

DELAWARE RIVER BASIN COMMISSION
MEETING OF DECEMBER 5, 2024

Minutes

Commissioners Present: Karen Stainbrook, New York, Chair
Stephen Williams, Delaware, Vice Chair
Lt. Col. Jeffrey Beeman, United States, Second Vice Chair
Steven Domber, New Jersey
Jill Whitcomb, Pennsylvania

DRBC Staff Participants: Kristen Bowman Kavanagh, Executive Director
Kenneth Warren, General Counsel
Pamela Bush, Commission Secretary and Assistant General Counsel
Amy Shallcross, Manager, Water Resource Operations
Eric Engle, Senior Geologist, Project Review

The meeting was conducted remotely. It was open to the public via Zoom webinar and phone, and via livestream on the DRBC YouTube channel. Recordings were made on both Zoom and YouTube. The agenda was posted on the DRBC website.

Karen Stainbrook called the meeting to order, introducing herself as Director of the Bureau of Water Resource Management, New York State Department of Environmental Conservation, and DRBC Alternate Commissioner for Governor Kathy Hochul, the Commission's current chair.

The other Commissioners also introduced themselves: Stephen Williams, Alternate Commissioner for the State of Delaware, representing Governor John Carney; Steven Domber, Alternate Commissioner for the State of New Jersey, representing Governor Phil Murphy; Jill Whitcomb, Alternate Commissioner for the Commonwealth of Pennsylvania, representing Governor Josh Shapiro, and Lt. Col Jeffrey Beeman, Philadelphia District Commander, U.S. Army Corps of Engineers, representing North Atlantic Division Commander, General John Lloyd, for the United States.

DRBC Executive Director, Kristen Bowman Kavanagh, and Kenneth Warren, DRBC's General Counsel, also introduced themselves.

Minutes. Ms. Bush had previously circulated draft Minutes of the Commission's September 5, 2024 business meeting for the Commissioners' review. Having received no comments or corrections, she recommended the Minutes be approved as presented. Mr. Domber so moved, Lt. Col. Beeman offered a second, and without further discussion, the Minutes of the September 5, 2024 business meeting were approved by unanimous vote.

Announcements. Ms. Bush announced that the Partnership for the Delaware Estuary (“PDE”) would hold its biennial Delaware Estuary Science and Environmental Summit on February 11 - 12 at the Chase Center on the Riverfront in Wilmington, Delaware. The Summit agenda was to include a session on climate resilience hosted by the Commission’s Advisory Committee on Climate Change, and DRBC staff members would be presenting throughout the event. Details about the Summit were available on the DRBC website as well as on PDE’s website.

Hydrologic Conditions. Amy Shallcross, Manager of Water Resource Operations, provided an update on hydrologic conditions. Her presentation can be accessed at: [HydrologicConditions_shallcross_120524.pdf](#).

Ms. Shallcross said that to manage the basin’s water resources, the DRBC needs to know what water is available and where. It thus tracks water in stages of the hydrologic cycle, which represents how water moves around the earth, through the air and soil, and over land.

Elaborating, she explained that water evaporates from large bodies of water, such as the ocean, into the atmosphere. There, it gathers over time, forming clouds, and when the clouds become heavy, rain and sometimes snow falls. Once precipitation meets the ground, it either runs off into other water bodies or infiltrates into the ground. From the ground and surface water bodies, it either evaporates again or eventually make its way to the ocean.

Precipitation. As of the meeting date, the basin was experiencing extremely dry conditions. There had been no precipitation in the month of October. Records maintained from as early as the 1850s were broken at seven of eight regional precipitation gauges. A map illustrating the drought status of all basin counties showed all but two in some degree of drought. In the Pennsylvania portion of the basin, two counties were in drought warning, and of the remaining fifteen, all but two were in drought watch. Only Wayne and Lackawaxen counties in northeastern Pennsylvania remained in a normal condition. The drought indicators used in Pennsylvania relate to average streamflow, groundwater levels, precipitation, and soil moisture. All New Jersey counties, and six of the eight New York counties in the basin were in drought warning, with the three Delaware counties and two remaining two New York counties in drought watch.

