

DELAWARE RIVER BASIN COMMISSION

MEETING OF JULY 10, 2013

Minutes

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

DRBC Staff Participants: Carol R. Collier, Executive Director and Hearing Officer
Robert Tudor, Deputy Executive Director
Kenneth J. Warren, Warren Glass LLP
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 Section
William J. Muszynski, Branch Manager, Water Resources Management
Kenneth F. Najjar, Branch Manager, Planning and Information Technology
Amy Shallcross, Supervisor, Operations Section

The Commission met at the Carvel State Building in Wilmington, Delaware for its Business Meeting on July 10, 2013.

Following introductions by the Commissioners and key staff, Chairwoman Michele N. Siekerka welcomed attendees.

Minutes. The Minutes for the Commission Meeting of May 8, 2013 were approved unanimously on a motion by Ms. Heffner, seconded by Mr. Eaton.

Announcements. Ms. Bush announced the following:

- *Mid-Atlantic Conference of the American Water Resources Association (AWRA).* The AWRA will hold a conference on September 26-27, 2013 themed “*Water Resources: Adaptation and Advancement.*” The conference will take place at the Mercer County Conference Center in West Windsor, New Jersey. It is presented by the New Jersey Section of the AWRA in conjunction with the Delaware State Section, National Capital Region Section, Pennsylvania State Section and Philadelphia Metropolitan Area Section. For full details, please visit the conference web site.

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 July 8, 2013 was 23.80 inches or 1.80 inches above normal. The observed precipitation for the Basin above Trenton for the same period was 23.00 inches or 0.33 inches above normal and for the Basin above Wilmington, Delaware for this period, 27.30 inches or 5.22 inches above normal.

The average observed streamflow of the Delaware River at Montague in June 2013 was 11,166 cubic feet per second (cfs) or 353 percent of the long-term average for the month. For the same period, the average observed streamflow at Trenton was 20,811 cfs, or 290 percent of the long-term average for the month.

For the period of July 1 through July 8, the average observed streamflow at Montague was 12,483 cfs, or 511 percent of the long-term average for the month. The average streamflow at Trenton during the same period was 25,850 cfs, or 474 percent of the long-term average for the month.

In the Lower Basin, as of July 9, 2013, Beltzville Reservoir contained 13.99 billion gallons (bg) usable, or 100.8 percent of usable storage, and Blue Marsh contained 5.78 bg usable, or 100.4 percent of summer pool usable storage. As of July 8, Merrill Creek contained 14.98 bg usable, or 95.5 percent of usable storage.

In the Upper Basin, as of July 9, 2013, Pepacton Reservoir contained 138.1 bg usable or 98.6 percent of usable storage. Cannonsville contained 94.1 bg usable, or 98.3 percent of usable storage. Neversink contained 34.6 bg usable or 99.0 percent of usable storage. The total New York City Delaware Basin reservoir storage was 266.7 bg usable or 98.5 percent of usable storage.

During the month of April 2013, 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) 65 to RM 71. The normal location of the salt front during June is RM 69, which is nine miles downstream of the Delaware-Pennsylvania state line. As of July 2, the salt front was located at RM 66, which is four miles downstream of the normal location of the salt front during July.

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

- *Pennsylvania's Regional Stormwater Authorities.* Governor Corbett of Pennsylvania has signed a bill authorizing the creation of regional stormwater authorities. This is to allow local governments to create authorities to coordinate planning and implementation of stormwater management programs on a regional watershed basis. Members of the water management community support this new authority for inter-municipal cooperation.
- *Summary of the 2013 Delaware River Sojourn.* The annual Delaware River Sojourn ran from June 22 to June 29 this year and was very successful. There was no rain while folks were on the river. We had a record number of 111 paddlers on Sunday and we actually

had a mother and son from New Mexico join in. If you think this is really hard duty to go out there on the water, the Sojourn had its own caterer this year that accompanied the flotilla. On Sunday, October 13, the day before Columbus Day, the Sojourn is holding its first fundraiser, which will take place at the Shawnee Inn.

