

DELAWARE RIVER BASIN COMMISSION

**MEETING OF JUNE 9, 2021**

**Conducted Virtually on Zoom and Streamed Live on YouTube**

**Minutes**

Commissioners Present: Shawn M. Garvin, Delaware, Chair  
Lieutenant Colonel David C. Park, United States, Vice Chair  
Aneca Y. Atkinson, Pennsylvania, Second Vice Chair  
Jeffrey L. Hoffman, New Jersey  
Kenneth Kosinski, New York

DRBC Staff Participants: Steven J. Tambini, Executive Director  
Kenneth J. Warren, DRBC General Counsel  
Pamela M. Bush, Commission Secretary and Assistant General Counsel  
Namsoo Suk, Director, Science and Water Quality Management  
Elba Deck, Director, Finance and Administration  
David Kovach, Manager, Project Review  
Amy Shallcross, Manager, Water Resource Operations  
John Yagecic, Manager, Water Quality Assessment

Shawn Garvin, Secretary, Delaware Department of Natural Resources and Environmental Control, opened the meeting on behalf of Governor John Carney of Delaware, chair *pro tem* of the Commission for the fiscal year ending June 31, 2021. Secretary Garvin welcomed his co-commissioners, the DRBC staff and attendees. He thanked the DRBC staff and his fellow commissioners and their staffs for their support and dedication over the past year. Acknowledging that LTC Park of the U.S. Army Corps of Engineers (“USACE”) was attending his last meeting of the DRBC as Philadelphia district commander and DRBC alternate commissioner for the United States, he thanked LTC Park for his service to the Commission and for the partnership between Delaware and the USACE on many issues. After reviewing the meeting procedures, Secretary Garvin noted that at the conclusion of the business meeting, Mr. Tambini would conduct a period of open public comment for approximately one hour.

At the request of Secretary Garvin, Commission Secretary Pam Bush called the roll, inviting the alternate commissioners and DRBC staff members in turn to introduce themselves. LTC Park announced that LTC Ramon Brigantti would succeed him as Philadelphia District Commander and DRBC alternate commissioner commencing July 9, 2021.

Minutes. On a motion by Mr. Hoffman, seconded by Mr. Kosinski, the draft Minutes for the Commission’s business meeting of March 10, 2021 were approved by unanimous vote.

Announcements. Ms. Bush had no announcements.

Hydrologic Conditions. Ms. Shallcross provided the following report.

Highlights of Ms. Shallcross's report on hydrologic conditions are set forth below. A graphical summary of hydrologic conditions in the Basin as of June 9, 2021 can be accessed at: [https://www.nj.gov/drbc/library/documents/HydrologicConditions\\_shallcross\\_060921.pdf](https://www.nj.gov/drbc/library/documents/HydrologicConditions_shallcross_060921.pdf)

Ms. Shallcross explained that as the agency responsible for managing the Basin's water resources, the Commission is concerned with the hydrologic cycle, which describes how and where water interacts among the atmosphere, land and water bodies.

*Precipitation.* Year-to-date precipitation as of the meeting date ranged from more than 30 inches along the Delaware coast to just over 10 inches in the western part of the basin. The lowest amounts of precipitation over the previous 3 months had occurred along a corridor running from Schuylkill County, PA to Sussex County, NJ. Except for a narrow corridor along the river between Trenton and Philadelphia, the basin had been somewhat dry.

*Stream flows.* As of the meeting date, many of the basin's streams were experiencing above normal flows following two weeks of rain, while other locations were experiencing normal streamflow for this time of year. The flow gage at Montague, New Jersey is significant because in accordance with the terms of the Supreme Court's 1954 decree in *New Jersey v. New York*, releases from New York City's Delaware Basin reservoirs are required to ensure a flow past the Montague gage of 1750 cubic feet per second ("cfs"), or 1130 million gallons per day ("mgd"). As of June 8, the 7-day average flow for the Delaware River at Montague was 4,890 cfs. The flow gage at Trenton, New Jersey is also significant, because releases from the Beltzville and Blue Marsh reservoirs, located on tributaries of the Lehigh and Lackawaxen rivers, respectively, are used to meet a flow objective at Trenton of 3,000 cfs, or 1940 mgd. As of June 8, the 7-day average flow for the Delaware River at Trenton was 10,700 cfs, or more than 6,900 mgd. Flows for the Schuylkill River at Philadelphia were 2,240 cfs, or approximately 1,450 mgd.

*DRBC reservoir storage.* As of the meeting date, storage in the New York City Delaware Basin reservoirs and the Beltzville and Blue Marsh reservoirs was normal. These reservoirs are managed either to be full or at their normal pool at the beginning of the summer.

*New York City Delaware Basin storage.* As of June 9, 2021, combined storage in the New York City ("City") reservoirs, three of the four largest in the basin, was slightly greater than normal for the time of year. The Commission's basinwide drought management plan is based on the combined quantity of water stored in these three reservoirs. At times, releases from the City's reservoirs can make up a large percentage of flow in the main stem Delaware River. Ms. Shallcross presented a graph illustrating the trends in combined storage for major drought events in the basin, along with photographs of Cannonsville Reservoir spilling and nearly empty. These images demonstrated how a reservoir may be full in June and nearly empty by December.

*Salt front.* Historically, salinity concentrations in the Delaware River Estuary during drought conditions have been an important driver for the development of a Trenton flow objective, which

ensures a certain amount of freshwater inflow into the Estuary to repel the salinity. The “salt front,” which is based on the location in the Estuary at which the concentration of chloride becomes greater than 250 mg/L for 7 days, is used as an indicator of salinity intrusion. For the most part, water in the Estuary at Philadelphia and Delran is fresh enough for use by industry and for drinking water serving the Philadelphia metropolitan area and central New Jersey. However, if the saltwater-freshwater interface migrates too far upstream, the use of this water may be compromised. On the meeting date, the salt front was at River Mile 68, which was one mile downstream of the typical location for June.

*Groundwater.* Groundwater conditions in the basin are measured by eleven indicator wells. The water levels in these wells at any given time reflect the amount of precipitation received over the previous several months. As of the meeting date, all but two of the basin’s indicator wells were at normal levels. The Schuylkill County, Pennsylvania well was at a below normal level, consistent with local conditions over the previous 90 days, whereas the Cumberland County, New Jersey well was above normal, consistent with the slightly above normal precipitation experienced along the river below Trenton.

*Drought outlook.* As of the meeting date, the U.S. drought monitor showed normal conditions in the region and no indication that drought would develop in the basin over the next few months.

*Three-month outlook.* According to the Climate Prediction Center of the National Oceanographic and Atmospheric Administration—National Weather Service (“NOAA-NWS”), the basin was expected to see above normal temperatures and above normal rainfall over the summer.

*Hurricane season.* Hurricane Season runs from June 1 through November 30th. The National Hurricane Center released its predictions for the 2021 season in May. The expectation was for 13-20 storms (the normal number is 14); 6-10 hurricanes (7 is the norm); and 3-5 major hurricanes (3 is the norm). The Greek alphabet will no longer be used to name storms.

