

DELAWARE RIVER BASIN COMMISSION

MEETING OF SEPTEMBER 16, 2015

Minutes

Commissioners Present: Kara S. Coats, Delaware, Chair
Brigadier General William H. Graham, United States, Vice Chair
Kelly J. Heffner, Pennsylvania, Second Vice Chair
Daniel M. Kennedy, New Jersey
Angus Eaton, New York

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
Amy Shallcross, Supervisor, Operations

The Commission met at the Chase Center on the Riverfront in Wilmington, Delaware on September 16, 2015.

Minutes. The Minutes for the Commission Meeting of June 10, 2015 were approved unanimously on a motion by Ms. Heffner, seconded by Mr. Eaton.

Announcements. Ms. Bush announced the following events:

- *DRBC Flood Advisory Committee (FAC).* The Commission's FAC will meet on Wednesday, September 23, 2015 in West Trenton, New Jersey at 10:00 a.m. Contact Laura Tessieri at extension 304 for more information.
- *DRBC Water Management Advisory Committee (WMAC).* The Commission's WMAC will meet on Thursday, October 15, 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 Water Quality Advisory Committee (WQAC).* The Commission's WQAC will meet on Friday, October 30, 2015 at the Commission's office building in West Trenton, New Jersey at 10:00 a.m. Contact Erik Silldorff at extension 234 for more information.

- *DRBC Flood Advisory Committee (FAC).* The Commission's FAC will meet on Wednesday, December 2, 2015 in West Trenton, New Jersey at 10:00 a.m. For more information, contact Laura Tessieri at extension 304.

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 September 14, 2015 was 30.22 inches or 1.46 inches below normal. The observed precipitation for the Basin above Trenton for the same period was 31.26 inches or 2.21 inches below normal and for the Basin above Wilmington, Delaware for this period, 35.99 inches or 5.21 inches above normal.

The average observed streamflow of the Delaware River at Montague, New Jersey in August 2015 was 2,484 cubic feet per second (cfs), or 115 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 5,341 cfs, or 120 percent of the long-term average for the month.

For September 1-14, the average observed streamflow at Montague was 1,981 cfs, or 98 percent of the long-term average for the month. The average streamflow at Trenton during the same period was 4,590 cfs, or 103 percent of the long-term average for the month.

In the Lower Basin, as of September 15, 2015, Beltzville Reservoir contained 13.71 billion gallons (bg) usable, or 101.6 percent of usable storage, and Blue Marsh contained 6.03 bg usable, or 104.1 percent of summer pool usable storage. As of September 14, Merrill Creek contained 14.21 bg usable, or 90.6 percent of usable storage.

In the Upper Basin, as of September 15, Pepacton Reservoir contained 111.8 bg usable or 79.8 percent of usable storage. Cannonsville contained 60.9 bg usable, or 63.7 percent of usable storage. Neversink contained 28.4 bg usable or 81.3 percent of usable storage. The total New York City Delaware Basin reservoir storage was 201.1 bg usable or 74.3 percent of usable storage.

During the month of August 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) 71 to RM 73. The normal location of the salt front during August is RM 74, which is four miles downstream of the Delaware-Pennsylvania state line. As of September 14, the salt front was located at RM 76, which is the normal location of the salt front during September.

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

- *National Park Service (NPS) Celebrates a 50-Year Anniversary.* On behalf of the Commission, Mr. Tambini congratulated the National Park Service on the fiftieth anniversary of creation of the Delaware River Water Gap National Recreation Area. He noted that this great park and recreation area merits recognition and appreciation.
- *DRBC Changes Public Hearing and Meeting Format.* Beginning with the December 2015 business meeting, the Commissioners will implement on a trial basis a new format that separates the public hearing from the business meeting by four to five weeks. Additional,

less significant changes will be detailed in forthcoming announcements. The new format will be described in FAQ and a press release to be issued shortly.

- *Coalition for the Delaware River Watershed 2015 Annual Forum.* The Coalition will host its third annual Delaware River Watershed Forum on October 5 and 6, 2015 in Newark, Delaware.
- *The Partnership for the Delaware Estuary.* The Partnership's wonderful *Experience the Estuary* event will take place on October 15 in Deptford, New Jersey.
- *Water Resource Association of the Delaware River Basin (WRADRB) 2015 Annual Fall Conference.* The WRADRB will hold its annual fall conference on October 27, 2015. The focus will be green infrastructure.
- *Pennsylvania Pipeline Infrastructure Task Force.* Mr. Tambini said he was pleased to be serving on Pennsylvania's Pipeline Infrastructure Task Force and on the Environmental Protection Work Group, representing the Delaware River Basin Commission. The initiative constitutes a proactive approach to the identification of best management practices for pipeline infrastructure throughout the Commonwealth.