The U.S. Drought Monitor, maintained by the National Drought Mitigation Center with the National Oceanic and Atmospheric Administration (“NOAA”), uses many indicators to classify drought severity. Because the Drought Monitor is updated on Thursday afternoons, Ms. Shallcross displayed the monitor as of November 27, 2024. It characterized the entire basin as some degree of “dry,” with the southern portion extremely dry, parts of the upper basin abnormally dry, and the balance either severely or moderately dry.

A map of the basin showing year-to-date precipitation departures from normal made clear that in spite of the very dry conditions of the preceding months, precipitation for the year was normal in much of the upper basin, for which the long-term precipitation average is about 45 inches per year. Year-to-date, portions of the upper basin actually received eight inches more precip than normal. In contrast, the lower basin, which receives a slightly lower annual average precipitation

of approximately 42 inches, received as much as 6 inches below the normal amount of precipitation through the end of November.

A map showing 90-day precipitation departures from normal as of November 18, 2024 showed that for the period from mid-August through mid-November much of the upper basin received only four inches of precipitation, where normally this area would have seen approximately 12 inches—an 8-inch deficit. Over the same period, the lower basin received only one inch of precipitation, representing a deficit of approximately 10 inches for this period.

Maps showing 72-hour precipitation across the region associated with storm events around November 23 and November 30 showed that areas of the basin received amounts ranging from very little to approximately 3-4 inches during the first of the two storms, while a majority of the basin received an additional one-half to three-quarters of an inch during the second.

Maps displaying 90-day accumulations and departures from normal for the 90 days preceding December 3, 2024, showed slightly improved but still dry conditions, with departures from normal of between 2 and 10 inches in the upper basin and between 6 and 10 inches in the lower basin. Three-month deficits as of December 3 were smaller than those as of November 18, falling from 8 inches to 4 over much of the upper basin and from 10 inches to 6 over much of the middle and lower basin.

A map showing 30-day cumulative precipitation as of December 3, 2024, indicated 3 to 5 inches fell across the upper basin and 2 inches fell over most of the lower basin. Departures from normal over the same 30-day period were 2 inches *above* normal for the upper basin and 4 inches *below* normal for the lower.

Groundwater. Maps showing groundwater levels in county reference wells throughout the basin on October 3, November 3, and December 3, 2024, showed a progression from below normal to much below normal levels in the upper basin, from normal to below or much below normal levels in the mid-basin, and from normal or below normal to predominantly below normal in the lower basin. Ms. Shallcross noted that if rain does not soak into the ground, it cannot recharge surface water bodies such as rivers and streams.

Streamflow. When snow accumulates on the ground, it may not appear in streamflow, even when it melts, if the snow melts very slowly. A map on which dots represent stream monitoring gages maintained by the U.S. Geological Survey across the basin showed the range of flows, with low flow denoted by red (low), maroon (much below normal) or yellow (below normal) dots, normal by green dots, above normal by aqua dots, much above normal by marine blue dots, and high flow by black dots. As of December 3, red and maroon dots were dominant across much of the basin. Ms. Shallcross noted that these gages were located in some of the smaller streams, where flows had receded almost to the levels recorded before the two late-November storm events. Ms. Shallcross suggested that green dots in some instances corresponded to streams receiving reservoir releases as storage levels were drawn down to their normal winter pool elevations.

Two gage locations on the main stem Delaware River are used to manage main stem flows. One of these is located at Montague, New Jersey, where the states of New Jersey, New York and Pennsylvania meet. The second is located downstream at Trenton, New Jersey. The Montague flow objective is designed to ensure an adequate amount of freshwater flows downstream from the headwaters of the basin in New York to the portions of the main stem that border the downstream states. The flow objective at Trenton is to ensure a certain amount of freshwater flows into the Delaware Estuary, the part of the river affected by ocean tides, to repel salinity.