*Additional information.* Current versions of some of the graphics presented by Ms. Shallcross may be accessed on the DRBC Hydrologic Snapshot for Flow and Drought Management at [www.hydrosnap.drbc.net](http://www.hydrosnap.drbc.net). The Commission’s website also includes a flood portal, where users can access flood information, sign up for alerts from the National Weather Service, and find links to flood forecasts and FEMA projects. The portal is located in the Hydrological Information tab on DRBC’s homepage and can be accessed directly at:

<https://www.nj.gov/drbc/hydrological/river/portal-flood.html>.

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

- *Meeting attendance.* There were 61 meeting attendees on the Zoom platform, in addition to any attendees on the YouTube platform.
- *Diversity, equity, inclusion and justice.* As part of DRBC’s ongoing efforts to develop and implement a strategic plan for diversity, equity, inclusion and justice, an internal

DRBC team was preparing to send out a survey to stakeholders. Mr. Tambini invited anyone who wished to provide input but did not receive a survey to contact Stacey Mulholland of the staff at [stacey.mulholland@drbc.gov](mailto:stacey.mulholland@drbc.gov). He said the feedback would be greatly appreciated.

- *Storage studies.* On April 14, 2021, DRBC issued a news release announcing the initiation of a study to explore the feasibility of additional freshwater storage to meet future water availability, climate adaptation, drought management and flow management needs in the basin. Mr. Tambini said the study would complement the ongoing F.E. Walter Re-evaluation Study led by the USACE, for which DRBC is one of the non-federal sponsors. The DRBC has publicly supported maintaining and protecting the existing uses of the F.E. Walter Reservoir for flood risk management and recreation and has recognized the value of these existing uses to the region and basin. Mr. Tambini said that updates on the new storage study would be presented periodically at the DRBC's Water Management Advisory Committee meetings, which are open to the public. For more information, visit: <https://www.nj.gov/drbc/programs/flow/reservoir-storage-study.html>.
- *Water quality monitoring.* Multiple projects were underway as part of DRBC's summer water quality monitoring season, including:
  - shore-based bacteria monitoring, involving weekly sampling at nine locations in the Delaware River Estuary around Philadelphia and Camden.
  - monitoring of dissolved oxygen levels at varying depths along transects at the Ben Franklin Bridge and near Chester, PA. These data will help scientists understand how dissolved oxygen levels may vary within the water column.
  - biological monitoring at 25 sites along the non-tidal mainstem Delaware River, which is protected by DRBC's Special Protection Waters regulations.
  - chloride sampling over a two-year period at 27 mainstem and tributary sites in the Special Protection Waters and streams draining to these waters. This effort is designed to better ensure water quality protection and identify areas of special concern, as freshwater chloride concentrations have been trending upward.
  - during a one-time, multi-day event, assessment of reaches totaling 50 miles of the Upper Delaware and East and West branches to identify sections with insufficient tree canopy. Staff will use a special camera and software to gather these data. Once identified, the reaches with inadequate shade may be targeted for tree-planting.
  - monitoring for emerging contaminants such as PFAS, 1,4-dioxane, and microplastics in the Delaware River.
  - Find more at:  
[https://www.nj.gov/drbc/home/newsbytes/approved/20210526\\_summer2021monitoring.html](https://www.nj.gov/drbc/home/newsbytes/approved/20210526_summer2021monitoring.html).

- *Delaware River Sojourn.* The 2021 Delaware River Sojourn will run from August 7-13, with a volunteer cleanup scheduled on August 6. The theme of this year’s week-long event is “Focus on Fish.” Learn more at: <https://delawareriversojourn.com>.
- *USACE change of command.* The USACE Philadelphia District change-of-command ceremony was to take place in person on July 9, 2021. Echoing Secretary Garvin’s comments, Mr. Tambini thanked LTC Park for his dedicated service to our country, leadership of the Philadelphia District for the previous two years, and full engagement in water resource management as the DRBC alternate commissioner for the United States. He wished LTC Park the best in his new assignment.
- *DRBC officers rotation.* Noting this was the last meeting of the fiscal year. Mr. Tambini thanked Governor Carney and Secretary Garvin for their dedication and effort in leading DRBC through the onset and first 12 months of the Covid 19 pandemic, noting that the staff look forward to continuing to work with Secretary Garvin and Governor Carney on shared water resource goals.

General Counsel’s Report. Mr. Warren provided an update on the three cases he had discussed at the Commission’s March meeting.

*Yaw et al. v. DRBC.* The case known as “Yaw against DRBC” commenced in January 2021 when Pennsylvania state senators Gene Yaw and Lisa Baker, together with the Pennsylvania Senate Republican Caucus and Damascus Township, filed a complaint against DRBC in the U.S. District Court for the Eastern District of Pennsylvania. Before DRBC’s adoption on February 25, 2021 of a regulation prohibiting high volume hydraulic fracturing (“HVHF”) in the basin, the complaint focused on what was called the Commission’s “*de facto* moratorium” on hydraulic fracturing. Because upon adoption of the basinwide prohibition on HVHF, the “moratorium” ceased to exist, the plaintiffs filed an amended complaint on March 31, 2021. In the amended complaint, the plaintiff group was expanded by the addition of Dyberry Township, Carbon County, and Wayne County. Although the sole initial defendant in the case was the DRBC, several parties intervened on DRBC’s behalf. These intervenor defendants include certain Pennsylvania Democratic state senators, the Delaware Riverkeeper Network and Maya van Rossum, and also Bucks and Montgomery counties.

The DRBC, along with the other defendants, filed motions to dismiss on a number of grounds, including the plaintiffs’ lack of standing to bring their claims. The plaintiffs’ claims are essentially that the DRBC lacks statutory authority to adopt a prohibition on HVHF, and in the alternative, that the court should issue a declaratory judgment that the prohibition, if upheld, effectuated a compensable taking of public or private property. The complaint included an additional claim under the Guarantee Clause of the U.S. Constitution. Mr. Warren reported that the motion to dismiss had been fully briefed and was pending in the Eastern District, and the Commission was awaiting the court’s decision.

