated exceptional value (“EV”) streams and wetlands. Because EV stream designations are approved and the designated streams regulated by PADEP, the Commission will not directly address comments relating to these designations.

As to stream crossings, the docket incorporates the special permit required by the Commission's *Floodplain Regulations* for transmission lines within a floodway. The crossings in this case are aerial line crossings involving no permanent ground-level facilities within the floodway or the flood fringe. Any temporary disturbances within the floodway are addressed adequately, in the staff's view, by the provisions established in applicable state manuals. The docket contains a list of the state encroachment permits that remain under consideration for NEPOC.

With regard to water temperature, a report was appended to one set of comments that points to potential increases in water temperature in the Lehigh River near Stoddardsville, in part as a consequence of the loss of tree canopy. Mr. Muszynski responded that the issues involved are beyond the scope of the NEPOC review because canopy removal is just one factor that may affect water temperature.

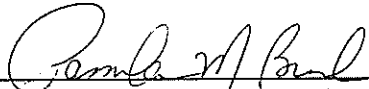
Mr. Muszynski noted that the docket requires DRBC to be notified promptly when construction begins and when it has been completed, and that PPL is also required to obtain and comply with all local, state and federal permits.

He recommended that the Commission proceed with consideration and approval of the docket, contrary to the request of some commenters.

Mr. Eaton requested a motion to approve the PPL Utilities Corporation docket, hearing item 36. Mr. Kennedy so moved. Ms. Heffner seconded his motion and requested a chance to comment. She thanked the staff, explaining that they had worked very hard after the close of the hearing the previous day to make certain the Commission could protect the basin's resources and also move projects forward. Mr. Eaton thanked the staff as well. The motion to approve the PPL Utilities Corporation docket application, D-2014-023-1, carried by unanimous vote.

Audio Recording. An audio recording of the public hearing held on June 9, 2015 and a transcript of portions of the hearing, prepared by a court reporter are on file with the Commission Secretary. A description of each of the approved dockets is provided as an Attachment to these Minutes.

Adjournment. Mr. Eaton adjourned the Commission's Business Meeting of June 10, 2015 at approximately 2:30 p.m.



Pamela M. Bush, J.D., M.R.P.
Commission Secretary and Assistant General Counsel

ATTACHMENT

DESCRIPTIONS OF PROJECTS APPROVED BY THE COMMISSION DURING THE BUSINESS MEETING OF JUNE 10, 2015

Background. Projects subject to Commission review in accordance with the Delaware River Basin Compact and Commission regulations must have the Commission's approval in the form of a docket, permit or resolution (collectively, "docket"). The Commission's project review process takes six to nine months to complete, and the public is informed of the status of project applications by a variety of means during that period. Each project for which an application is received is added to the "Project Review Status Report" maintained on the DRBC website. This report includes the applicant's name and project location, a description of the proposed project, the docket number assigned to the project, and the name of the staff member reviewing the project. A list of applications received also is compiled approximately five times a year and posted on the Commission's website as a "Notice of Applications Received" (NAR). An "Interested Parties List" (IPL) is created for each project under review. Anyone can have his or her name added to the IPL for a given project. All those listed on the IPL receive email notification of public notices for the project as they are posted on the Commission's website, including the notice advertising the public hearing. Members of the public seeking additional information about a project may contact the staff member reviewing the project or arrange by appointment to review the relevant Project Review file at any time that is mutually convenient for the staff and the party.

Approximately six weeks before the Commission's scheduled public hearing date, draft dockets are circulated to the Commission's members for review and comment by the appropriate state and federal agencies. Shortly thereafter, a public notice, including descriptions of the draft dockets, is filed with state and federal bulletins or registers. Ten or more business days prior to the hearing date, the hearing notice, along with draft dockets, is posted on the Commission's website. Written comment on hearing items is accepted through the close of the public hearing. At the Commissioners' regularly scheduled public meetings, the Commissioners may approve, disapprove or postpone consideration of any docket for which a hearing has been completed. Approved dockets are posted on the Commission's website as quickly as possible following the date on which the Commission acted. Delay of a few days may occur to complete clerical work, particularly in instances in which the Commissioners approve a docket with modifications.