To maintain flows at Montague, the River Master directs releases from New York City's Delaware River Basin storage in the Cannonsville, Pepacton and Neversink reservoirs. To maintain target flows at Trenton, DRBC directs releases from storage the DRBC owns in two federal reservoirs—Beltzville, located in the Lehigh Valley, and Blue Marsh, located in the drainage area of the Schuylkill River—as well as from a bank of water maintained by the lower basin states in the New York City reservoirs, called the Trenton Effective Flow Objective (“TEFO”) bank.

Ms. Shallcross shared graphs of streamflow at each of the main stem gages, respectively, from December 2023 through the meeting date. For each location, lines are used to represent the flow objective (in red), observed flow (in blue), average flow (in green), and median flow (in gray). The flow target at Montague is 1750 cubic feet per second (“cfs”), equivalent to about 1100 million gallons per day (“mgd”). The flow target at Trenton is 3000 cfs, equivalent to approximately 1900 mgd. As the graphs make clear, streamflow was quite high in the beginning of 2024, when some flooding occurred in connection with observed flows. From October through December, however, observed flows were well below both the average and the median. During the extreme low flows of the latter period, reservoir releases were required to maintain flow targets at both gage locations. The River Master directed releases totaling more than 48 billion gallons between the end of October and the third week in November to maintain the target flow at Montague. DRBC directed releases totaling 3 billion gallons from Beltzville Reservoir and 1.9 billion gallons from the TEFO bank to meet the flow objective at Trenton.

During the last extremely dry period for the basin, in 2016, DRBC declared a drought watch the day before Thanksgiving. Considerably more water was used to augment main stem flows in 2016 than in 2024, in part because releases began earlier in the season. Thus, in 2024, releases for Montague totaled approximately 72 percent of the quantity released in 2016 and releases for Trenton totaled about 34 percent of the quantity released in 2016.

Ms. Shallcross showed photographs of flooding at two locations in the basin in January 2024. Two of the images showed Bristol Borough along the tidal Delaware River; one of these was taken during a high tide event. A third showed flooding along Neshaminy Creek resulting from a high tide with high rainfall during the same storm event.

Ms. Shallcross displayed additional photographs showing dry conditions at Raub's Island, near Riegelsville, Pennsylvania, south of the Easton—Phillipsburg area. Taken with a drone, these images compared conditions on November 6, 2024, when flows were at 2,900 cfs, and November 30, 2024, when flows reached 8,010 cfs. On the earlier date, much of the riverbank was exposed,

and the channel on one side of the island was almost completely dry. On the later date, the river showed signs of recovery, although the beneficial effects of the Thanksgiving storm were not yet fully evident.

Aerial photographs of the Delaware River at Trenton at the beginning of November 2024 show rocky areas, indicating how low the flow was for this time of year. Images of approximately the same area during the drought of the 1960s showed even more exposed riverbed at this location. Photos of the same location at the end of November 2024, with flows of approximately 8,010 cfs, showed an improved condition.

Federal Reservoir Storage; New York City Reservoir Storage. As noted above, the Beltzville and Blue Marsh reservoirs, located in the Lehigh and Schuylkill River drainages respectively, are owned and operated by the U.S. Army Corps of Engineers. The Commission uses storage it owns in these reservoirs to meet the main stem flow objective at Trenton. Ms. Shallcross said that ordinarily, the two reservoirs would be 100 percent full at this time of year; however, approximately 20 percent of the storage in Beltzville was released to meet the Trenton flow objective, and storage in Blue Marsh was lowered to its winter pool elevation, which corresponds to 78 percent of the facility's summer pool. The Commission did not direct releases from Blue Marsh to meet the Trenton flow objective. Rather, for the winter months, to allow more space to capture flood water in the spring, the Army Corps of Engineers lowers the pool in reservoirs like Blue Marsh that have a pool of water used for seasonal recreation. Ms. Shallcross noted that a third federal reservoir—the F.E. Walter Reservoir, located at the confluence of the Lehigh River and Bear Creek—is a recreation and flood control reservoir from which release of the recreation pool in October also helps to support the Trenton flow objective.