*Wayne Land v. DRBC.* In light of the *Yaw* case and the Commission’s adoption in February of a prohibition on HVHF, the DRBC filed a motion to dismiss the case known as *Wayne Land and Mineral Group vs. DRBC*, which has been pending in the U.S. District Court for the Middle District of Pennsylvania. In this case, a Wayne County landowner seeks a declaration that its proposed HVHF activities are not a “project” as that term is defined in the Compact and are therefore not subject to DRBC’s project review authority under Section 3.8 of the Compact. The substance of the DRBC’s motion to dismiss, filed after the Commission’s February 2021 rule adoption, is that because of the basinwide prohibition on HVHF, there is no effective remedy the court could grant, given the nature of the allegations and the relief sought. That is, whether or not the plaintiff’s activities constitute a “project” subject to Commission review, they may not proceed. The plaintiff opposed the motion, and the court held a conference and suggested to the parties that the practical resolution would be to stay the case in light of the pending *Yaw* case. The court basically suggested, “Let’s see what happens with respect to the prohibition before we make a final determination as to whether the court will maintain jurisdiction over the *Wayne Land* case.” Mr. Warren reported that all parties, in his view appropriately, agreed with the court’s suggestion and stipulated to stay the case. As a result, there will be no trial on October 18, 2021 as had been scheduled, and all involved will wait and see whether the case ever advances. If a final decision in the *Yaw* case were adverse to the DRBC, the commissioners would need to decide what their next steps would be.

*DRN v. DRBC.* The third case is a suit by the Delaware Riverkeeper Network (“DRN”), appealing the Commission’s issuance of a docket approval (the “Docket”) for the Gibbstown Logistics Center Dock 2 project. DRN in April filed a motion to supplement the administrative record. DRBC opposed the supplementation on grounds that the materials DRN proposed to include were not materials that were considered or that should have been considered by the commissioners in the course of rendering their decision on DRN’s administrative appeal and in affirming the Docket. The motion is pending in the U.S. District Court for the District of New Jersey. Once the court rules, a briefing schedule will be established to resolve, on the administrative record, the merits question of whether the Docket was appropriately issued.

Mr. Warren concluded his report by thanking LTC Park and Secretary Garvin for their service. He noted that it had been a very challenging year, and both had devoted considerable effort to making it a smooth year for the DRBC. He, among others, appreciated their efforts.

*Settlement agreement.* Ms. Bush advised the commissioners that a settlement of an alleged violation of a docket and the Commission’s Flood Plain Regulations had been reached with an entity called Venice Island Developer, and the commissioners’ authorization was requested for the executive director to finalize the agreement. Ms. Bush provided the following background:

- In 2008 at Pennsylvania’s request, the Commission reviewed and issued a docket for a residential condominium project on Venice Island in Philadelphia (the “Docket”).

- The Docket was approved, and this approval was extended twice by the Commission’s executive director at the request of the developers, who were delayed in building their project due to the economic recession of 2008.
- Ten years after the Docket was first approved, and without informing the Commission or transferring the Docket, the developer in 2018 sold the still-unbuilt project to another developer operating under the name Venice Island Developer (“VID”). VID proceeded to construct an entirely different project on the site, in violation of the docket conditions and DRBC’s Flood Plain Regulations.
- The proposed settlement provides that VID will pay the Commission certain fees that it still owes in the amount of \$16,569, and also that it will file a letter of map revision application with the Federal Emergency Management Agency (FEMA) in connection with its development of the site.
- A revised docket—item 26 on the docket portion of the business meeting agenda—was the subject of a public hearing held on May 12, 2021. Staff received no comments on that docket and would be recommending its approval later in the business meeting.

Ms. Bush noted that the DRBC staff had coordinated with the City of Philadelphia Floodplain Manager and staff of the Pennsylvania Emergency Management Agency (PEMA) as well as with the Pennsylvania commissioner in reaching the proposed settlement. She requested the commissioners’ approval of the settlement as described, a copy of which had been circulated previously to each of them.

Secretary Garvin asked the commissioners if they had any questions regarding the proposed settlement. Hearing none, at his invitation, LTC Park offered a motion to approve the settlement, Mr. Ken Kosinski offered a second, and the settlement agreement was approved by unanimous vote.

Ms. Bush extended her sincere thanks and appreciation to both Secretary Garvin and LTC Park for their commitment and attention to the matters of the Commission during the past unprecedented year.

A Resolution to adopt the Commission’s current expense and capital budgets for the fiscal year ending June 30, 2022. Ms. Deck summarized the Commission’s proposed current expense and capital budgets for the period July 1, 2021 through June 30, 2022, the details of which could be viewed on the DRBC website ([www.drbc.gov](http://www.drbc.gov)). She asked the commissioners to approve the current expense budget for the fiscal year ending June 30, 2022 in the aggregate amount of \$6.7 million and a capital budget reflecting revenues of \$3.3 million and expenditures of \$4.9 million as set forth in the document dated June 9, 2021. In addition to funds in the amount of \$2,631,500 apportioned by the signatory parties by separate resolution, she noted, the Commission anticipated General Fund revenue in the form of a transfer of \$2.5 million from the Water Supply Storage Facilities Fund, special projects funding of \$500,000, and other income of \$1.1 million for a total of \$4.19 million. Should the anticipated signatory party revenue fall below the budgeted amount,

she explained, the proposed resolution authorized and directed the executive director to implement any and all actions necessary to maintain the physical and financial stability of the General Fund and accomplish the Commission's work plan priorities. Ms. Deck noted that the Commission would continue to administer the Pennsylvania Groundwater Protected Area program in fiscal year 2022. The estimated cost of that program, \$153,800, is fully by the Commonwealth of Pennsylvania.

At Secretary Garvin's invitation, Mr. Kosinski moved for adoption, Mr. Hoffman seconded his motion, and without further comment, Resolution No. 2021-02 to adopt the Commission's current expense and capital budgets for the fiscal year ending June 30, 2022 was approved by unanimous vote.

A Resolution to apportion among the signatory parties the amounts required for the support of the current expense and capital budgets for the fiscal year ending June 30, 2022. Ms. Deck summarized the Resolution, which set forth the budgeted signatory party contributions for the Commission's 2022 fiscal year, running from July 1, 2021 through June 30, 2022, as follows: Delaware, \$447,000; New Jersey \$893,000; New York, \$359,500; Pennsylvania, \$217,000; and the United States, \$715,000; for a combined total of \$2,631,500. She noted that all signatory party contributions are subject to approval pursuant to the budgetary processes of the respective states and the United States. Ms. Deck recommended that the resolution be adopted as proposed.

At Secretary Garvin's invitation, LTC Park moved for adoption, Mr. Kosinski seconded his motion, and without further discussion, Resolution No. 2020-03 to apportion among the signatory parties the amounts required for the support of the current expense and capital budgets for the fiscal year ending June 30, 2022 was adopted by a unanimous roll call vote.

A Resolution for the Minutes authorizing the Executive Director to enter into an agreement for professional services for the configuration and implementation of a new finance and accounting software system. Ms. Deck explained that the Commission's finance and accounting system was not capable of supporting current needs, particularly with respect to tracking and reporting on the use of grant proceeds and the status of DRBC in-kind contributions, where applicable. The new software system, Microsoft Dynamics, would integrate with existing office systems to simplify and streamline all tracking and reporting tasks. Ms. Deck explained that after a careful selection process, PrenticeWorx of Salt Lake City, Utah was selected as best able to meet the Commission's needs at the lowest cost. The resolution would authorize the expenditure of not more than \$17,500 over the course of nine months for the professional services of PrenticeWorx to configure the new system. Ms. Deck asked the commissioners to approve the proposed resolution.