Descriptions of the dockets follow. They are listed in three groups: *Category A*, consisting of docket renewals involving no substantive changes (items 1 through 23, with the exception of hearing item 19); *Category B*, consisting of renewals involving significant changes, such as an increase or decrease in an authorized withdrawal or discharge (items 24 through 30, with the exception of hearing item 29); and *Category C*, consisting of projects not previously reviewed by the Commission (items 31 through 39). With the exception of items 40 and 41, which were subjects of a public hearing on March 10, 2015, all of the projects approved by the Commission on June 10, 2015 were subjects of a duly noticed public hearing on June 9, 2015.

A. *Renewals with No Substantive Changes (hearing items 1 through 18, and 20 through 23).*

1. Village of Liberty, D-1965-039 CP-3. An application to renew the approval of the applicant's existing 2 million gallons per day (mgd) wastewater treatment plant (WWTP) and its discharge. Treated effluent will continue to be discharged to an unnamed tributary (UNT) of the East Branch Mongaup River, above Swinging Bridge Reservoir, at River Mile 261.1 - 23.56 - 8.12 - 0.86 (Delaware River - Mongaup River - East Branch Mongaup River - UNT) via Outfall No. 001, within the drainage area of the section of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in the Village of Liberty, Sullivan County, New York.
2. Freeland Borough Municipal Authority, D-1965-052 CP-4. An application to renew the approval of the existing 1.2 mgd Freeland Borough WWTP and its discharge. The WWTP will continue to discharge to Pond Creek, a tributary of Sandy Run, which is a tributary of the Lehigh River, at River Mile 183.7 - 67.3 - 2.0 - 8.5 (Delaware River - Lehigh River - Sandy Run - Pond Creek) and is located within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Freeland Borough, Luzerne County, Pennsylvania.
3. Village of Monticello, D-1981-038 CP-3. An application to renew the approval of the applicant's existing 3.1 mgd WWTP and its discharge, as well as modifications proposed to the WWTP. Treated effluent will continue to be discharged to Tannery Brook at River Mile 253.64 - 27.3 - 1.91 - 3.24 - 1.54 (Delaware River - Neversink River - Sheldrake Stream - Kiamesha Creek - Tannery Brook) via Outfall No. 001, within the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters, in the Village of Monticello, Sullivan County, New York.
4. Hatfield Township Municipal Authority, D-1985-036 CP-3. An application to renew the approval of the applicant's existing 8.37 mgd WWTP and its discharge. The applicant has also requested approval to re-rate the WWTP to 10.68 mgd with no proposed construction in order to stay in compliance with PADEP's hydraulic overloading condition. Treated effluent will continue to be discharged to West Branch Neshaminy Creek at River Mile 115.63 - 40.01 - 4.0 (Delaware River - Neshaminy Creek - West Branch Neshaminy Creek) via Outfall No. 001, in Hatfield Township, Montgomery County, Pennsylvania.
5. Dublin Borough, D-1986-070 CP-2. An application to renew the approval of the applicant's existing 1.2 mgd WWTP and its discharge. The DRBC and PADEP have based effluent limitations on an effluent discharge flow of 0.5 mgd. Treated effluent will continue to be discharged to Deep Run Creek at River Mile 157.0 - 6.2 - 5.4 (Delaware River - Tohickon Creek - Deep Run Creek) via Outfall No. 001, within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Bedminster Township, Bucks County, Pennsylvania.