- *DRBC Staff News Articles.* DRBC staffers Dr. Tom Fikslin and David Sayers have written articles that will appear in the upcoming *Partnership for the Delaware Estuary Summer Newsletter*. Keep an eye out for that issue!
- *Urban Waters Federal Partnership.* Bob Tudor and Kate Schmidt attended listening sessions for the *Urban Waters Federal Partnership* last month. This partnership has added the Delaware River to the federal system and will consider how best to coordinate in the Philadelphia-Camden-Wilmington area.
- *William Penn Foundation Grant.* DRBC has received a grant to perform radio-chemistry monitoring and I want to give the Commissioners and public an idea what exactly that is. The oil and gas industries and the regulatory agencies that oversee them have recognized that technology-enhanced, naturally-occurring radioactive materials (TENORMs) can be released from geologic formations through gas extraction processes. DRBC staff been reviewing many documents addressing norms and TENORMs in connection with hydraulic fracturing. We looked at radio isotope concentrations measured in wells, rivers, and hydraulic fracturing aqueous waste as published in *The New York Times* and compared these data to our existing surface water quality standards. We looked at the data for gross alpha and found that all but one of the measurements was above DRBC's standards, with the highest level in the data set over 13,000 times the DRBC criterion. The grant funds will allow DRBC to perform one year of quarterly monitoring for radio-chemistry, alpha and beta emitters, radium-226 and radium-228 at water quality control points in the Upper and Middle Delaware River. DRBC's baseline monitoring of existing water quality will ensure we have a good database of existing surface water conditions before natural gas development begins in the basin.
- *Dr. Ruth Patrick River Garden in the DRBC Courtyard.* The Ruth Patrick River Garden is about 95 percent complete. Please come and visit! Hopefully, our next Commission meeting will be in the West Trenton area so that visitors will have an opportunity to walk through. If you would like your name to be displayed on a contributor plaque and you are not a regulated entity, there is still time to make a donation.

General Counsel's Report. Mr. Warren reported on the following items.

A hearing request was filed in connection with Docket No. D-2007-043 CP-2 issued to the East Brandywine Township Municipal Authority. The Authority is contesting a provision of its docket that requires it to pay project review fees. There is an exemption in DRBC's rules for state agencies – not for municipalities – and it is the position of East Brandywine that the municipal authority is treated under Pennsylvania law as a state entity and not a municipal entity and that it therefore should not have to pay any fees. Ms. Bush and I have expressed a contrary

view, citing some cases, and the dialogue is ongoing. We do not ask for any action today with respect to this appeal but are advising the Commissioners that it is outstanding.

The single piece of litigation that is outstanding – an appeal of the Stone Energy water withdrawal docket – remains in the same posture as at the time of the Commission’s May meeting. Discussions are ongoing with respect to documents that the Commission has asserted are privileged. Whether this matter will go back to the court for disposition or not remains to be seen.

A request is also pending for an administrative hearing by the Delaware Riverkeeper Network (DRN) on the docket issued for the Susquehanna-Roseland power line project on December 5, 2012. Action on this matter was deferred at the Commission’s last session. In light of the nature of that project and requirements of the docket, in my view the appeal notice has not shown that an administrative hearing is required, necessary, or desirable and so it is my recommendation to the Commissioners that you deny the request for an administrative hearing.

Ms. Siekerka asked for a motion to deny the Delaware Riverkeeper’s request for an administrative hearing on the Commission’s action of December 5, 2012 approving Docket No. D-2010-018 CP-1 for the Susquehanna to Roseland 500kV Transmission Line. Ms. Heffner so moved and Colonel Becking seconded her motion. The measure passed by a vote of 4 in favor and 0 opposed, with one (New Jersey) abstaining.

Mr. Warren deferred to Ms. Bush to report on settlement agreements and some letters the Commissioners had received.

Settlement Agreement. Ms. Bush explained that Section 2.7.8 of the Rules of Practice and Procedure provides for settlement in lieu of a penalty wherever settlement is in the interest of the Commission and the regulated party. She asked the Commissioners to ratify a settlement agreement reached between the Executive Director and the Borough of Palmerton in connection with alleged violations by the Borough of monitoring requirements for TDS, ammonia nitrate, nitrogen and total phosphorous between September 2010 and December 2011. The alleged violations are classified as minor on the civil penalty matrix that the Commission adopted in 2009, and the settlement amount is the lowest authorized where the docket holder has no record of past violations, 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 limited or no adverse effects on water resources have occurred as a result of the violations.