As noted above, releases from the three New York City Delaware Basin reservoirs—Neversink, Pepacton, and Cannonsville—are used to meet the Montague flow objective. Also at times, the TEFO bank, a “bank” of water stored by the lower basin states in these reservoirs, is used to support flows at Trenton. As of the meeting date, combined storage in the three reservoirs was at approximately 51 percent, or 267 billion gallons.

Displaying a graph of combined storage in the three New York City reservoirs since December 2023, Ms. Shallcross pointed out that storage had dropped below the long-term median as the City diverted water from the basin in spring and summer of 2024 in anticipation of shutting down its aqueduct for repairs for six to nine months, beginning in the fall. Storage rose above the median in response to a late summer storm, but fell below it again as steady diversions by the City continued in anticipation of the aqueduct closure. With cancellation of the aqueduct repair project on November 18, 2024, out-of-basin diversions were expected to resume.

Combined storage in the City's three Delaware Basin reservoirs is used to define drought status for purposes of the Commission's drought operating plans, which affect out-of-basin diversions, reservoir releases, flow targets, and consumptive water use by power generators. Although as of the meeting date, much of the basin was in drought watch or drought warning and subject to restrictions on water use imposed by states, municipalities, or water purveyors, reservoir

operations, flow targets, and out-of-basin diversions continued in “normal” status. However, with cancellation of the City’s planned aqueduct repair project and resumption of its diversions, the possibility existed that combined storage in the three reservoirs would cross the “Drought Watch” curve in the ensuing weeks. Ms. Shallcross explained that if the basin continued to receive rain, storage could climb even while water was steadily diverted, but without sufficient rainfall, storage would decline.

The purpose of the Commission’s drought operations is multifold: to preserve regional storage in the New York City reservoirs, repel salinity, and support main stem flows, as well as to protect major water suppliers and other withdrawers along the main stem. The drought operating plans established by the Commission as part of the Delaware River Basin Water Code and the Comprehensive Plan include phased reductions in out-of-basin diversions by New York City and the State of New Jersey, and reductions in main stem flow objectives unless and until the salt front migrates to a certain point upstream, at which point additional water must be released to repel it. Conservation releases from the reservoirs are also reduced. Under drought operations, DRBC’s consumptive use replacement policy takes effect. In combination with docket conditions imposed on thermoelectric power generators, the policy requires these users to operate only at a level commensurate with the amount of replacement water each is capable of causing to be released.

Salt Front. On December 3, 2024, the “salt front,” defined as the seven-day average location of the 250 mg/L chloride concentration, was at River Mile (“RM”) 85.4. Normally in early December the salt front is on or around RM 69, near the Delaware Memorial Bridge. The most upstream location of the salt front in 2024 was RM 90, near the Philadelphia International Airport, observed on November 21. At that time, main stem flow was extremely low. Once flow increased, the salt front receded downstream. Displaying a graph that showed salt front locations during periods of low flow in 2002, 2016, and 2024, Ms. Shallcross noted that movement of the salt front during the recent dry period was similar to that in 2016, when the salt front reached as far upstream as RM 89.

Near-term and Seasonal Outlook. Near-term precipitation forecasts were promising, with one-half inch to slightly over one inch expected in the region. The NOAA-National Weather Service Climate Prediction Center forecast predicted above normal precipitation over the next 8–14 days. Ms. Shallcross said an inch of rain per week would be needed for the region to emerge from the current drought. The three-month outlook indicated a La Niña winter, which is typically warmer and wetter due to blocking patterns and strong jet streams.