6. Pennsylvania American Water Company, D-1987-031 CP-4. An application to renew the approval of an existing groundwater withdrawal (GWD) of up to 14.73 million gallons per month (mgm) from existing Wells Nos. 2, 3, 4 and 5 completed in the Towamensing Member of the Catskill Formation. The requested allocation is not an increase from the previous allocation. The project wells are located in the Hornbecks Creek Watershed in Delaware Township, Pike County, Pennsylvania within the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters.
7. Northampton Borough, D-1987-046 CP-2. An application to renew the approval of the existing 1.5 mgd Northampton Borough WWTP and its discharge. The WWTP will continue to discharge to Hokendauqua Creek, which is a tributary of the Lehigh River, at River Mile 183.7 - 22.1 - 0.3 (Delaware River - Lehigh River - Hokendauqua Creek) within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Northampton Borough, Northampton County, Pennsylvania.
8. Roamingwood Sewer and Water Association, D-1988-014-2. An application to renew the approval of the existing 1.755 mgd Roamingwood WWTP and its discharge. The WWTP will continue to discharge treated effluent to Ariel Creek, which is a tributary of Wallenpaupack Creek upstream of Lake Wallenpaupack, which is a tributary of the Lackawaxen River, at River Mile 277.7 - 15.8 - 14.2 - 3.5 (Delaware River - Lackawaxen River - Wallenpaupack Creek - Ariel Creek) and is located within the drainage area of the section of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in Salem Township, Wayne County, Pennsylvania.
9. Manwalamink Sewer Company, D-1988-034-2. An application to renew the approval of the existing 0.7 mgd Manwalamink WWTP and its discharge. The WWTP will continue to discharge to Brodhead Creek at River Mile 213.0 - 0.6 (Delaware River - Brodhead Creek), within the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters, in Smithfield Township, Monroe County, Pennsylvania.
10. Spring Township, D-1988-077 CP-3. An application to renew the approval of the existing 2.28 mgd Spring Township WWTP and its discharge and to temporarily approve a total dissolved solids (TDS) variance and effluent limit of 1,500 milligrams per liter (mg/l) for the WWTP. No modifications to the WWTP are proposed. The WWTP will continue to discharge treated effluent to Cacoosing Creek, a tributary of Tulpehocken Creek, which is a tributary of the Schuylkill River, at River Mile 92.47 - 76.8 - 4.0 - 2.0 (Delaware River - Schuylkill River - Tulpehocken Creek - Cacoosing Creek), in the Township of Spring, Berks County, Pennsylvania.
11. Wyomissing Valley Joint Municipal Authority, D-1991-009 CP-5. An application to renew the approval of the existing 4.0 mgd JMAWW WWTP and its discharge. The WWTP will continue to discharge to Wyomissing Creek, a tributary of the Schuylkill

River, at River Mile 92.47 - 75.3 - 0.2 (Delaware River - Schuylkill River - Wyomissing Creek) in the City of Reading, Berks County, Pennsylvania.

12. Longwood Gardens, D-1992-052-3. An application to renew the approval of an existing GWD of up to 8.68 mgm to supply the applicant's public water supply system and irrigation for ornamental horticultural display gardens from existing Wells Nos. B170, B172, B94, B31, B169A, B169B, B161WG, B65, B46, T48, T49A T49B and B106 completed in Granitic Gneiss. The requested allocation is not an increase from the previous allocation. The wells are located in the West Branch Red Clay Creek Watershed, in East Marlborough Township, Chester County, Pennsylvania.
13. Hamburg Municipal Authority, D-1992-073 CP-4. An application to renew the approval of the existing 1.5 mgd Hamburg WWTP and its discharge. The WWTP will continue to discharge to the Schuylkill River, at River Mile 92.47 - 98.7 (Delaware River - Schuylkill River) in the Borough of Hamburg, Berks County, Pennsylvania.
14. Blue Mountain Water Cooperative, D-1993-027-3. An application to renew the approval of a GWD project to continue to supply up to 5.17 mgm of groundwater to the docket holder's non-transient, non-community public water system from existing Wells Nos. 1, 2 and 5 with no increase in allocation. The docket also approves a previous expansion of the docket holder's service area to an additional commercial development located adjacent to the previously approved Tilden Industrial Park service area. The wells are completed in the Hamburg Sequence in the Pigeon Creek-Schuylkill River Watershed in Tilden Township, Berks County, Pennsylvania.
15. Filomina, Inc., D-1993-047-3. An application to renew the approval of a GWD of up to 9.4 mgm to irrigate the applicant's Hideaway Hills Golf Course from existing Wells Nos. 1, 6 and 8. Wells Nos. 6 and 8 are completed in the Catskills Formation and Well No. 1 is completed in the Trimmers Rock Formation. The requested allocation is not an increase from the previous allocation. The project wells are located in the Pohopoco Creek Watershed in Polk Township, Monroe County, Pennsylvania within the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters.
16. Shoemakersville Municipal Authority, D-1993-074 CP-4. An application to renew the approval of the applicant's existing 0.75 mgd WWTP and its discharge. Treated effluent will continue to be discharged to the Schuylkill River at River Mile 92.47 – 92.3 (Delaware River – Schuylkill River) via Outfall No. 001, in the Borough of Shoemakersville, Berks County, Pennsylvania.
17. Jericho National Golf Club, Inc., D-1995-002-3. An application to renew the approval of an existing GWD of up to 9.3 mgm to irrigate the applicant's golf course from existing Wells Nos. B-100, B-C. Wells Nos. B-100 and B-C are completed in the Brunswick Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Jericho Creek Watershed in Upper Makefield Township, Bucks County, Pennsylvania within the drainage area of the section of the main stem Delaware