General Counsel's Report. Mr. Warren reported that the Commission was not involved in any litigation.

Presentation by the Coalition for the Delaware River Watershed. Executive Director of the Coalition for the Delaware River Watershed Kim Beidler explained that her organization was formed approximately three years ago to bring together non-profits working in the four watershed states. The Coalition has approximately 70 members, which include local watershed associations, land conservancies, outdoor and recreation interests, nature centers, state-wide advocacy groups, and national organizations. Ms. Beidler described the membership as possessing a combination of on-the-ground, local insight and national capacity and reach. The Coalition helps those organizations share information and coordinate with one other. Members use a list-serve to share announcements for forums and other meetings and events. They also coordinate their advocacy around joint projects that benefit the watershed and advance shared goals. One of the Coalition's joint projects has been a push for the federal government to pay its fair share of DRBC's operating expenses. Another effort, which dates back to the start of the Coalition, involves building support for the *Delaware River Basin Conservation Act* (DRBCA). Although public agencies are not able to participate fully in advocacy, and membership is limited to non-profits, the Coalition routinely partners with public agencies and other entities.

Ms. Beidler observed that the Coalition's members and others concerned with water resource management in the Basin know that the Delaware Basin has long been under-funded compared with other important watersheds in the United States. Programs of the U.S. Environmental Protection Agency, the U.S. Geological Survey, the Natural Resource Conservation Service and other federal entities serve all regions of the country. Special funding over and above the baseline is appropriated annually for certain regions, however, to address issues that are particular to certain watersheds. Ms. Beidler presented a chart showing some of the programs funded by Congress during fiscal year 2015. The big winner was the Great Lakes with \$300 million. This represented

a reduction from the half a billion dollars appropriated a few years ago. Periodic algal blooms have forced major cities in the Great Lakes region to shut down their water supplies, and the need for resources to address these issues is not in dispute. The Coalition takes issue, however, with Congress's failure to appropriate funds for the Delaware Basin at all. The Chesapeake Bay was awarded \$73 million in 2015, more than it had received previously, and Puget Sound received \$28 million. A number of other regions have received between three and five million. It is difficult to comprehend, Ms. Beidler said, why no comparable federal investment is made for a watershed that provides drinking water to two of the top five largest cities in the country, not to mention its recreation, habitat, and economic values.

Ms. Beidler explained that several years ago some stakeholders, including representatives of DRBC, state agencies and NGOs, began to discuss what could be done to take better care of the watershed in the future. One of the outcomes was the DRBCA initiative. The original sponsor for the legislation was then-Congressman Mike Castle of Delaware. Congressman Carney, who succeeded Representative Castle, also took on the DRBCA. The Act was first introduced five years ago in the U.S. House of Representatives. One year later, it was introduced in the U.S. Senate by Delaware's Tom Carper, who continues to be the Senate sponsor. A Senate hearing on the bill took place one year after its introduction, but the legislation did not advance further, and of course, the Congressional clock restarts with every new session. The bill was reintroduced during the session that began in January 2015 and runs until January 2017. If it is not adopted by that date, it must be re-introduced. Fortunately, with each congressional session since the DRBCA's introduction, awareness and support for the legislation has grown.

The DRBCA does two things: First, it creates a *non-regulatory* program in the U.S. Fish and Wildlife Service. Here, Ms. Beidler emphasized two points: (1) the legislation is non-regulatory; and (2) it creates a program housed in the U.S. Fish and Wildlife Service, which is part of the U.S. Department of the Interior. She noted that some confusion has arisen over how the program created by the DRBCA relates to funding of the DRBC, explaining that the two are unrelated. The non-regulatory program that the legislation would create within the U.S. Fish and Wildlife Service would identify, prioritize and coordinate protection and restoration efforts in accordance with a strategy developed in consultation with several agencies and relying on their existing plans and plans under development. Agencies that are to be consulted during the development of the strategy include DRBC, the U.S. Army Corps of Engineers, and all four states. The National Oceanic and Atmospheric Administration (NOAA) and the Partnership for the Delaware Estuary would also be consulted. The U.S. Fish and Wildlife Service would be authorized to reach out to additional important stakeholders, such as NGOs that have conducted extensive natural resource planning.

The DRBCA would also create a competitive grant and technical assistance program to help fund protection and restoration efforts in accordance with the strategy developed under Part 1. Eligible fund recipients would include state and local governments, non-profits and universities. The federal share of any project would not exceed 50 percent, and up to \$5 million could be authorized annually. Of course, congressional authorization does not necessarily lead to appropriation. The legislation specifies that at least 75 percent of appropriated funds will be placed in the grant program, and it provides that the grant program may be administered by the National Fish and Wildlife Foundation (NFWF) but does not require this. The U.S. Fish & Wildlife Service may choose to administer the program directly or to delegate it.

