

A RESOLUTION authorizing the Executive Director to enter into an agreement with the U.S. Army Corps of Engineers, Philadelphia District for funding and repairs related to water supply storage in Blue Marsh Reservoir.

WHEREAS, the Delaware River Basin Commission (“Commission”) and the U.S. Army Corps of Engineers (“USACE”) entered into Contract No. DACW61-71-C-0145 (“the Contract”) on May 14, 1971 for water storage in Blue Marsh Reservoir; and

WHEREAS, in accordance with the Contract the Commission is responsible for 100 percent of the costs for major capital replacement items for “specific water supply facilities” (those constructed solely to support uses directed by the Commission, as distinguished in the Contract from joint-use facilities required for all uses); and

WHEREAS, on December 20, 1971 the Commission entered into a separate contract with the Western Berks Water Authority (“Authority”) providing for the Authority to withdraw certain quantities of water, subject to its availability, from either Tulpehocken Creek or Blue Marsh Reservoir or both (“the Agreement”); and

WHEREAS, the Agreement also provided for the Commission to construct and install at the Authority’s expense specific water supply facilities consisting of such outlet works, appurtenances and metering devices as might be required to facilitate the direct withdrawal and use of water by the Authority (“Water Supply Features”); and

WHEREAS, the Water Supply Features were constructed and installed, and as of June 30, 2013 the Authority had provided funds equal to an estimated value of \$210,000 for their repair or replacement; and

WHEREAS, the repair of a damaged valve stem, a component of the Water Supply Features, is currently required; and

WHEREAS, the Authority has indicated its desire to establish a connection to the Water Supply Features in January 2015; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that the Executive Director is hereby authorized and directed to:

1. Enter into an agreement or agreements with USACE, by amendment of the 1971 Contract or otherwise: (a) to provide for repair of the damaged valve stem at the Blue Marsh Reservoir, utilizing monies furnished by the Authority that are currently in the Commission’s possession; and (b) at such time as a new agreement between the Commission and the Authority has been executed establishing the terms of payment therefor, to provide for a connection by the Authority to the Water Supply Features.

2. Enter into an agreement with the Authority to establish the terms of payment for USACE's services (including but not limited to design review and oversight) associated with the installation of a connection to the Water Supply Features at Blue Marsh Reservoir.
3. This Resolution shall take effect immediately.

/s/ Angus Eaton

Angus Eaton, Acting Chairman *pro tem*

/s/ Pamela M. Bush

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

Commission Secretary/Assistant General Counsel

ADOPTED: June 11, 2014