River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.

18. Allied Utility Services, Inc., D-1996-025 CP-2. An application to renew the approval of the applicant's existing 0.075 mgd Schnecksville North WWTP and its discharge. Treated effluent will continue to be discharged to an UNT of Coplay Creek at River Mile 183.66 - 21.05 - 10.6 - 0.7 (Delaware River - Lehigh River - Coplay Creek - UNT) via Outfall No. 001, within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in North Whitehall Township, Lehigh County, Pennsylvania.
19. *Postponed to allow additional time for review.*
20. Greater Pottsville Area Sewer Authority, D-2002-041 CP-2. An application to renew the approval of the existing 8.2 mgd Greater Pottsville Area Sewer Authority WWTP and its discharge. The WWTP will continue to discharge to the Schuylkill River, at River Mile 92.47 - 119.0 (Delaware River - Schuylkill River) on the border of Pottsville City, North Manheim Township, and Palo Alto Borough, in Schuylkill County, Pennsylvania.
21. East Vincent Township, D-2005-007 CP-2. An application to renew the approval of the applicant's existing 0.053 mgd Bartons Meadows WWTP and its discharge. Treated effluent will continue to be discharged to subsurface seepage beds in the drainage area of French Creek near River Mile 92.47 - 35.65 - 9.56 - 0.78 (Delaware River - Schuylkill River - French Creek - UNT) in East Vincent Township, Chester County, Pennsylvania.
22. Town of Kortright, Hamlet of Bloomville, D-2007-011 CP-2. An application to renew the approval of the existing 0.03 mgd Bloomville WWTP and its discharge to groundwater. The WWTP will continue to discharge to leach beds adjacent to Wright Brook, upstream of Cannonsville Reservoir in the West Branch Delaware River Watershed. The WWTP and leach fields are located within the drainage area of the section of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in the Town of Kortright, Delaware County, New York.
23. PSC Environmental Services, LLC, D-2011-009-2. An application to renew the approval of the applicant's 0.1 mgd industrial wastewater treatment plant (IWTP) that receives non-hazardous and hazardous wastes from off-site generators within the continental United States, primarily from Pennsylvania, New York, and New Jersey (both within and outside the basin) at their facility located in Hatfield Township, Montgomery County, Pennsylvania. Approximately 20% of the industrial wastewater collected at the facility is pre-treated and conveyed to the Hatfield Township Municipal Authority WWTP for ultimate discharge to the West Branch Neshaminy Creek. The remainder is trucked to other centralized waste treatment facilities, landfills, or cement kilns throughout the United States (most of which is sent to Du Pont Chambers Works, GROWS Landfill, or Keystone Cement; all of which are located within the basin).