The seasonal outlook was mixed. The U.S. Drought Monitor predicted drought conditions would persist for at least the next month in the region. NOAA-National Weather Service expected warmer temperatures and precipitation over the next three months. Meanwhile, the *Farmers’ Almanac* indicated a wet winter, and the *Old Farmer’s Almanac* predicted a mild and wet winter.

Executive Director's Report. A summary of Ms. Bowman Kavanagh's report follows.

- *Steve Tambini's retirement.* DRBC's fourth Executive Director, Steven Tambini, retired at the end of November after ten years in the role. The Commissioners in September 2024 approved a resolution honoring him for his dedication and contributions to sound water resource management. By a separate resolution at the September meeting, the Commissioners appointed Ms. Bowman Kavanagh as the new Executive Director, effective December 1.
- *New staff.* Ms. Bowman Kavanah welcomed Amanda Khalil, who joined the Commission in October as a Water Resource Scientist in the Planning branch. Amanda earned her B.S. in Environmental Science from Stockton University and was in the process of completing her M.S. in Environmental Science at Stockton. Before joining DRBC, Amanda worked as an Associate Scientist at Integral Consulting, Inc. She had previously interned with the DRBC planning group during the summer of 2023.
- *Estuary Publications on Improving Dissolved Oxygen ("DO").* In October 2024, DRBC published two model calibration reports and the report, *A Pathway for Continued Restoration: Improving Dissolved Oxygen in the Delaware River Estuary*. Together, these publications represent more than five years of intensive scientific and technical work to develop and apply advanced hydrodynamic and water quality models. The *Pathway* Report finds that improving DO conditions in a 38-mile reach of the Delaware River Estuary from Philadelphia to Wilmington is feasible and would protect the reproduction and juvenile development of sensitive fish species, including the endangered Atlantic sturgeon. The report further shows that reducing summer ammonia loads from a relatively small number of large point-source discharges to the Estuary would significantly improve DO levels. Published in draft form in September 2022, the *Pathway* and related reports were updated based on input from DRBC's member agencies and its Water Quality Advisory Committee. The updated reports also reflect the Commission's September 2023 decision that DRBC would not develop and promulgate revised water quality standards as it originally planned to do, in view of a December 2022 decision by the U.S. Environmental Protection Agency (EPA) to promulgate standards. The final reports and complete information on the study are available on DRBC's website.
- *Advisory Committees.* DRBC advisory committees met during the fall, and additional meetings were scheduled to take place in December 2024.
 - DRBC's *Advisory Committee on Climate Change* met on September 11, 2024, for presentations by the committee's Delaware and New York members on their states' climate action and resilience plans, and a presentation by Dr. Sarah Beganskas, DRBC Senior Water Resource Scientist, on *A Draft Framework for Developing DRBC's Climate Resilience Plan*.