At Secretary Garvin's invitation, Mr. Hoffman moved for approval, Ms. Atkinson seconded his motion, and without further discussion, the Resolution for the Minutes authorizing the executive director to enter into an agreement for professional services for the configuration and implementation of a new finance and accounting software system was approved by unanimous vote. The text of the resolution follows:



## RESOLUTION FOR THE MINUTES

A Resolution authorizing the Executive Director to enter into an agreement for professional services for the configuration and implementation of a new finance and accounting software system.

WHEREAS, the outdated financial software currently in use by the Commission no longer supports project accounting needs; in particular, it is incapable of tracking expenditures of grant proceeds and does not help staff satisfy increasingly complex government accounting standards or the strict reporting requirements of public and private grantors; and

WHEREAS, efficient and effective computing and software solutions exist that would: vastly simplify grant management tasks, integrate with other office systems; automate accounts payable and receivable processes; and streamline routine but vital budgetary analyses; and

WHEREAS, one such solution, Microsoft's enterprise resource planning ("ERP") application known as "Dynamics," could be integrated with the Microsoft cloud computing services, including Microsoft 365 and Teams, that the Commission currently licenses through Microsoft's partner Dell Technologies ("Dell"), a contractor of the New Jersey Office of Information Technology from which the Commission purchases IT support; and

WHEREAS, all Dynamics users require the services of a Microsoft partner specializing in this cloud-based application to configure and implement the software; and

WHEREAS, Microsoft provided the Commission with the names of three of its partner firms that could provide Dynamics technical support and consulting services in our region; and

WHEREAS, the Commission obtained demonstrations and proposals from each of the three firms and determined that Prentice Worx of Salt Lake City, Utah could best meet the Commission's needs at the lowest cost of the three; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that:

1. The Executive Director is hereby authorized to enter into an agreement with Prentice Worx for the configuration and implementation of Microsoft Dynamics over the course of nine months in an amount not to exceed \$17,500.
2. Because the services to be provided are of a professional nature, in accordance with paragraph 5 of Section 14.9 of the Compact, the competitive bidding requirements of that section are hereby waived.

This Resolution shall take effect immediately.

A Resolution to adopt the fiscal year 2022-2024 Water Resources Program. Ms. Bowman Kavanagh explained that sections 3.2(b) and 13.2 of the Delaware River Basin Compact require the Commission to annually adopt a water resources program based upon the Comprehensive Plan, consisting of the projects and facilities to be undertaken by the Commission during an ensuing

period of the Commission’s determination. The Water Resources Program for Fiscal Years 2022—2024 was developed by the DRBC staff in consultation with the commissioners, and it guided the development of the fiscal year 2022 budget approved earlier in the meeting. The draft Water Resources Program was the subject of a duly noticed public hearing on May 12, 2021. Ms. Bowman Kavanagh asked the commissioners to adopt the Water Resources Program as presented for fiscal years 2022 through 2024.

At Secretary Garvin’s invitation, Mr. Kosinski moved for approval, Ms. Atkinson seconded his motion, and without further discussion, Resolution No. 2021-04 to adopt the Water Resources Program for Fiscal Years 2022—2024 was approved by unanimous vote.

A Resolution concerning the collection of additional information essential to the evaluation of social and economic factors affecting the attainment of uses in the Delaware River Estuary in accordance with Resolution No. 2017-4. Mr. Yagecic advised that the proposed resolution would authorize and direct the executive director to require certain dischargers, at their own cost and expense, to assemble and furnish to the Commission certain information needed to evaluate social and economic factors affecting the attainment of uses in the Delaware River Estuary. The evaluation would be performed by the DRBC staff in fulfillment of requirements set forth in Resolution No. 2017-4. Mr. Yagecic noted that for the required evaluation, two recently-issued guidance documents were being consulted, both of which were referenced expressly in the draft resolution: a document known as the “New Framework,” developed jointly by the American Water Works Association, National Association of Clean Water Agencies, and Water Environment Federation; and the 2021 Financial Capability Assessment Guidance, developed by the U.S. Environmental Protection Agency. Mr. Yagecic added that most of the data needed for the evaluation is publicly available and has been assembled. However, certain data points, such as water and wastewater rates, stormwater costs, annual operation and maintenance expenses, and bond rating information, were known solely by the respective wastewater utilities.

The draft resolution was the subject of a public hearing on May 12, 2021. Because commenters indicated that the period initially proposed for producing the data (60 days) was insufficient, the resolution was amended to allow 120 days for production of the data. A clause also was added, stating that, “In response to a written request including a demonstration of need, the executive director may allow additional time for the production of the requested information.” Mr. Yagecic recommended that the Commissioners approve the resolution as modified.

At Secretary Garvin’s invitation, Mr. Hoffman moved for approval, LTC Park seconded his motion, and without further discussion, Resolution No. 2021-05 concerning the collection of additional information essential to the evaluation of social and economic factors affecting the attainment of uses in the Delaware River Estuary in accordance with Resolution No. 2017-4 was approved by unanimous vote.

A Resolution for the Minutes authorizing the Executive Director to partner with the USGS to obtain funding for and perform novel bacterial monitoring in urbanized areas of the Delaware River Basin. Mr. Yagecic related that in February 2021, the U.S. Geological Survey (“USGS”), in cooperation with the DRBC, submitted a successful proposal to the U.S. Environmental Protection Agency (“EPA”) for an Urban Waters Federal Partnership grant in the amount of \$116,500 to establish near-real-time fecal indicator bacteria monitoring in the vicinity of Pyne Point Park in Camden, using the Fluidion ALERT System. The DRBC and USGS also submitted a successful proposal to the William Penn Foundation for a grant in the amount of \$100,100 to fulfill the non-federal match requirement for the EPA grant. The WPF award also would fund the development of recommendations for an expanded network and an evaluation of opportunities for sustaining that network, and would support development of a user friendly geo-narrative that summarizes the findings.

The proposed resolution thus would authorize and direct the executive director to enter into a joint funding agreement with the USGS to perform the work funded by the Urban Waters Federal Partnership grant and to enter into an agreement with the William Penn Foundation for the related grant in the amount of \$100,100. Mr. Yagecic requested the Commissioners’ approval of the resolution as proposed.

At Secretary Garvin’s invitation, Mr. Kosinski moved for approval, Ms. Atkinson seconded his motion, and without further discussion, the Resolution for the Minutes authorizing the Executive Director to partner with the USGS to obtain funding for and perform novel bacterial monitoring in urbanized areas of the Delaware River Basin was approved by unanimous vote. The text of the resolution follows:

#### RESOLUTION FOR THE MINUTES

A Resolution for the Minutes authorizing the Executive Director to partner with the U.S. Geological Survey (USGS) to obtain funding for and perform novel bacterial monitoring in urbanized areas of the Delaware River Basin.