B. Renewals with Substantive Changes (items 24 through 18 and 30).

24. The Chemours Company, FC, LLC, D-1969-059-2. An application to renew the approval to continue to withdraw up to 1,314 mgm of surface water from an existing intake on the Delaware River for non-contact cooling and industrial processes at the Chambers Works chemical manufacturing facility. The docket also approves a transfer of ownership from DuPont to Chemours, which will become an independent company on or about July 1, 2015. DuPont operated its withdrawals under DRBC Docket No. D-69-59 and DRBC Certificate of Entitlement No. 177. The Certificate of Entitlement will terminate upon the anticipated transfer of ownership. The docket holder's groundwater and surface water withdrawals from the Salem Canal were previously approved by DRBC Docket No. D-93-19-2. The Delaware River intake is located in Water Quality Zone 5 in Pennsville Township, Salem County, New Jersey.
25. New Castle County Department of Special Services, D-1972-210 CP-2. An application to renew the approval of and to approve an upgrade to the existing 0.57 mgd Delaware City WWTP (also referred to as the Governor Bacon Health Center WWTP). The upgrade consists of replacing existing sand filters with cloth media filters and replacing the existing chlorine contact disinfection system with UV disinfection. The WWTP will remain at 0.57 mgd and continue to discharge to the Delaware River Water Quality Zone 5 at River Mile 60.6, in Delaware City, New Castle County, Delaware.
26. Occidental Chemical Corporation, D-1983-009-3. An application to renew the approval of and to approve a modification to the existing 0.3 mgd Occidental Chemical Corporation Delaware City IWTP. The modification consists of replacing the existing outfall for the IWTP with a new outfall. The IWTP treatment facilities will not be modified, and will continue to treat contaminated stormwater and groundwater from the applicant's former chemical manufacturing plant site. The IWTP will continue to discharge to Delaware River Water Quality Zone 5 at River Mile 62.7, in Delaware City, New Castle County, Delaware.
27. Town of Rockland, D-1985-028 CP-3. An application to renew the approval of the applicant's existing 0.8 mgd Livingston Manor WWTP and its discharge, as well as to approve phased modifications to the WWTP that meet the Commission's definition of substantial alterations or additions. Treated effluent will continue to be discharged to Willowemoc Creek at River Mile 330.7 - 15.5 - 15.5 - 6.94 (Delaware River - East Branch Delaware River - Beaver Kill - Willowemoc Creek) via Outfall No. 001, within the drainage area of the section of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in the Town of Rockland, Sullivan County, New York.
28. Delaware Valley College, D-1994-050 CP-3. An application to renew the approval of an existing GWD and to increase the allocation from 6.34 mgm to 7.192 mgm to supply potable water to the Delaware Valley University campus and to irrigate the docket holder's athletic fields. Existing Wells Nos. 1, 3, 4, 5, 6 and 7 are completed in the Stockton Formation. The wells are located in the Commission's designated GWPA in the Neshaminy Creek Watershed in Doylestown Township, Bucks County, Pennsylvania.

29. *Postponed to allow additional time for review.*

30. East Penn Manufacturing Company, D-2003-023-3. An application to approve new Well No. 11 for inclusion in the applicant's manufacturing water supply system and to approve an increase in the total system GWD allocation from 20.67 mgm to 31 mgm. Wells Nos. 2, 4, 5, 6, 7, 9, 10 and 11 are completed in the Leithsville Formation and Well No. 8 is completed in Granitic Gneiss. The wells are located in the Moselem Creek Watershed in Richmond Township, Berks County, Pennsylvania.