Thus, the DRBCA creates a framework for coordination and protection, and a grant and technical assistance program. The legislation affirms protection and restoration of the resources of the Delaware River Basin as a national priority on a par with all the other specially funded basins. It is vital for representatives of the Delaware River Basin to be part of the conversation when federal agencies and lawmakers are setting their priorities. Last year, the Natural Resource Conservation Service rolled out a new way of competitively awarding funds across the United States. They restricted thirty-five percent of designated available funds to a group of regions called Critical Conservation Areas that include the Chesapeake Bay and the Great Lakes, but not the Delaware River Basin. To establish through federal legislation that a particular area is an important place worthy of protection has benefits.

The DRBCA could help fund programs to improve water quality; restore habitats; mitigate flood damage through green infrastructure; plan for resiliency; perform monitoring and research; enhance public access; and conduct education and outreach relating to the Basin's valuable natural resources.

The Coalition for the Delaware River Watershed is pleased and encouraged by the momentum around the DRBC in 2015. First, the \$5 million dollar authorization, which was removed during the previous congressional session, was reinstated in the House version of the 2015 bill, making the House and Senate versions of the bill identical. The bill was introduced in both the House and Senate simultaneously in April 2015 – early in the session – which was also promising. In the previous round, the Senate version lagged for over a year. House support for the bill is growing. The bill has more co-sponsors than ever before in the House, where there is a slight Republican majority. That a significant number of members consider the bill important and valuable is promising.

On the Senate side, the Coalition is encouraged that the bill was introduced earlier this year. The number of Senate sponsors remains steady at all but Senator Toomey of Pennsylvania. There is hope that some positive discussions with his office in late 2014 will result in a shift there. Especially remarkable was that the DRBCA received its first ever hearing before the House Natural Resources Committee in July, where it was among the very few items that was not contentious. We were thrilled. That Congressman Carney testified was critical and a good indication. It also helps that New Jersey's freshman Congressman Tom MacArthur is on the Natural Resources Committee.

Ms. Beidler acknowledged that moving federal legislation these days is extremely challenging and that a new authorization presents a heavy lift. But the Coalition is encouraged and sees reason to be hopeful. The next necessary step in the House is for the full Natural Resources Committee to provide a mark-up of the bill. A hearing is still needed in the Senate (a previous Senate hearing occurred during a different congressional session), before proceeding to a markup in that chamber. The last step is to move the legislation, probably in combination with other bills, in what is called "packaging". It's highly unlikely that the DRBCA will be presented for a full vote of the Congress. Most likely, if all the preliminary steps occur, it will be combined with other conservation or water-related legislation, or whatever vehicle can be found. The sponsoring offices and others will be looking for opportunities for packaging the bill with other legislation that is capable of passage.

The Coalition's annual two-day forum will take place at the University of Delaware in less than three weeks. Ms. Beidler urged anyone interested in learning more about the DRBCA or other work of the Coalition, its members or partners to come. She noted that Thom Murphy of the New York City Department of Environmental Protection would be one of the speakers this year. Jen Adkins of the Partnership for the Delaware River Estuary will be a moderator. In a reference to Steve Tambini's keynote presentation of 2014, Ms. Beidler said that although it would be difficult to follow the DRBC quiz show that was part of last year's forum, DNREC's Secretary Small, Governor Markell of Delaware, Director Laura Sparks of the William Penn Foundation, and EPA Region 3 Regional Administrator Sean Garvin all would be speaking.

Ms. Heffner asked whether the William Penn Foundation (WPF) was involved in advocacy for the DRBCA. Ms. Beidler explained that there had certainly been a conversation with WPF, which provides funding to the Coalition, but WPF does not itself engage in or fund lobbying efforts, which are supported by a separate funding source. That said, she noted that the work of the WPF compliments that of the DRBCA, insofar as both seek to create a unified framework for protection and restoration work in the Basin. Ms. Beidler noted that WPF funds had been used to magnify the benefits of a Natural Resources Conservation Service grant last year. DRBCA received a \$13.5 million award from NRCS, in part because the WPF match was available and provided a monitoring component.

Mr. Tambini thanked Ms. Beidler for attending the meeting and briefing the Commissioners. He complimented her framing of the issues to highlight how the Coalition's programs work in concert with the Commission's, and he thanked her and the Coalition for their support. Acknowledging that Ms. Beidler had recently announced she would be stepping away from her role as the Coalition's director, he said her leadership would be missed and wished her well in her next endeavors. Ms. Beidler thanked Mr. Tambini and said it has been wonderful working with everybody. She reiterated that there is good momentum underway, both in terms of partnerships and opportunities, and she had found it exciting to be a part of that.