Ms. Siekerka requested a motion to ratify the settlement agreement. Mr. Eaton so moved, Ms. Stiller seconded his motion and the Settlement Agreement between DRBC and the Borough of Palmerton was approved by unanimous vote.

Ms. Bush also reported that the Commission had received several letters concerning natural gas development in the basin from various residents and one member of the Commission. These included letters from: from the Commissioners of Wayne County, Pennsylvania, dated June 13; Governor Tom Corbett, dated June 27; Northern Wayne Property Owners Alliance (NWPOA),

dated June 27; former Pennsylvania Department of Environmental Protection Secretary John Hanger, dated July 2; Senator Pat Toomey, dated July 3; and Delaware Riverkeeper Network (DRN), dated July 8. Four of the letters – those from the Wayne County Commissioners, Governor Tom Corbett, NWPOA and Senator Toomey – urged the Commission to take actions necessary to allow natural gas drilling to proceed in the Delaware Basin. Former Secretary John Hanger encouraged the Commission to take its time, and DRN furnished a legal brief countering the assertion by some letter-writers that further delay by DRBC could constitute a regulatory taking. Ms. Bush reported that DRBC's Executive Director Carol Collier had responded to the Wayne County Commissioners by letter dated June 28. Since then, Ms. Collier also has responded to Governor Corbett. The letters are available from DRBC's Communications Manager.

Chairwoman Siekerka spoke to how the Commission has been moving the natural gas process forward, explaining that since November of 2011 DRBC staff and the collective staff of all of the signatory parties have spent thousands of hours:

- 1) reviewing new scientific studies released on the water resource impacts of natural gas drilling;
- 2) benchmarking new regulations, best management practices and performance standards adopted by states, federal agencies and organizations such as the Center for Sustainable Shale Development, a collaborative group that has brought environmental and energy interests together;
- 3) using these models to set a level of minimum standards – a regulatory floor – for natural gas development in the Delaware Basin that will protect the shared water resources on which all the basin states depend;
- 4) performing water quality and quantity monitoring to establish baseline conditions prior to the onset of natural gas development in the basin; and
- 5) with the help of a grant from the William Penn Foundation, developing a tool for evaluating the impacts of land-based development on water resources, to facilitate informed planning and assess effects.

I and my colleagues are continuing to confer in good faith and with forward momentum within and outside of our regularly scheduled business meetings to reach consensus on a path forward that provides for the development of a potentially valuable energy source while protecting the vital water resources within the Basin.

Resolutions Subject to Public Hearing. A duly noticed public hearing on the proposed resolutions was conducted the previous day on July 9, 2013.

Resolution Authorizing the Executive Director to Enter into a Contract for Water Quality Sampling and Analysis to Characterize the Nature and Extent of Chronic Toxicity in the Delaware River. Dr. Fikslin explained that in January 2000 the Commission determined that allocations of the waste assimilative capacity of the Delaware Estuary for chronic toxicity were necessary for certain individual discharges in order for the stream quality objectives (also known as “water quality criteria”) to be maintained in Water Quality Zones 2, 3, 4 and 5. With that