- The *Water Management Advisory Committee* met on October 16 for presentations by DRBC Water Resource Scientist Sara Sayed and the committee's staff liaison, Senior Water Resource Engineer Michael Thompson.
- The new *Subcommittee on Source Water Protection* of DRBC's *Water Management Advisory Committee* held its inaugural meeting on November 14. The subcommittee will help to define, elevate awareness of, and develop strategies to address source water protection concerns for drinking water supplies in the basin. The meeting included presentations on the Delaware Valley Early Warning System, interagency response coordination, and the use of drones in source water monitoring. Additionally, DRBC Water Resource Engineer Dr. Joey Fogarty gave a presentation on DRBC spill modeling.
- The *Advisory Committee on Climate Change* was scheduled to meet again on December 17, and the *Monitoring Advisory and Coordination Committee* planned to meet on December 19. Agendas and details on how to attend these meetings, which are open to the public, can be found on the DRBC website.
- *Conferences.*
 - In late September, DRBC staff presented *Building Blocks of Climate Resilience: Highlights from the Delaware River Basin Commission*, at the Coalition for the Delaware River Watershed's 12th Annual Delaware River Forum. This presentation focused on DRBC's ongoing climate resilience work, from modeling that considers flow, sea level rise and habitat, to the development of a climate resilience plan, to community engagement. Presenters included Avery Lentini, Community Engagement Specialist; Amy Shallcross, Manager of Water Resource Operations; Beth Brown, Director of External Affairs and Communications; and Ms. Bowman Kavanagh.
 - Beth Brown presented at the WeConservePA Fall Gathering as part of a session on protecting and enhancing groundwater resources. Attendees were introduced to DRBC's Southeast Pennsylvania Groundwater Protected Area, where more stringent regulations apply to groundwater withdrawals than in other parts of the basin in order to support sustainable groundwater use.
 - At the Friends of the Upper Delaware River's first River Rendezvous, Jake Bransky, DRBC Senior Aquatic Biologist and member of the Upper Delaware Watershed Network's Science Committee, update attendees on DRBC's monitoring work. Dr. Jeremy Conkle, DRBC Senior Chemist/Toxicologist presented on DRBC's 6-PPDq study, a first-of-its-kind-in-the-basin study that involves collecting baseline data on the presence of this contaminant of emerging concern in basin waters. The chemical 6-PPDq comes from tire particles that wash from roadways into streams. Studies show that it can negatively impact salmonids,

including several trout species found in the basin. DRBC's Avery Lentini and Beth Brown shared information on DRBC's outreach efforts related to this emerging contaminant.

- At the Society of Environmental Toxicology and Chemistry's 45th annual North America meeting, Dr. Conkle presented a poster on the history of PFAS pollution in the Delaware River and how the DRBC is working to understand, track, and reduce PFAS in the watershed.
 - The New Jersey Association for Floodplain Management's 19th annual conference included a plenary session on DRBC as a regional partnership for water resource management. Then-executive director Steve Tambini was a keynote speaker, and the session was moderated by Beth Brown.
 - In late October DRBC partnered with EPA Region 3 to co-host a climate practitioners' workshop at the Discovery Center in Philadelphia. This event convened local implementers to share information about building and executing projects that reduce exposure to climate impacts while strengthening networks for addressing impacts at the watershed scale. The workshop received a high level of participation and positive response.
 - On November 26, as part of a Building Resilient Infrastructure and Communities ("BRIC") grant, DRBC and the Pennsylvania Emergency Management Agency co-hosted one of a series of hazard mitigation and grant funding workshops they will conduct in Pennsylvania counties in the central region of the basin.
- *Special events.*
 - In September the DRBC hosted a signing ceremony with the U.S. Army Corps of Engineers ("USACE") and New York City Department of Environmental Protection (NYCDEP) for the F.E. Walter Dam Re-Evaluation Study. The DRBC and NYCDEP are non-federal sponsors of the study. An amended feasibility cost-sharing agreement was signed for the study's next phase, which was to focus on evaluating existing and future use of the reservoir during basin emergency drought conditions to support salinity repulsion, provide low flow augmentation, and protect aquatic life in the Delaware Estuary. Special attendees at the ceremony included Assistant Secretary of the Army for Civil Works Michael Connor, Deputy Commanding General for Civil Works and Emergency Operations Major General Jason Kelly, USACE Philadelphia District Commander LTC Jeffrey Beeman, and NYCDEP Commissioner Rohit Aggarwala.
 - In early October, DRBC staff was honored to welcome U.S. Representative Bonnie Watson Coleman (NJ-12), Trenton Mayor W. Reed Gusciora, New Jersey DEP Deputy Commissioner Jane Rosenblatt Birkhofer, Ewing Township Mayor Bert

Steinmann, N.J. Assemblywoman Verlina Reynolds-Jackson (NJ-15) and regional partners to DRBC's office to celebrate the award of federal Community Project Funding ("CPF") in the amount of \$715,000 to the DRBC for federal fiscal year 2024. The CPF represents the federal government's annual signatory contribution to the DRBC's operating budget. Ms. Bowman Kavanagh thanked Rep. Watson Coleman for securing this funding for DRBC for the second consecutive year. The funds support programs that provide clean, resilient, sustainable, and secure water resources for over 14 million people and wildlife. DRBC previously committed to set aside \$1 million to advance climate resilience. The event also featured DRBC's first Trenton Community Day, which brought together regional partners to network, learn about funding opportunities from the Representative's staff, and share with one another about ways organizations are working toward more inclusive and climate-resilient communities.