C. *New Projects (items 31 through 39; additionally 40 and 41).*

31. Tennessee Gas Pipeline Company, LLC, D-2013-021-1. An application to approve an existing natural gas pipeline project referred to as the Tennessee 300 Line Project, which involved the installation of two separate loops (Loops 321 and 323) and modifications to Compressor Station 323. Loop 321 is located in Mount Pleasant, Clinton, Dyberry, Berlin townships and Bethany and Honesdale boroughs, Wayne County, Pennsylvania. Loop 323 is located in Lackawaxen, Shohola and Milford townships, Pike County, Pennsylvania. Compressor Station No. 323 is located in Lackawaxen Township, Pike County, Pennsylvania. Approximately 1.5 miles of the eastern-most portion of Loop 323, located in Milford Township, Pike County, Pennsylvania traverses the Delaware State Forest, a recreation area that is incorporated into the Commission's Comprehensive Plan. Both pipeline loops cross numerous waterbodies in the basin and are subject to review under the Commission's Floodplain Regulations. Additionally, the project involves surface water withdrawals from Dyberry Creek and Shohola Creek for the purpose of hydrostatic testing of the pipeline loops. After testing was completed, the hydrostatic test water was discharged at five upland locations along the pipeline route. The project is located within the drainage area of the sections of the main stem Delaware River known as the Middle and Upper Delaware, which the Commission has classified as Special Protection Waters.

32. Tinicum Township, D-2014-014 CP-1. An application to approve the applicant's existing 2.8 mgd WWTP and its discharge. The PADEP and DRBC have based effluent limits at Outfall No. 001 on an average annual discharge flow of 1.4 mgd. Treated effluent will continue to be discharged to the tidal portion of Darby Creek at River Mile 85.28 - 1.0 (Delaware River - Darby Creek) via Outfall No. 001, within Water Quality Zone 4, in Tinicum Township, Delaware County, Pennsylvania.

33. Girl Scouts of Freedom Valley, D-2014-018 CP-1. An application to approve the applicant's existing 0.045 mgd Camp Tohikanee WWTP and its discharge. The DRBC and PADEP have based effluent limitations upon an effluent discharge flow of 0.015 mgd. Treated effluent will continue to be discharged to a 0.2 mile long drainage swale of Tohickon Creek, above Lake Nockamixon, at River Mile 157.0 - 20.23 (Delaware River - Tohickon Creek) via Outfall No. 001, within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Haycock and East Rockhill townships, Bucks County, Pennsylvania.

34. Villa Roma Country Club, D-2014-020-1. An application to approve the applicant's existing GWD and surface water withdrawal (SWWD) of up to 12.276 mgm to supply domestic, irrigation, and/or snow-making water from Wells Nos. 2, 4, 6, 7, 8, 9, 10, and 12 and Pond Intakes Nos. 11 and 15. The eight wells are completed in the Honesdale Formation. The two pond intakes are located in the Jones Brook Watershed. All ten withdrawal sources are located within the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters, in the Town of Delaware, Sullivan County, New York.
35. Richard C. Becker, Walnutport Mobile Home Park, D-2014-021 CP-1. An application to approve the applicant's existing 0.05 mgd Walnutport Mobile Home Park WWTP and its discharge. Treated effluent will continue to be discharged to Bertsch Creek at River Mile 183.66 - 30.68 - 0.16 (Delaware River - Lehigh River - Bertsch Creek) via Outfall No. 001, within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, in Lehigh Township, Northampton County, Pennsylvania.
36. PPL Utilities Corporation, D-2014-023-1. An application to approve a new electric transmission line project referred to as the Northeast Pocono Reliability Project (NEPOC Project). The project alters greater than 25 acres of wetlands and portions of the project pass through the Lackawanna State Forest (LSF), which is designated in the DRBC's Comprehensive Plan as a recreation project area. In the DRB, the project consists of the construction of approximately 44.5 miles of 230 kV transmission line, including a portion of the line (2.9 miles) that passes through the LSF and approximately 10 miles of 138/69 kV transmission circuit connector line, including a portion of this line (0.1 miles) that passes through the LSF, and one new electric substation. The transmission line project requires the clearing of a new right-of-way along the transmission and conductor line corridors, construction of access roads and temporary work pads for monopole construction and conductor pulling equipment, installation of monopoles and stringing and tensioning conductor. The project is located in the Lehigh River and Lackawaxen River watersheds in Bear Creek and Buck townships in Luzerne County, Tobyhanna Township in Monroe County, Thornhurst, Clifton and Covington townships in Lackawanna County, and Lehigh, Sterling, Dreher, Salem and Paupack townships in Wayne County, all in Pennsylvania, within the drainage area of the section of the main stem Delaware River known as the Lower and Upper Delaware, which the Commission has classified as Special Protection Waters.
37. Aqua America, Inc., D-2015-001 CP-1. An application to approve an existing SWWD and to approve an allocation of up to 16.5 mgd (511.5 mgm) to supply the applicant's public water supply from an existing surface water intake on the Perkiomen Creek at Wetherill Dam. This surface water intake is part of Aqua Pennsylvania's Main Division public water supply system. The project intake is located in the Perkiomen Creek Watershed in Lower Providence Township, Montgomery County, Pennsylvania.
38. Plumsted Township Municipal Authority, D-2015-002 CP-1. An application to approve the new 0.6 mgd New Egypt WWTP and its discharge and to incorporate the WWTP and its discharge into the Comprehensive Plan. The WWTP will consist of an MBR treatment system with equalization, screening, UV light disinfection, and reaeration. The WWTP