action, which was similar to the establishment of a TMDL under the Clean Water Act, the Commission also directed DRBC staff to work with the Commission's Toxics Advisory Committee (TAC) to study and characterize chronic toxicity, and particularly, to develop recommendations for any further controls that might be warranted to address the cumulative effect of discharges on chronic toxicity in the Estuary. The TAC thereupon formed a Chronic Toxicity Working Group to provide information and advice to the staff on testing protocols as sampling and analysis for chronic toxicity continued. To follow up on screening level tests conducted in the summer of 2012 that showed chronic toxicity to the mysid *Mysidopsis bahia* in samples from four locations in Zone 5, as well as earlier tests that showed toxicity in Red Lion Creek, and in conjunction with a Delaware DNREC investigation of the Metachem Superfund site, tests are planned during the summer of 2013 for Zone 5 and Red Lion Creek. In response to an RFPQ for the testing, staff received only one proposal – from American Aquatic Testing, Inc. of Allentown, PA. This company has performed chronic toxicity testing for the Commission over the course of several years under a purchase order issued in 2008, which expired in May. The analytical costs included with the company's proposal were substantially higher than planned for, however, placing continuation of the program in jeopardy. Staff advised the contractor of the problem, and in response, it has agreed to perform the 2013 tests at the same cost as in 2012. Dr. Fikslin explained that the proposed resolution would authorize the Executive Director to extend through December 31, 2013 DRBC's 2008 purchase order with American Aquatic Testing for the analysis of water samples for chronic toxicity. The resolution would restrict the value of this extension to \$21,000 or the sum of this amount and any additional funds expressly awarded to the Commission or allocated to it for this purpose.

Ms. Siekerka requested a motion to approve the resolution authorizing the Executive Director to enter into a contract for water quality sampling and analysis to characterize the nature and extent of chronic toxicity in the Delaware River. Mr. Eaton so moved, Ms. Heffner seconded his motion, and Resolution No. 2013-5 was adopted by unanimous vote.

Resolution Authorizing the Executive Director to Enter into an Agreement with the University of Maryland for the Analysis of Ambient Water Samples Collected from the Delaware Estuary for Primary Productivity and Associated Nutrient Parameters. Dr. Fikslin reported that the Commission staff, in consultation with DRBC's Water Quality Advisory Committee (WQAC), have developed a proposed nutrient management strategy and nutrient criteria plan. As part of the strategy an expert panel was formed to make recommendations on the eutrophication model for the Delaware Estuary. This expert panel met in December 2012 and recommended that additional data be collected for model development, including measurements of primary productivity in the Delaware Estuary and Bay. Primary productivity measurements involve special techniques and experience, including the use of radioactive Carbon-14 (¹⁴C), which is subject to special permitting requirements, and a sample holding time of only a few hours. The limited number of practitioners capable of performing the analysis is thus limited even further by the requirement for proximity to sample collection sites. DRBC staff reached out to a number of academic institutions to determine interest and qualifications for performing this work. Personnel at the University of Delaware and Rutgers declined due to other research demands. However, Dr. Thomas Fisher of the University of Maryland's Horne Point Laboratory, located within two hours of Delaware Bay, indicated he possesses the experience, expertise and capacity to perform the analysis. Pursuant to Section 106 of the federal Clean Water Act, EPA Region 3 has awarded the Commission supplemental funding in the amount of \$150,000 in calendar years

2013 and 2014 to investigate the magnitude, extent and influence of elevated nutrient levels in the Delaware Estuary and Bay. Accordingly, the proposed resolution would authorize the Executive Director to enter into a two-year cooperative agreement with the University of Maryland Horn Point Laboratory to perform the primary productivity and related nutrient analysis at a cost not to exceed \$75,000 or the sum of this amount and additional funds expressly awarded to the Commission or allocated by it for this purpose. In accordance with Section 14.9, subsection 5 of the Compact, in view of the specialized and professional nature of the services to be procured, the Compact's competitive bidding provisions do not apply.

Ms. Siekerka requested a motion to adopt the resolution authorizing the Executive Director to enter into an agreement with the University of Maryland for the analysis of ambient water samples collected from the Delaware Estuary for primary productivity and associated nutrient parameters. Colonel Becking so moved, Ms. Stiller seconded his motion, and Resolution No. 2013-6 was adopted by unanimous vote.

Resolution to Reauthorize the Toxics Advisory Committee. Dr. Fikslin explained that the Commission's Toxics Advisory Committee (TAC), formed in the mid-1990's, is a standing committee composed of thirteen members, including representatives from industry, municipal government, watershed organizations, academia, agriculture, the U.S. Fish & Wildlife Service, a public health organization and signatories of the Compact. The TAC's most recent reauthorization, Resolution No. 2007-9, expired on May 31, 2012. The proposed resolution would retroactively extend Resolution 2007-9 through July 9, 2013 and would re-authorize the committee for ten more years, through June 30, 2023. Appointments to the committee are made by the Executive Director, based upon recommendations of the DRBC Commissioners and members of the Partnership for the Delaware Estuary (PDE) Steering Committee. The TAC develops its own agendas with input from the Commission and the PDE Steering Committee. It establishes its own operating procedures and periodically makes recommendations to the Commission for actions concerning toxic substances.