Resolution for the Minutes to Amend the Commission's *Administrative Manual – By-Laws, Management and Personnel* Regarding Electronic Communications. The resolution would provide for amendment of the *Administrative Manual – By-Laws, Management and Personnel* by the addition of a new Chapter 8, entitled "Electronic Resource Use, Access and Communications." In light of the increasing reliance on electronic devices, web-based services, email and social media platforms on the part of DRBC staff and those with whom the staff routinely interact in business and personal contexts, Mr. Gore explained, guidelines for the use of such devices, services and platforms in connection with employment at the DRBC were proposed.

Chapter 8 describes the permitted and prohibited uses of the Commission's electronic resources by employees. It addresses the fair use of copyrighted material and the protections afforded proprietary information. It makes clear that Commission-approved devices must be used to access the Commission's file network and that information created, transmitted or stored using Commission-owned or operated equipment or systems becomes the property of the Commission. It expressly states that employees have no expectation of privacy in anything they create, store, send or receive using the Commission's electronic resources and provides guidance regarding the Commission's voice-mail system and use of cell phones for Commission business. The new chapter also establishes the Commission's expectation of an employee's conduct when using

multi-media and social networking sites. Employees must assure that their personal use of social media does not create an appearance that they are acting in an official capacity or that the Commission endorses or sanctions their points of view. Should there be any potential for confusion, an employee must provide an appropriate disclaimer.

DRBC has a unique relationship with the State of New Jersey. Because the Commission uses New Jersey's email and other electronic systems, employees must comply with certain standards established by New Jersey that apply to the use of these systems. All DRBC employees will be kept informed of applicable state policies and periodic changes to them.

In addition to adoption of the new Chapter 8, the resolution provides for a minor amendment to Chapter 5, Section 5.13 B. of the *Administrative Manual – By-Laws, Management and Personnel* to add to the list of causes for disciplinary action the failure to comply with the policies set forth in Chapter 8.

Hearing no comments or questions concerning the proposal, Ms. Coats requested a motion to approve the resolution amending the *Administrative Manual – By-Laws, Management and Personnel* regarding electronic communications. General Graham so moved, Mr. Kennedy seconded his motion and the Resolution for the Minutes was adopted by unanimous vote.

The text of the resolution follows:

A RESOLUTION to amend the *Administrative Manual – By-Laws, Management and Personnel* by the addition of a new Chapter 8, entitled "Electronic Resources Use, Access and Communications."

WHEREAS, in light of the increasing reliance on electronic devices, web-based services, and email and social media platforms on the part of DRBC staff and those with whom the staff routinely interact in both business and personal contexts, the Commission has determined that guidelines for the use of such devices, services and platforms in connection with the staff members' DRBC employment are needed; and

WHEREAS, in particular, guidance is required to establish privacy expectations and to define the obligations of DRBC employees to the Commission when they engage in business and personal use of electronic devices and media; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that:

1. Chapter 8, entitled "Electronic Resources Use, Access and Communications," a copy of which is attached, is hereby added to the *Administrative Manual – By-Laws, Management and Personnel*.
2. Chapter 5, Section 5.13 B. of the *Administrative Manual – By-Laws, Management and Personnel*, "Causes for Disciplinary Action," is also hereby amended to include the following:
 8. Failure to comply with the policies set forth in Chapter 8, relating to the employees' use of, access to and communications using electronic media.

This Resolution shall take effect immediately.

Project Review Applications. The Commission held a duly noticed public hearing on September 15, 2015 on 33 draft dockets for water-related projects. Mr. Kovach reported that the Commission received no substantive comments on 32 of these. He recommended approval of those 32 projects, consisting of hearing items 2 through 26 and 28 through 34. A description of each of the applications is provided in an appendix to these Minutes. Twenty-two of the projects are located in Pennsylvania, five in New Jersey, four in New York, and two in Delaware. Hearing item 27, Docket D-2002-034 CP-4 for the Artesian Water Company, would approve a project located in Pennsylvania and Delaware, and hearing item 29, involves the Pond Eddy Bridge connecting Pennsylvania and New York. The public hearing on Docket No. D-1969-195-3 for the Paulsboro Refining Company, LLC was announced as hearing item 1 in the notice of public hearing, but was postponed to allow additional time for review.

Chairwoman Coats requested a motion to approve the 32 dockets comprising hearing items 2 through 26 and 28 through 34 of September 15, 2015, on which the Commission received no substantive comment – i.e., all of the dockets for which the public hearing was held that day except No. D-2002-034 CP-4 for the Artesian Water Company (hearing item 27). Mr. Eaton so moved, Ms. Heffner seconded his motion, and the 32 dockets were approved by unanimous vote.