WHEREAS, Section 101(a)(2) of the Clean Water Act sets as a national goal, “wherever attainable[,...] water quality which provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water”; and

WHEREAS, for interstate waters within the Delaware River Basin, the basin states’ regulations implementing the Clean Water Act defer or refer to DRBC water quality standards; and

WHEREAS, “recreation” (also referred to as primary contact recreation) is a designated use for all water quality zones in the main stem Delaware River, except within a 27-mile-long segment in the urban Delaware River Estuary that comprises Zone 3 and the portion of Zone 4 above River Mile 81.8 (“upper Zone 4”), where the designated uses include only “recreation-secondary contact”; and

WHEREAS the causes of elevated bacteria in Zones 3 and the upper portion of Zone 4 are generally understood to include: (1) discharges of raw sewage from combined

sewer overflows (CSOs) following certain wet weather events from the City of Philadelphia, Pa., City of Camden, N.J., City of Gloucester, N.J., DELCORA wastewater system in Delaware County, Pa., and City of Wilmington, Del.; (2) localized urban runoff during wet weather events (including bacteria from animal sources); (3) overflows of existing sanitary sewer systems during extreme wet weather events; (4) runoff from upstream sources during extreme wet weather events; and (5) unspecified dry weather sources including localized in-situ animal sources such as Canada geese.

WHEREAS, based upon extensive collection and analysis of Fecal Indicator Bacteria (FIB) in the Delaware River Estuary, the 2020 Water Quality Assessment Report indicates that “recreation” is supported in Zones 2, 5, and 6; and “recreation-secondary contact” is supported in Zone 3 and upper Zone 4; and

WHEREAS, in response to requests by non-governmental organizations and members of the public that the Commission upgrade from “recreation - secondary contact” to primary contact “recreation” the use designation and corresponding water quality criteria for Zone 3 and upper Zone 4 of the Estuary, the Commission has asked its Water Quality Advisory Committee (“WQAC”), a body comprised of members from diverse stakeholder groups, to evaluate the matter and provide the Commission with a recommendation; and

WHEREAS, during the summers of 2019 and 2020, DRBC collected shore-based samples from locations in Zone 3 and upper Zone 4 and had them tested for *E. coli*, fecal coliform and enterococci to determine whether water quality that supports primary contact “recreation” is being attained or is close to being attained in these areas. The sampling and analytical results indicated that water quality in the tested sites does not support primary contact “recreation”; however, the potential for attainment at some sites was greater than at others; and

WHEREAS, the Commission’s FY2022 – FY2024 Water Resources Program (“WRP”) provides that the DRBC will actively engage with the WQAC and our Clean Water Act co-regulators to identify near- and long-term measures for improving water quality and increasing opportunities for safe recreation in Zone 3 and upper Zone 4; and

WHEREAS the WRP further provides for the staff to acquire a better understanding of conditions and trends based upon shore-based monitoring, tributary, and non-point source monitoring, including near-real-time bacteria indicator monitoring; and

WHEREAS current Fecal Indicator Bacteria (“FIB”) sampling methods are labor intensive and there is a multi-day lag time between sample collection and receipt of results. This results in uncertainty about the potentially harmful bacterial concentration in the water body at the time of recreation.

WHEREAS, as part of the USGS Next Generation Water Observing System (NGWOS) Delaware River Basin Pilot, the USGS is testing in Philadelphia a novel instrument called the Fluidion ALERT System, which performs remote sampling and rapid in-situ analysis, including telemetered Fecal Indicator Bacteria (FIB) sampling; and

WHEREAS, on February 5, 2021 the USGS in cooperation with the DRBC submitted a successful proposal to the EPA Urban Waters Federal Partnership (“UWFP”) for a grant of \$116,500 to:

- a. establish an additional USGS near real-time FIB monitoring location in a back channel of the Delaware River at the mouth of the Cooper River at Pyne Point Park in Camden, New Jersey to assess the technological readiness of the Fluidion ALERT System;
- b. install a stage sensor and water-temperature sensor for monitoring tidal elevation to characterize streamflow conditions and water temperature and aid in data analysis;
- c. collect weekly validation samples to be analyzed using standard EPA FIB methods;
- d. validate the *E. coli* and total coliform concentrations produced by the Fluidion ALERT system by comparing them to analytical data derived by standard EPA methods; and
- e. publish the results; and

WHEREAS the DRBC and USGS also submitted a successful proposal to the William Penn Foundation on March 29, 2021 for a grant of \$100,100 to fulfill the non-federal match requirement of the UWFP grant and to perform additional related tasks, as follows:

- a. develop recommendations for an expanded network of real time bacterial monitoring in the urban Delaware River Estuary, and
- b. evaluate opportunities for sustaining a network of USGS-operated and -maintained bacterial monitors through funding and cooperative agreements; and
- c. prepare and deliver to the public an engaging, user-friendly and informative “geo-narrative” that summarizes findings from the exploration into ways of expanding and sustaining near-real-time bacteria monitoring in the Delaware River Estuary.

Now therefore, BE IT RESOLVED by the Delaware River Basin Commission:

1. The Commission supports the collection of additional FIB water quality data using both traditional and innovative methods to furnish the Commission, state and federal co-regulators, and the public with timely and accurate information about whether river conditions support primary contact recreation.

2. The Executive Director is authorized and directed to enter into a Joint Funding Agreement with the USGS to implement the joint UWFP grant proposal entitled *Novel Bacterial Monitoring in Urbanized Areas of the Delaware River Basin in Support of Recreational Water Quality Criteria*.

3. The Executive Director is authorized and directed to enter into an agreement with the William Penn Foundation for a related grant in the amount of \$100,100 to be allocated as follows: UWFP match - \$30,600; USGS labor and expenses - \$39,500; and DRBC labor and expenses - \$30,000.

A Resolution for the Minutes providing for election of the Commission Chair, Vice-Chair and Second Vice-Chair for the year beginning July 1, 2021 and ending June 30, 2022. The Delaware River Basin Compact provides for the election of the Commission's officers every year. The customary rotation dictates that for the fiscal year beginning July 1, 2021 and ending June 30, 2022, the United States representative will serve as chair, the governor of Pennsylvania as vice-chair, and the governor of New Jersey as second vice-chair. Ms. Bush asked the commissioners to vote to approve these presumptive nominees.

At Secretary Garvin's invitation, Ms. Atkinson offered a motion for approval, Mr. Hoffman seconded her motion, and without further discussion, the Resolution for the Minutes providing for election of the Commission chair, vice-chair, and second vice-chair for the year beginning July 1, 2021 and ending June 30, 2022 was approved by unanimous vote. The text of the resolution follows:

#### RESOLUTION FOR THE MINUTES

A Resolution for the Minutes providing for election of the Commission Chair, Vice Chair and Second Vice Chair for the year commencing July 1, 2021 and ending June 30, 2022.