Ms. Siekerka requested a motion to approve the resolution reauthorizing the Toxics Advisory Committee. Ms. Stiller so moved, Ms. Heffner seconded her motion and Resolution No. 2013-7 was adopted by unanimous vote.

Project Review Applications. A duly noticed public hearing was conducted on July 9, 2013 on draft dockets for 18 projects – hearing items 1-14 and 17-20. Mr. Kovach reported that with the exception of hearing item number 11, draft Docket No. D-2006-037-3 for Hudson Valley Foie Gras, LLC (HVFG), the Commission had received no substantive written or oral comments on any of these.

Mr. Kovach related that the Delaware Riverkeeper Network (DRN) had flagged in a written comment dated July 8, 2013 that HVFG had had effluent violations in May and June 2011 for Total Dissolved Solids (TDS) that were not acknowledged or addressed in the docket or supporting Project Review file and that monitoring data for the balance of 2011 or for any subsequent months were missing from the file. The facility's TDS effluent limit is 1,000 mg/l. DRN noted that in May and June of 2011, monitoring results showed the facility discharged effluent with TDS concentrations of 1,070 mg/l and 1,130 mg/l. DRN recommended that the docket at a minimum be tabled until DRBC could look into this matter more closely to determine

whether the treatment system must be modified or whether such excursions could be prevented through operating changes. DRN noted that high TDS can harm macro-invertebrates and indirectly affect the fish that feed on them.

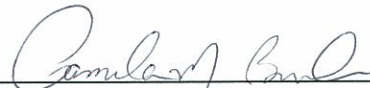
Mr. Kovach recommended that the Commissioners defer action on the HVFG docket pending an investigation of issues raised by the commenters, and that they approve the 17 other projects, which are listed and described in the Attachment to these Minutes.

Ms. Siekerka asked for a motion to table action on the draft docket for Hudson Valley Foie Gras, LLC until the Commission's September meeting but to close the comment period. Mr. Eaton so moved, Ms. Stiller offered a second, and the motion carried by unanimous vote.

Ms. Siekerka next requested a motion to approve hearing items 1-10, 12-14 and 17-20. Mr. Eaton so moved, Ms. Stiller offered a second, and this motion also carried by unanimous vote.

A recording of the public hearing of July 9, 2013 is on file with the Commission Secretary. A list of the approved dockets, with descriptions, is provided as an Attachment to these Minutes.

Ms. Siekerka requested a motion to adjourn the meeting. Ms. Stiller so moved, Colonel Becking seconded her motion and the Commission's business meeting of July 10, 2013 was adjourned by unanimous vote.



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

ATTACHMENT

DESCRIPTION OF APPLICATIONS FOR PROJECTS APPROVED BY THE COMMISSION DURING THE BUSINESS MEETING OF JULY 10, 2013

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. Those 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 approved a docket with modifications.

The projects approved by the Commission on July 10, 2013 all were subject to a duly noticed public hearing on July 9, 2013. They are listed below in three groups: Category A, consisting of docket renewals involving no substantive changes (items 1 through 10, and 12); Category B, consisting of renewals involving significant changes, such as an increase or decrease in an authorized withdrawal or discharge (items 13, 14, and 17 through 19); and Category C, consisting of projects not previously reviewed by the Commission (item 20).