will discharge to the non-tidal portion of Crosswicks Creek at River Mile 128.5 - 21.3 (Delaware River - Crosswicks Creek) in New Egypt Township, Ocean County, New Jersey.

39. The Chemours Company, FC, LLC, D-2015-003-1. An application to approve a withdrawal up to 345 mgm of surface water from existing Intake No. 89-0019 for industrial processes and cooling purposes at the existing Edge Moor facility. The docket also approves a transfer of ownership from DuPont to Chemours, which will become an independent company on or about July 1, 2015. The docket holder operates its surface water withdrawal under DRBC Certificate of Entitlement No. 179. The Certificate of Entitlement will be terminated upon the anticipated change in ownership. The project intake is located in Water Quality Zone 5 of the Delaware River in New Castle County, Delaware.

The public hearing on the following two projects took place on March 10, 2015:

40. Columbia Gas Transmission Corporation, D-2014-008-1. An application to approve an existing natural gas pipeline project referred to as the Columbia Line 1278 - Line K Replacement Project, which involved the installation of 16 miles of new pipeline, modifications and abandonment of existing above-ground facilities and the construction of new above-ground facilities. Line 1278 is located in Dingman, Milford and Westfall townships, Pike County, Pennsylvania. Line K is located in the Town of Deer Park, Orange County, New York. Approximately 1.45 miles of Line 1278 in Westfall Township, Pike County, Pennsylvania traverses the Delaware State Forest, a recreation area that is incorporated into the Commission's Comprehensive Plan. Approximately 0.03 miles and 0.09 miles of Line 1278 and Line K, respectively, crosses private land within the designated corridor of the Upper Delaware Scenic and Recreational River. The pipelines cross numerous waterbodies in the basin, and are subject to review under the Commission's Floodplain Regulations. Additionally, the project involved the discharge of hydrostatic test water at several upland areas along the pipeline right-of-way. The project is located within the drainage area of the sections of the main stem Delaware River known as the Middle and Upper Delaware, which the Commission has classified as Special Protection Waters.
41. Transcontinental Pipeline Company, LLC, D-2014-022-1. An application to approve the construction of an 11.45 mile natural gas pipeline and appurtenances; the withdrawal of up to 1.7 mg of surface water from the Lehigh River and up to 0.415 mg from Tobyhanna Creek (combined total withdrawal of 1.7 mg) for hydrostatic testing and cleaning of the pipeline and dust control purposes; the temporary discharge of up to 1.7 mg of pipe cleaning water and hydrostatic testing water to the land surface at one location after completion of cleaning and testing of the pipeline; and a special permit for pipeline construction in accordance with the Commission's Floodplain Regulations. The Lehigh River withdrawal is located on the border of Tobyhanna Township, Monroe County and Buck Township, Luzerne County, Pennsylvania. The Tobyhanna Creek withdrawal is located in Tobyhanna Township, Monroe County, Pennsylvania. The discharge will be to a dewatering structure located in an upland area in Tunkhannock Township, Monroe County, Pennsylvania. The pipeline loop itself is located in Tunkhannock and Tobyhanna

townships, Monroe County, Pennsylvania and Buck Township, Luzerne County, Pennsylvania within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.