WHEREAS, Article 2, Section 2.6 of the Delaware River Basin Compact (Compact) states that the Commission shall provide for its own organization and procedure; and WHEREAS, the Compact further requires the annual election of the Chair and Vice Chair, which historically has been based upon rotation of the signatory parties; and

WHEREAS, the Commission has further determined that a Second Vice Chair, to preside in the absence of the other officers, should also be elected; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. The United States Member is hereby elected to serve as Chair for the term July 1, 2021 through June 30, 2022.
2. The Governor of Pennsylvania is hereby elected to serve as Vice Chair for the term July 1, 2021 through June 30, 2022.
3. The Governor of New Jersey is hereby elected to serve as Second Vice Chair for the term July 1, 2021 through June 30, 2022.

Project Review Docket Applications. Mr. Kovach explained that he was recommending the approval of twenty-eight (28) dockets that morning. Twenty-seven (27) of these had been subjects of a public hearing on May 12, 2021. Although no comments were offered on any of the dockets

during the May 12 hearing, the Commission received written comments on two—docket agenda items nos. 4 for East Stroudsburg Borough, and 15 for Pocono Manor Investors—before the close of the comment period on May 17, 2021. Docket agenda item no. 28 for the Hazleton City Authority, involving an increased withdrawal from the Lehigh River for public water supply, was the subject of a public hearing on February 10, 2021. The Commission received no comments on the draft docket for Hazleton, but its consideration of the docket was postponed to allow additional time for coordination with the Pennsylvania Department of Environmental Protection (“PADEP”), which was concurrently evaluating the City’s water allocation permit application.

Mr. Kovach summarized the comments and staff responses concerning the draft dockets for East Stroudsburg Borough and Pocono Manor Investors.

With respect to East Stroudsburg Borough, the Brodhead Watershed Association had noted two clerical errors in the draft docket. First, it pointed out that PADEP’s use designation had been changed from “trout stocked fishery” to “cold-water fishery” after the Commission’s previous docket renewal, a fact not reflected in the published draft docket. Second, in Table C1 of the published draft, the discharge location incorrectly read “Waltz Creek” and should have read “Broadhead Creek.” Mr. Kovach said both errors were now corrected. The Association also commented that DRBC’s review needed to take into consideration the change in Pennsylvania’s stream designation. Mr. Kovach explained that PADEP’s designations are included in DRBC’s dockets for reference and informational purposes, but they typically do not affect DRBC docket conditions, which are designed solely to ensure that the project does not impair or conflict with the Commission’s Comprehensive Plan. The Association also had noted that residual chlorine from East Stroudsburg’s disinfection process might cause adverse impacts to stream water quality and that in light of the recent cold-water fishery designation, temperature issues could arise that the DRBC might not have considered. The Association provided information from a 2013 study that allegedly showed an adverse impact from the East Stroudsburg Borough discharge. Mr. Kovach explained that as to the method of disinfection, the DRBC’s Special Protection Waters regulations require UV disinfection only for new or expanding discharges or substantial alterations to existing discharges to the mainstem Delaware River, and in some instances, to an intrastate water immediately upstream of its confluence with the main stem. The regulations do not apply on an intrastate tributary such as the Brodhead Creek. Mr. Kovach recommended that the East Stroudsburg Borough docket be approved with the noted corrections and no other changes.

The Brodhead Watershed Association and PennFuture both submitted comments on docket agenda item no. 15, the draft docket for Pocono Manor Investors. Two of the comments were similar to those submitted on the East Stroudsburg Borough docket. The PADEP designation of Swiftwater Creek in the affected reach had been upgraded from “high-quality cold-water fishery” to “exceptional value cold-water fishery,” a change that was not reflected in the draft docket. Again, Mr. Kovach explained that the error had been corrected, but the change would not result in changes to substantive conditions of DRBC’s docket approval. The commenters again also posited that the discharger should be required to replace its chlorine disinfection process with UV disinfection. Again, however, DRBC’s Special Protection Waters regulations would require such a change only for a new or expanding discharge or one involving substantial alterations, and only for a discharge

directly to the main stem Delaware River or in some instances to a tributary near its confluence with the main stem. The requirement would not apply to the discharge to Swiftwater Creek, an intrastate stream. The commenters also noted a typographical error in the draft docket that made it appear the plant's discharge was increasing. Mr. Kovach explained that no increase was requested and none was proposed to be approved.

A final comment concerned the fact that the Pocono Manor Inn, located within the service area of the Pocono Manor Investors' wastewater treatment plant, had burned down. The commenter proposed that the Inn be removed from the area served by the wastewater treatment plant because whatever might be built to replace it would require a new evaluation of sewage treatment needs and capacity. Mr. Kovach explained that the area served as set forth in the DRBC docket is intended to describe the geographical extent of the plant's collection system, and in some instances, specific sites or facilities outside of that geographic area from which waste may be transported to the treatment plant. The area served does not change automatically when one use within the service area ceases or is replaced by another. A state planning process pursuant to Act 537 (the Pennsylvania Sewage Facilities Planning Act) is followed whenever a municipality's sewage disposal needs change as a result of new development. If and when such a change occurs, the Commission's docket should accurately reflect it. But no change would be warranted simply as a result of the loss of one user.

Mr. Kovach concluded his remarks by recommending that the Commissioners approve docket agenda items 1 through 28 with the noted corrections.

At Secretary Garvin's invitation, Mr. Kosinski offered a motion for approval of the 28 dockets, LTC Park seconded his motion, and without further discussion, docket agenda items 1 through 28 were approved by unanimous vote.

Adjournment. On a motion by Ms. Atkinson, seconded by Mr. Kosinski, the business meeting of June 9, 2021 was adjourned by unanimous vote at 11:50 a.m.

Audio Recording, Docket Descriptions. Audio recordings of the public hearing of May 12 and the Business Meeting of June 10, 2021 are on file with the Commission Secretary. A description of each of the applications for dockets approved during the Business Meeting of June 10, 2021 is provided as an attachment to these Minutes.

Open Public Comment. After the business meeting adjourned, Mr. Tambini and Ms. Bowman Kavanagh held an Open Public comment session for off-the-record comments by stakeholders on water resource issues affecting the Basin.

*/s/Pamela M. Bush*

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Pamela M. Bush, Esquire

Commission Secretary and Assistant General Counsel



**ATTACHMENT**  
**DESCRIPTION OF PROJECTS APPROVED BY THE COMMISSION DURING THE**  
**BUSINESS MEETING OF JUNE 10, 2021**

*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. Descriptions of the projects (based on the applications received, which may vary from final projects) for which the Commission issued approvals on June 10, 2021 are presented below.

*A. Renewals with No Substantive Changes (Items 1 through 24).*

1. Boyertown Boro, D-1973-199 CP-5. An application to renew the approval of the existing 0.75 mgd WWTP and its discharge. The existing WWTP will continue to discharge treated effluent to West Branch Swamp Creek at River Mile 92.47 - 32.3 - 12.9 - 11.9 (Delaware River - Schuylkill River - Perkiomen Creek - Swamp Creek) via Outfall No. 001, in Douglass Township, Montgomery County, Pennsylvania.