Regarding hearing item 27, docket D-2002-034 CP-4 for the Artesian Water Company, Mr. Kovach informed the Commissioners that staff had received substantive comment throughout the application review process, including during the public hearing. Ms. Heffner moved that consideration of the docket be tabled and that the public comment period remain open until 5:00 p.m. on Wednesday, September 30, 2015. Mr. Eaton provided a second and the motion carried by unanimous vote.¹

Audio Recording. An audio recording of the public hearing of September 15, 2015 and a professional transcript of portions of the hearing are on file with the Commission Secretary. A description of each of the approved dockets is provided as an Attachment to these Minutes.

Adjournment. Having no other business to complete, Ms. Coats requested a motion to adjourn the Commission's Business Meeting of September 16, 2015. Mr. Kennedy provided a second and the meeting was adjourned at approximately 2:30 p.m.

/s/ Pamela M. Bush

Pamela M. Bush, J.D., M.R.P.

Commission Secretary and Assistant General Counsel

¹After the close of the extended public comment period on September 30, 2015, staff prepared a revised draft docket. An additional, duly noticed public hearing was held on the revised draft docket on November 10, 2015 and the comment period on the revised draft docket ran through November 12, 2015.

ATTACHMENT

DESCRIPTIONS OF PROJECTS APPROVED BY THE COMMISSION DURING THE BUSINESS MEETING OF SEPTEMBER 16, 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.

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. All of the projects approved by the Commission on September 16, 2015 were subjects of a duly noticed public hearing on September 15, 2015. Descriptions of the projects for which the Commission issued approvals on September 16 are listed below, in the order in which they were presented at the September 15 public hearing.

A. Renewals with No Substantive Changes (hearing items 2 through 18).

- 1. Postponed to allow additional time for review.*
- 2. Global Advanced Metals USA, Inc., D-1970-072-5. An application to renew the approval of the applicant's existing 0.1488 mgd IWTP and its discharge as well as the continued*

discharge of up to 0.0987 mgd of non-contact cooling water (NCCW), lagoon underdrain, steam condensate, reverse osmosis reject water, and stormwater from Outfalls Nos. 001 and 002. Treated effluent will continue to be discharged to Swamp Creek at River Mile 92.47 - 32.3 - 12.9 - 12.6 (Delaware River - Schuylkill River - Perkiomen Creek - Swamp Creek) via Outfall No. 001, on the border of Douglass Township, Montgomery County, Pennsylvania and Colebrookdale Township, Berks County, Pennsylvania.

3. Birdsboro Municipal Authority, D-1974-126 CP-3. An application to renew the approval of the existing 1.35 mgd Birdsboro wastewater treatment plant (WWTP) and its discharge. The WWTP will continue to discharge to Hay Creek, which is a tributary of the Schuylkill River, at River Mile 92.47 - 63.1 - 0.3 (Delaware River - Schuylkill River - Hay Creek) in the Borough of Birdsboro, Berks County, Pennsylvania.
4. Lower Moreland Township Authority, D-1987-052 CP-4. An application to renew the approval of the applicant's existing 0.279 mgd Chapel Hill WWTP and its discharge. Treated effluent will continue to be discharged to an unnamed tributary (UNT) of Southampton Creek at River Mile 109.75 - 16.1 - 0.71 - 0.5 (Delaware River - Pennypack Creek - Southampton Creek - UNT) via Outfall No. 001, in Lower Moreland Township, Montgomery County, Pennsylvania.
5. Roamingwood Sewer and Water Association, D-1988-045 CP-4. An application to approve a temporary increase in allocation from 20.67 million gallons per month (mgm) to 24.8 mgm of groundwater from existing Wells Nos. 1, 2, 3, 4, and 5 for use in the docket holder's public water system. The temporary increase in allocation is necessary during the docket holder's ongoing system water loss improvement project. The temporary allocation will expire on September 16, 2020, at which time the allocation will be reduced to 20.67 mgm. The wells are completed in the Poplar Gap Member of the Catskill Formation in the Ariel Creek Watershed in Lake and Salem Townships, Wayne County, Pennsylvania 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.
6. Waste Management Disposal Services of Pennsylvania, Inc., D-1988-054-7. An application to renew the approval of the applicant's existing 0.3 mgd GROWS Landfill leachate treatment plant (LTP) and its discharge. Treated effluent will continue to be discharged to the tidal Delaware River at River Mile 125.6 via Outfall No. 001, within Water Quality Zone 2, in Falls Township, Bucks County, Pennsylvania.
7. Shoemakersville Borough, D-1990-007 CP-4. An application to renew the approval of an existing groundwater withdrawal of up to 7.5 mgm to supply the applicant's public water supply distribution system from existing Wells Nos. 1, 3, 4, 5 and 6 completed in the Hamburg Sequence Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Schuylkill River Watershed in the Borough of Shoemakersville and Perry Township, Berks County, Pennsylvania.
8. Amity Township, D-1990-078 CP-4. An application to renew the approval of the applicant's existing 4.0 mgd WWTP and its discharge. The Pennsylvania Department of Environmental Protection (PADEP) and DRBC will continue to base effluent limitations

upon a discharge flow of 2.2 mgd. Treated effluent will continue to be discharged to the Schuylkill River at River Mile 92.47 - 58.35 (Delaware River - Schuylkill River) via Outfall No. 001, in Amity Township, Berks County, Pennsylvania.