A. *Renewals with No Substantive Changes (items 1 through 10, and 12).*

1. City of Trenton, D-1979-022 CP-2. An application for the renewal of an existing discharge from the 20.0 million gallons per day (mgd) City of Trenton wastewater treatment plant (WWTP). The WWTP will continue to discharge treated effluent to Water Quality Zone 2 of the Delaware River at River Mile 131.8 via Outfall No. 001, in the City of Trenton, Mercer County, New Jersey.
2. Robeson Township Municipal Authority, D-1983-034 CP-3. An application for the renewal of an existing discharge from the 0.3 mgd Robeson Township WWTP. The WWTP will continue to discharge treated wastewater effluent to the Schuylkill River at River Mile 92.47 – 65.8 (Delaware River – Schuylkill River), in Robeson Township, Berks County, Pennsylvania.
3. South Whitehall Township Authority, D-1991-082 CP-3. An application for the renewal of an existing groundwater withdrawal (GWD) of up to 60.0 million gallons per month (mgm) to supply the applicant's public water supply system from ten existing wells (Wells Nos. 1, 2, 3, 5, 6, 9, 10, 11, 13, and 14) completed in the Beekmantown Group and Allentown Formation. The wells are located in the Cedar Creek and Jordan Creek watersheds, 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, in South Whitehall Township, Lehigh County, Pennsylvania.
4. Lower Bucks County Joint Municipal Authority, D-1993-068 CP-2. An application for the renewal of an existing discharge from the 10 mgd LBCJMA WWTP. The WWTP will continue to discharge treated effluent to Water Quality Zone 2 of the Delaware River at River Mile 122.1 via Outfall No. 001, in Bristol Township, Bucks County, Pennsylvania.
5. Milford Senior Care and Rehabilitation Center, D-1998-051 CP-3. An application for the renewal of an existing discharge from the 0.015 mgd Milford Senior Care and Rehabilitation WWTP. The WWTP will continue to discharge to Water Quality Zone 1C of the Delaware River at River Mile 251, 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, in Westfall Township, Pike County, Pennsylvania.
6. Bucks County Water and Sewer Authority, D-1999-066 CP-2. An application for the renewal of an existing GWD of up to 6.61 mgm to supply the applicant's Solebury Township public water supply system from existing Wells Nos. S-1, S-2 and S-3 in the Brunswick Formation. The requested allocation is not an increase from the previous allocation. The wells are located in the Aquetong Creek Watershed in Solebury Township, Bucks County, Pennsylvania.
7. East Marlborough Township, D-2000-043 CP-3. An application for the renewal of an existing discharge from the 0.44 mgd Unionville Regional WWTP. Treated effluent will continue to be spray irrigated adjacent to the West Branch Red Clay Creek near River

Mile 70.73 - 10.0 - 2.6 - 13.4 - 7.4 (Delaware River - Christina River - White Clay Creek - Red Clay Creek - West Branch Red Clay Creek) in East Marlborough Township, Chester County, Pennsylvania.

8. Village of Delhi, D-2001-033 CP-3. An application for the renewal of an existing discharge from the 1.015 mgd Village of Delhi WWTP. The existing WWTP will continue to discharge treated effluent to the West Branch Delaware River at River Mile 330.70 – 57.4 (Delaware River – West Branch Delaware River), approximately 22 miles upstream of the Cannonsville Reservoir, in the drainage area of the section of the non-tidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters, in the Town of Delhi, Delaware County, New York.
9. West Norriton Township, D-2002-030 CP-2. An application for the renewal of an existing GWD of up to 8.928 mgm to irrigate the applicant's golf course from existing Wells Nos. PW-1 and PW-3, completed in the Stockton Formation. The requested allocation is not an increase from the previous allocation. The wells are located within the Southeastern Pennsylvania Groundwater Protected Area (GWPA) in the Indian Creek Watershed, in West Norriton, Montgomery County, Pennsylvania.
10. Creek Road Development, LP, D-2004-018-2. An application for the renewal of an existing GWD of up to 8.6 mgm to irrigate the applicant's partially completed golf course development project from existing Well Ramex No. 1 completed in the Stockton Formation. The golf course will also have access to up to 3.82 mgm of treated effluent to supplement irrigation once the pump station is constructed. The applicant will construct the pump station and bring the treated effluent online for irrigation prior to the construction of the remaining golf course holes. The well is located within the GWPA in the Little Neshaminy Creek Watershed, in Warwick Township, Bucks County, Pennsylvania.
12. Schuylkill County Municipal Authority, D-2010-019 CP-2. An application for the renewal of an existing discharge from the 1.0 mgd Deer Lake WWTP. Treated effluent will continue to discharge to Pine Creek at River Mile 92.47 – 106.75 – 2.35 (Delaware River – Schuylkill River – Pine Creek) via Outfall No. 001, in West Brunswick Township, Schuylkill County, Pennsylvania.