2. Spring City Borough, D-1974-061 CP-6. An application to renew the approval of the applicant's existing 0.61 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to the Schuylkill River at River Mile 92.47 - 41.3 (Delaware River - Schuylkill River) in Spring City Borough, Chester County, Pennsylvania.
3. Occidental Chemical Corporation, D-1983-009-4. An application to renew the approval of the existing Occidental Chemical Corporation (OxyChem) discharge and treatment system. The facility will continue to pump and treat up to 0.30 mgd of groundwater and stormwater before discharging to the Delaware River at River Mile 62.7, located in Delaware City, New Castle County, Delaware.
4. East Stroudsburg Borough, D-1987-015 CP-4. An application to renew approval of the applicant's existing 2.25 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to Brodhead Creek at River Mile 213.0 - 3.25 (Delaware River - Brodhead Creek) and is located within the drainage area of the section of the non-tidal Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters, in the Borough of East Stroudsburg, Monroe County, Pennsylvania.
5. West Grove Borough, D-1996-026 CP-3. An application to renew the approval of an existing groundwater withdrawal (GWD) of up to 11.16 mgm to supply the applicant's public water supply from existing Wells Nos. 3, 4 and 7 completed in the Cockeysville Marble and Wissahickon Formations. The requested allocation is not an increase from the previous allocation. The project is located in the Middle Branch White Clay Creek Watershed in West Grove Borough, Chester County, Pennsylvania.
6. Upper Moreland - Hatboro Joint Sewer Authority, D-1998-048 CP-4. An application to renew the approval of the docket holder's existing 11.25 mgd WWTP and its annual average discharge of up to 7.189 mgd and to approve a hydraulic design capacity rerate from 9.08 to 11.25 mgd. The WWTP will continue to discharge treated effluent to Pennypack Creek at River Mile 109.75 - 17.8 (Delaware River - Pennypack Creek) via Outfall No. 001, in Upper Moreland Township, Montgomery County, Pennsylvania.
7. Maidencreek Township Authority, D-2000-028 CP-4. An application to renew approval of the docket holder's existing 0.8 mgd Willow Creek WWTP. The WWTP will continue to discharge treated effluent to Willow Creek at River Mile 92.47 - 86.1 - 0.6 - 1.0 (Delaware River - Schuylkill River - Maiden Creek - Willow Creek) in Ontelaunee Township, Berks County, Pennsylvania.
8. Topton Borough, D-2001-041 CP-3. An application to renew the approval of the docket holder's existing 0.30 mgd WWTP and its discharge. The existing WWTP will continue to discharge treated effluent to Toad Creek at River Mile 183.67 - 16.4 - 18.61 - 3.7 (Delaware River - Lehigh River - Little Lehigh Creek - Toad Creek) via Outfall No. 001, within the drainage area of the section of the non-tidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Longswamp Township, Berks County, Pennsylvania.

9. Upper Hanover Authority, D-2001-061 CP-5. An application to renew the approval of the docket holder's existing 0.4 mgd Macoby WWTP and its discharge. The existing WWTP will continue to discharge treated effluent to Macoby Creek at River Mile 92.47 - 32.3 - 19.5 - 5.3 (Delaware River - Schuylkill River - Perkiomen Creek - Macoby Creek) via Outfall No. 001 in Upper Hanover Township, Montgomery County, Pennsylvania.
10. Waymart Area Authority, D-2002-032 CP-3. An application to renew approval of the applicant's existing 0.815 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to Van Auken Creek at River Mile 277.7 – 30.0 – 3.2 (Delaware River – Lackawaxen River - Van Auken Creek) in the drainage area of the section of the non-tidal Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in Canaan Township, Wayne County, Pennsylvania.
11. Aqua Pennsylvania Wastewater, Inc., D-2002-042-5. An application to renew the docket holder's existing 0.60 mgd White Haven WWTP and its discharge. The docket holder will continue to discharge to the Lehigh River at River Mile 183.77 - 71.9 (Delaware River - Lehigh River), via Outfall No. 001, in White Haven Borough, Luzerne County, Pennsylvania, within the drainage area of the section of the non-tidal Delaware River known as as the Lower Delaware, which the Commission has classified as Special Protection Waters.
12. North Coventry Water Authority, D-2002-047 CP-3. An application to renew the approval of a water supply interconnection to receive up to 23.56 mgm of potable water from the Pottstown Borough Authority. The requested allocation is not an increase from the previous allocation. The project is located in the Southeastern Pennsylvania Ground Water Protected Area (SEPA GWPA) in North Coventry Township, Chester County, Pennsylvania.
13. Alsace Township, D-2006-005 CP-4. An application to renew the approval of the docket holder's existing 0.071 mgd Alsace Manor WWTP and its discharge. The docket holder will continue to discharge treated effluent to an unnamed tributary (UNT) to Little Manatawny Creek at River Mile 92.47 - 54.15 - 16.7 - 4.7 - 0.23 (Delaware River - Schuylkill River - Manatawny Creek - Little Manatawny Creek - UNT Little Manatawny Creek) via Outfall No. 001, in Alsace Township, Berks County, Pennsylvania.
14. Brookdale Enterprises, LLC, D-2006-019-5. An application to renew the approval of an existing 0.049 mgd WWTP and its discharge. The docket holder's WWTP will continue to discharge treated effluent to Brookdale Lake at River Mile 213.0 - 3.9 - 0.9 - 11.4 - 2.85 - 0.15 (Delaware River - Brodhead Creek - McMichael Creek - Pocono Creek - Scot Run - Brookdale Lake), via Outfall 001, within the drainage area of the section of the non-tidal Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters, in Pocono Township, Monroe County, Pennsylvania.
15. Pocono Manor Investors, L.P., D-2006-026 CP-5. An application to renew the approval of the existing 0.14 million gallons per day (mgd) Pocono Manor WWTP and its discharge. The WWTP will continue to discharge to Sweetwater Creek at River Mile 213.0 – 11.4 – 4.4 – 5.3 (Delaware River - Brodhead Creek - Paradise Creek – Swiftwater 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 Pocono Township, Monroe County, Pennsylvania.

16. Camp Lohikan, D-2009-024-3. An application to renew the approval of the applicant's existing 0.03 mgd WWTP and its land discharge via spray irrigation. Treated effluent will continue to be spray irrigated to two spray fields located in the 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 Buckingham Township, Wayne County, Pennsylvania

17. Wallenpaupack Area School District, D-2009-026 CP-4. An application to renew the approval of the existing 0.04 million gallon per day (mgd) Wallenpaupack Area School District High School WWTP and its discharge. The WWTP will continue to discharge treated effluent to Lake Wallenpaupack on the Wallenpaupack Creek, at River Mile 277.7 - 15.8 - 1.4 - 0.2 (Delaware River - Lackawaxen River - Wallenpaupack Creek - Lake Wallenpaupack) 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 Palmyra Township, Pike County, Pennsylvania.