9. Sullivan Infra West, Inc., D-1992-010-2. An application to renew the approval of the applicant's existing 0.2 mgd Kutschers Country Club WWTP and its discharge. Treated effluent will continue to be discharged to an UNT of Anawana Brook at River Mile 253.64 - 27.3 - 1.65 - 5.3 - 2.25 (Delaware River - Neversink River - Sheldrake Stream - Anawana Brook - UNT) via Outfall No. 001, within the drainage area of the main stem Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters, in the Town of Thompson, Sullivan County, New York.
10. Talamore at Oak Terrace, Inc., D-1993-030-3. An application to renew the approval of an existing groundwater withdrawal of up to 5.17 mgm to irrigate the applicant's golf course from existing Wells PW-1 and Water Tower. Existing Wells PW-1 and Water Tower are completed in the Stockton Formation. The requested allocation is not an increase from the previous allocation. The wells are located in the Commission's designated Ground Water Protected Area (GWPA) in the Park Creek Watershed in Horsham Township, Montgomery County, Pennsylvania.
11. JFBB Ski Areas, Inc., D-1993-057-3. An application to renew the approval of an existing surface water withdrawal of up to 103.33 mgm for the snowmaking operations at Jack Frost Ski Area resort from an existing surface water intake on Tobyhanna Creek. The requested allocation is not an increase from the previous allocation. The surface water intake is located in the Tobyhanna Creek Watershed in Kidder Township, Carbon 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.
12. United Water Delaware, D-1996-050 CP-3. An application to renew the approval of an existing groundwater and surface water withdrawal of up to 30 mgd (930 mgm) to supply the applicant's public water supply distribution system from existing Well Christiana No. 1 and surface water intakes Stanton No. 1, Stanton No. 2, Stanton No. 2A and Christiana No. 1. Well Christiana No. 1 is completed in the Potomac Formation. The application will also renew the approval of a Tidal Capture Structure (TCS) located on White Clay Creek, a tributary of the Christina River, at River Mile 70.73 - 10.3 - 1.8 (Delaware River - Christina River - White Clay Creek). The requested allocation is not an increase from the previous allocation. The water supply system is located in New Castle County, Delaware.
13. Pennsylvania American Water Company, D-1998-043 CP-3. An application to renew the approval of an existing groundwater withdrawal of up to 165.33 mgm from existing Wells Nos. 12, 13, 16, 18A, 19, 20, 21, 23 and 28 for public water supply. Wells Nos. 12, 13 and 18A are completed in the Richland Formation, Well No. 16 is completed in the Millbach Formation, Wells Nos. 19 and 20 are completed in the Ontelaunee Formation, Well No. 21 is completed in the Allentown Formation, Well No. 23 is completed in the Hammer Creek Formation and Well No. 28 is completed in the Epler/Ontelaunee Formations. The requested allocation is not an increase from the previous allocation. The project wells are

located in the Little Cacoosing Creek Watershed in Spring and Lower Heidelberg Townships and Sinking Spring and Wyomissing Boroughs, all in Berks County, Pennsylvania.

14. Cold Spring Cottages, D-2005-002 CP-2. An application to renew the approval of the existing 0.014 mgd Cold Spring Cottages WWTP and its discharges to groundwater via subsurface absorption beds. The application includes a transfer of ownership from Mountain Hill Cottages to Cold Spring Cottages, LLC. The WWTP discharge is located in the Neversink River Watershed in 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 Thompson, Sullivan County, New York.
15. Penn's Grove Sewer Authority, D-2005-029 CP-3. An application to renew the approval of the applicant's 0.75 mgd WWTP and its discharge. Treated effluent will continue to be discharged to Water Quality Zone 5 of the tidal Delaware River at River Mile 72.0, in Penn's Grove Borough, Salem County, New Jersey.
16. Hudson Valley Foie Gras, LLC, D-2006-037-5. An application to renew the approval of the applicant's existing 0.02 mgd IWTP and its discharge. Treated effluent will continue to be discharged to the Middle Mongaup River at River Mile 261.1 - 12.0 - 6.2 - 5.1 - 3.7 (Delaware River - Mongaup River - Swinging Bridge Reservoir - Mongaup River - Middle Mongaup River) via Outfall No. 001, within the drainage area of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in the Town of Liberty, Sullivan County, New York.
17. West Deptford Energy Station, D-2008-027 CP-3. An application to renew the approval to withdraw up to 374.914 mgm from the GCUA's effluent pipeline for use at the West Deptford Energy Station (WDES), and discharge up to 4.051 mgd of concentrated effluent back into GCUA's effluent pipeline from the WDES prior to discharge into the Delaware River. The WDES is located adjacent to Water Quality Zone 4 of the Delaware River at River Mile 89.7, in West Deptford Township, Gloucester County, New Jersey.
18. NIS Hollow Estates, LLC, D-2010-003 CP-2. An application to renew the approval of the existing 0.018 mgd NIS Hollow Estates WWTP and its discharge. The WWTP will continue to discharge to an UNT of the Lehigh River, which is a tributary of the Lehigh River, at River Mile 183.7 - 39.3 - 1.2 (Delaware River - Lehigh River - UNT - Lehigh River) 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 East Penn Township, Carbon County, Pennsylvania.