B. Renewals with Substantive Changes (items 13, 14, 17, 18, and 19).

13. Fiber Mark, Inc, D-1982-031-5. An application for (a) the renewal of an existing GWD and discharge; and (b) to increase the current withdrawal from existing Well No. 1 from 2.85 mg/30 days to 3.64 mgm. The withdrawal from existing Well No. 1 is used to cool the applicant's paper manufacturing facility. The applicant proposes to continue its discharge of non-contact cooling water to groundwater through injection Well No. 2. Wells Nos. 1 and 2 are completed in the Brunswick Formation. The wells are located within the GWPA in the Tohickon Creek Watershed, in Quakertown Borough, Bucks County, Pennsylvania.

14. Phillipsburg Town, D-1988-024 CP-2. An application for the renewal of an existing discharge from the 3.5 mgd Phillipsburg WWTP and to approve modifications to the WWTP. Modifications consist of: (a) ultraviolet light disinfection; (b) the addition of mixers, a BioMag treatment process, and return-activated sludge pumps to the existing sequencing batch reactor process; and (c) relocation of the existing WWTP outfall to a point 300 feet downstream of its current location. The current outfall is situated on the Lopatcong Creek approximately 600 feet upstream of its confluence with the Delaware River; the proposed location will be 300 feet upstream of the confluence. The existing WWTP will remain at a hydraulic design capacity of 3.5 mgd, and will continue to discharge to the section of the non-tidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in the Town of Phillipsburg, Warren County, New Jersey.
17. Penn Estates Utilities, D-1999-020 CP-3. An application to renew and approve modifications to the existing 0.56 mgd Penn Estates Utilities WWTP. The proposed modifications consist of the addition of a chemical storage tank and chemical feed pump in order to treat for phosphorous through chemical addition. The hydraulic capacity of the WWTP will not be modified. The WWTP will continue to discharge to an unnamed tributary of the Brodhead Creek at River Mile 213.0 – 8.7 – 1.5 (Delaware River - Brodhead Creek - UNT Brodhead Creek), 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, in Stroud Township, Monroe County, Pennsylvania.
18. Bear Creek Mountain Resort and Conference Center, D-2005-016-2. An application for the renewal of an existing discharge from the 0.045 mgd Bear Creek WWTP. Treated effluent is currently discharged to a drip irrigation field year round. The applicant is proposing to make modifications to the WWTP in order to reuse treated effluent for snow-making purposes in the winter. Treated effluent will continue to be land applied adjacent to Swabia Creek near River Mile 183.66 - 17.0 - 11.4 - 7.2 (Delaware River - Lehigh River - Little Lehigh River - Swabia Creek), 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, in Longswamp Township, Berks County, Pennsylvania.
19. Tuthill Corporation & Aquashicola-Little Gap, Inc., D-2008-023-3. An application for the renewal of an existing discharge from the 0.06 mgd Blue Mountain Ski Area WWTP. The applicant has also requested approval to expand the facility to treat and discharge up to 0.28 mgd. The WWTP will continue to discharge treated effluent to the Aquashicola Creek at River Mile 183.66 - 36.32 - 5.73 (Delaware River - Lehigh River - Aquashicola Creek) via Outfall No. 001, 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, in Lower Towamensing Township, Carbon County, Pennsylvania.

C. *New Projects (item 20)*. This project comprises new discharges or withdrawals or constitutes a project new to the Commission.

20. Pearl Sewer Transportation Corporation, D-2013-005 CP-1. An application for approval of the construction and operation of the new 0.07 mgd Camp Ohr Shalom WWTP. The applicant proposes to discharge treated effluent to an UNT of the Neversink River at River Mile 253.64 - 35.56 - 3.32 (Delaware River - Neversink River - UNT) via Outfall No. 001A, 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, in the Town of Fallsburg, Sullivan County, New York.