18. Butter Valley Golf Port, D-2010-013-2. An application to renew the approval to withdraw up to 4.65 million gallons per month (mgm) of groundwater from Well B and up to 5.89 million gallons per month of surface water from Pond Intakes Nos. 1 and 2 for golf course irrigation. The groundwater is used to supplement the surface water sources, and the total combined allocation of groundwater and surface water is proposed to remain at the previously approved total combined allocation of 5.89 mgm. The project well is completed in the Brunswick Formation in the West Branch Perkiomen Creek Watershed in Upper Hanover Township, Montgomery County, Pennsylvania within the Southeastern Pennsylvania Ground Water Protected Area.

19. Tuthill Corporation & Aquashicola-Little Gap, Inc., D-2010-026-2. An application to renew the approval to withdraw up to 300 million gallons of water from November through March and 3.5 million gallons per month (mgm) at all other times from two existing surface water intakes on Aquashicola Creek. The surface water withdrawals are used for snowmaking, pump testing and fire emergencies at the docket holder's ski area. The docket also renews the approval of an allocation of 1.49 mgm from Wells 1 and 2 for the purpose of potable water supply to the ski area. The project is located in the Aquashicola Creek Watershed in Lower Towamensing Township, Carbon County, Pennsylvania. The site 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.

20. Vicinity Energy, D-2010-040-2. An application to renew the approval of an existing discharge of up to 43.6 mgd of non-contact cooling water and intake screen backwash generated at the Tri-Gen Corporation Facility and the Grays Ferry Cogen Facility via existing Outfall No. 001, which is located at the Schuylkill Generating Station. Outfall No. 001 will continue to discharge NCCW and intake screen backwash to the tidal portion of the Schuylkill

River, in Delaware River Water Quality Zone 4, at River Mile 92.47 - 5.6 (Delaware River - Schuylkill River) in the City of Philadelphia, Pennsylvania.

21. Bethany Children's Home, D-2010-043-2. An application to renew the approval of an existing groundwater withdrawal and exportation project to supply up to 6.0 mgm of water for bottled water operations from Wells Nos. PW-A and PW-B. Withdrawn water will be exported from the Delaware River Basin to the DS Waters bottling facility in Ephrata, Pennsylvania. The Ephrata facility is located in the Susquehanna River Basin. No increase in the previously approved allocation or exportation is proposed. The project wells are completed in the Epler Formation and are located in the Tulpehocken Watershed in Heidelberg Township, Berks County, Pennsylvania.

22. City of Lewes Board of Public Works, D-2012-011 CP-3. An application to renew the approval of the applicant's existing 1.5 mgd Lewes City WWTP and its discharge. Treated effluent will continue to be discharged to the Lewes Rehoboth Canal, a tidal tributary of Water Quality Zone 6 of the Delaware River, at River Mile 0.82 - 2.0 (Delaware River - Lewes Rehoboth Canal) via Outfall No. 001, in the City of Lewes, Sussex County, Delaware.

23. Union Lake Hotel, Inc., D-2012-018-3. An application to renew the approval of the applicant's existing 0.06 mgd Camp Equinunk WWTP and its discharge. The applicant has also requested approval to modify the WWTP without expanding its capacity. The WWTP will continue to discharge treated effluent to an UNT of Little Equinunk Creek at River Mile 312.7 - 3.64 - 2.37 (Delaware River - Little Equinunk Creek - 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 Manchester Township, Wayne County, Pennsylvania.

24. Pennsylvania American Water Company, D-2015-015 CP-2. An application to renew the approval of the docket holder's existing 18.0 mgd Norristown Water Treatment Plant and its discharge of up to 1.93 mgd of clarifier supernatant wastewater. The supernatant wastewater will continue to be infrequently discharged to the Schuylkill River at River Mile 92.47 - 24.5 (Delaware River - Schuylkill River) via Outfall No. 001, in Norristown Borough, Montgomery County, Pennsylvania.

*B. Renewals with Substantive Changes (Items 25—28).*

25. New York City Department of Environmental Protection, D-1994-078 CP-2. An application to modify the service area of the existing 0.4 mgd Margaretville WWTP to include the Hamlet of Halcottsville. The WWTP will continue to discharge treated effluent to the East Branch Delaware River at River Mile 330.7 - 54.75 (Delaware River - East Branch Delaware River) in Water Quality Zone E 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 Middletown, Delaware County, New York.

26. Venice Island Developer, D-2007-030-2. A docket modification in connection with the transfer of a Flood Hazard Area Special Permit approval from Neducsin Properties to Venice Island Developer (“VID”), to reflect changes in the project scope and design. Neducsin’s “Venice One” project consisted of four six-story buildings comprising 200 one-bedroom and 80 two-bedroom condominiums and associated parking facilities, while VID’s “The Locks” consists of 60 townhomes and associated parking on the same site. The project is located in the Schuylkill River Watershed in the City of Philadelphia, Pennsylvania.

27. Cleveland Cliffs Plate, LLC, D-2009-039-2. An application to renew the approval of a surface water and groundwater withdrawal with a total allocation of 59.9 million gallons per month from the previously approved Schuylkill River intake, Q&T Well, and a new well designated as the FMS Well. The purpose of the new FMS Well is to replace a portion of the surface water supply which has been reduced due to the removal of a dam on the Schuylkill River. Water is used for industrial cooling and processes at the docket holder’s steel plate mill. The wells are located in the outcrop area of the Elbrook Formation in the Schuylkill-Crow Creek Watershed in Plymouth Township, Montgomery County, Pennsylvania in the Southeastern Pennsylvania Ground Water Protected Area.

28. Hazleton City Authority, D-1991-065 CP-4. An application to approve an increase in water withdrawal allocation from 2.5 mgd to 5.0 mgd from the existing Lehigh River intake and renew the approval of water withdrawal allocations of 3.60 million gallons per day (mgd) of water from Quakake Creek and Biesels Run combined (collectively referred to as the Hudsondale Sources), 4.75 mgd from the Dreck Creek Reservoir and 3.72 million gallons per month (mgm) from Buck Mountain Well No. 1 for public water supply. The water withdrawn will continue to be exported out of the Delaware River Basin (DRB) to a wastewater treatment plant located in the Susquehanna River Basin (SRB). The exportation of up to a maximum of 10.97 mgd (340.07 mgm) of water approved by this docket is a sum of the previously approved individual source allocations and is not an increase in the previously approved exportation amount. The increase in the Lehigh River source allocation is needed to meet increasing population growth and new industrial and commercial development. The docket combines several former DRBC approvals into one consolidated withdrawal docket. The docket holder’s sources are located in Lehigh, Lausanne and Packer Townships, Carbon County and Hazle Township, Luzerne County, Pennsylvania in the Lehigh River watershed within the drainage area to the Lower Delaware, which is classified as Special Protection Waters.