B. Renewals with Substantial Changes (items 19 through 26).

19. Aqua Pennsylvania, Inc., D-1975-078 CP-4. An application to approve new Well No. 6 for inclusion in the applicant's Waymart public water supply distribution system and to approve an increase in the total system groundwater withdrawal allocation from 11.68 mgm to 22.28 mgm. The application will also renew the approval of an existing importation of 0.494 mgd of groundwater from the Susquehanna River Basin. Wells Nos. 2, 3, 4, 5 and 6

are completed in the Duncannon, Polar Gap and Packerton members of the Catskill Formation and are located in the Van Auken Watershed in Waymart Borough and Canaan Township, Wayne County, Pennsylvania 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.

20. Lower Frederick Township, D-1978-041 CP-3. An application to upgrade and expand the existing Lower Frederick Township WWTP. The upgrade consists of replacing the existing extended aeration / activated sludge treatment system with a sequencing batch reactor system. The upgrade also includes head works and sludge handling improvements, the addition of filtration and post-equalization, and the replacement of the existing chlorine contact disinfection system with UV disinfection. Additionally, the WWTP will be expanded from 0.2 mgd to 0.5 mgd. The WWTP will continue to discharge to Perkiomen Creek, which is tributary to the Schuylkill River, at River Mile 92.47 - 32.3 - 13.4 (Delaware River - Schuylkill River - Perkiomen Creek) in Lower Frederick Township, Montgomery County, Pennsylvania.
21. Nestlé Purina Petcare Company, D-1983-018-2. An application to renew the approval of the applicant's existing 0.53 mgd IWTP and its discharge. The applicant has also requested approval to modify the IWTP by replacing the influent screening, adding equalization tanks, and adding mixers to the aerated lagoon, while maintaining the hydraulic capacity. The modifications meet the Commission's definition of substantial alterations or additions. Treated effluent will continue to be discharged to an UNT of Jordan Creek at River Mile 183.66 - 16.25 - 0.67 - 11.16 - 0.54 (Delaware River - Lehigh River - Little Lehigh River - Jordan 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 South Whitehall Township, Lehigh County, Pennsylvania.
22. Gloucester County Utilities Authority (GCUA), D-1990-074 CP-5. An application to renew the approval of the applicant's existing 27 mgd WWTP and its discharge. Treated effluent will continue to be discharged to Water Quality Zone 4 of the tidal Delaware River at River Mile 89.7 via Outfall No. DSN004A, in West Deptford Township, Gloucester County, New Jersey.
23. Mount Pocono Municipal Authority, D-1991-027 CP-2. An application to approve an upgrade and expansion of the existing Mount Pocono wastewater treatment plant and its discharge. The upgrade consists of improvements to the existing head works and sequencing batch reactors (SBRs); the construction of a new influent equalization tank, post-aeration tank, cooling system, and spray irrigation facilities; and appurtenant improvements. The project also includes the expansion of the WWTP from 0.4 mgd to 0.5 mgd. The WWTP will land discharge via spray irrigation between November 16 and March 14 when conditions are suitable, and will discharge to Forest Hills Run from November 16 to March 14 when conditions are not suitable for land discharge. Forest Hills Run is a tributary of Paradise Creek, which is a tributary of Brodhead Creek, at River Mile 213.0 - 10.6 - 4.4 - 4.9 (Delaware River - Brodhead Creek - Paradise Creek - Forest Hills Run). The project is 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 Borough of Mount Pocono, Monroe County, Pennsylvania.

24. Cinnaminson Sewerage Authority, D-1992-030 CP-3. An application to renew the approval of the applicant's existing 2.0 mgd WWTP and its discharge. The applicant has also requested approval to replace the existing surface aerators, sludge thickening equipment, and dewatering equipment, as well as make modifications to the odor control equipment and garage. The proposed modifications will not result in a change to the hydraulic capacity of the WWTP. Treated effluent will continue to be discharged to Water Quality Zone 2 of the Delaware River at River Mile 108.82 via Outfall No. 001A, in Cinnaminson Township, Burlington County, New Jersey.
25. North Penn Water Authority, D-1992-044 CP-4. An application to renew the approval of an existing groundwater withdrawal and decrease the allocation from 289.33 mgm to 143 mgm from 17 existing wells; and to receive up to 465 mgm of potable water via an interconnection with the Forest Park Water Treatment Plant. The application will also approve the removal of 26 existing wells from the previous approval and will add one additional well from the former Sellersville water system. The North Penn Water Authority wells are completed in the Stockton and Brunswick Formations. The project is located within the Commission's designated GWPA in the East Branch Perkiomen, Indian, Skippack, Towamencin, Wissahickon, West Branch Neshaminy Creeks, Three Mile Run and Pine Run watersheds in Franconia, Lower Salford, Towamencin, Skippack, Upper Gwynedd and Hatfield townships and Lansdale Borough, all in Montgomery County and East Rockhill and New Britain townships and New Britain Borough, in Bucks County, Pennsylvania. Wells Nos. NP-73 and NP-74 are 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.
26. Doylestown Township Municipal Authority, D-1995-009 CP-3. An application to renew the approval of an existing groundwater withdrawal and to increase the system allocation from 52.7 mgm to 55.22 mgm to supply the applicant's public water supply distribution system from existing Wells Nos. NW-1, NW-2, NW-3, NW-4, NW-5, NW-6, CW-1, CW-3, CW-5, CW-7, SW-1, SW-2, SW-6 and SW-7 all completed in the Stockton Formation. The wells are located in the Commission's designated GWPA in the Neshaminy Creek and Pine Run watersheds in Doylestown Township, Bucks County, Pennsylvania.
27. *Postponed to allow additional time for comment and review.*

C. *New Projects (items 28 through 34).*

28. Giorgio Foods, Inc., D-2014-016-1. An application to approve an existing withdrawal of up to 14.0 mgm of groundwater from existing Wells Nos. 1, 2 and 3 for industrial processes, cooling and potable use at the applicant's existing food processing facility. The project

wells are located in the Leithsville Formation in the Willow Creek Watershed in Maidencreek Township, Berks County, Pennsylvania.

29. Pennsylvania Department of Transportation, D-2015-004 CP-1. An application to approve the replacement of the Pond Eddy Bridge located at River Mile 265.5 (Delaware River), within Water Quality Zone 1B of the section of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in Shohola Township, Pike County, Pennsylvania and Lumberland Township, Sullivan County, New York.
30. MHC Lil Wolf, LP, D-2015-005 CP-1. An application to approve the applicant's existing 0.038 mgd Lil Wolf Mobile Home Park (MHP) WWTP and its discharge. The applicant also requests approval to modify and expand the WWTP to 0.07 mgd. Treated effluent will continue to be discharged to an UNT of Coplay Creek at River Mile 183.66 - 21.05 - 9.86 - 0.62 (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.
31. Pennsylvania Historical & Museum Commission, D-2015-007 CP-1. An application to approve the applicant's existing 0.025 mgd Washington Crossing Historic Park Upper WWTP and its discharge. Treated effluent will continue to be discharged to Water Quality Zone 1E of the Delaware River at River Mile 146.63, 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 Solebury Township, Bucks County, Pennsylvania.
32. Indian Head Camp, D-2015-008 CP-1. An application to approve the new 0.045 mgd Indian Head Camp WWTP and its proposed discharge via spray irrigation. The new WWTP facilities will consist of a pumping station, an aerated storage lagoon, chlorine contact disinfection, and two spray fields. The proposed spray fields' discharge will be located in the Little Equinunk Creek Watershed, 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 Manchester Township, Wayne County, Pennsylvania.
33. Chai Lifeline, Inc., D-2015-011 CP-1. An application to approve the applicant's existing 0.0175 mgd Camp Simcha WWTP, its expansion to 0.045 mgd, and its discharge. Treated effluent will continue to be discharged to an UNT of the Delaware River at River Mile 265.4 - 0.46 (Delaware 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 Town of Lumberland, Sullivan County, New York.
34. Pechiney Plastic Packaging, Inc., D-2015-013-1. An application to approve a new 0.72 mgd groundwater remediation IWTP and its discharge to groundwater via injection wells. The IWTP will treat groundwater from the Pohatcong Valley Groundwater Contamination

Superfund Site utilizing air stripping, after which the treated groundwater will be reinjected into the regional groundwater aquifer. The project IWTP and its discharge is located in the Pohatcong Creek Watershed, within the drainage area of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Washington Township, Warren County, New Jersey.