- In mid-October DRBC joined its partners the Wildlands Conservancy, the Pennsylvania Department of Environmental Protection, the Pennsylvania Department of Conservation and Natural Resources, the Pennsylvania Fish and Boat Commission, Lafayette College, and Northampton County to celebrate the restoration of the Bushkill Creek after a series of dam removals. This project began nearly 20 years earlier, after an accidental spill of fly ash from the PPL Martins Creek Steam Electric Generating Station into the Delaware River and nearby tributaries. A Natural Resources Damage Assessment ("NRDA") team was created to manage NRDA settlement funds resulting from the spill. The DRBC was appointed as a team consultant and distributor of these funds and has provided in-kind support. DRBC advised the NRDA Team in the selection of projects and contractors, including in the engagement of the Wildlands Conservancy to implement dam removals. DRBC Manager of Water Resource Planning Chad Pindar has managed this work on DRBC's behalf.
- *Susan Weaver retirement.* Ms. Bowman Kavanagh recognized and thanked DRBC alternate commissioner Sue Weaver of the Pennsylvania DEP, who was scheduled to retire at the end of the month. Sue's career in the environmental field spanned three decades, including 26 years of dedicated service to the Commonwealth. Most recently, Sue served as Program Manager for Interstate Water Resources Management in DEP's Bureau of Safe Drinking Water, representing Pennsylvania on multiple interstate commissions. Governor Shapiro appointed her in 2023 to serve as one of his alternates on the DRBC. Sue was actively engaged in DRBC matters and brought tremendous knowledge to her role. Ms. Bowman Kavanagh said Sue would be greatly missed and wished her a happy and healthy retirement.

General Counsel Report. DRBC's outside General Counsel Kenneth Warren reported on the single pending lawsuit involving the Commission, *Wayne Land and Mineral Group ("WLMG") v. DRBC*. WLMG commenced an action in 2016 in the United States District Court for the Middle District of Pennsylvania challenging the Commission's authority to review WLMG's planned

high-volume hydraulic fracturing (“HVHF”) project. When in February 2021 DRBC adopted a regulation prohibiting HVHF in hydrocarbon bearing rock formations in the basin, WLMG’s project became prohibited. DRBC thereafter filed a motion to dismiss WLMG’s case as moot, a motion which remained pending as of the meeting date.

A Resolution for the Minutes in appreciation of Senator Thomas R. Carper. The Chair invited Alternate Commissioner Stephen Williams of Delaware to present a resolution in appreciation of Senator Carper. Mr. John Gentile of the Senator’s staff joined the meeting to receive the resolution on the Senator’s behalf. The text of the resolution follows:

RESOLUTION FOR THE MINUTES

A RESOLUTION for the Minutes in appreciation of the Honorable Thomas R. Carper, United States Senator representing the State of Delaware, for his service to this nation, his championship of the Delaware River and basin, and his contributions to the success of the Delaware River Basin Commission.

WHEREAS, Senator Carper selflessly served his country in the U.S. Navy from 1968 to 1991, retiring as Captain after 23 years of military service; and

WHEREAS, following his military service, Senator Carper served in the U.S. House of Representatives from 1982 until 1992, as Governor of Delaware from 1992 until 2000, and 24 years in the U.S. Senate after his initial election in 2000; and

WHEREAS, as Governor of Delaware, Senator Carper served *ex officio* as a Commissioner of the Delaware River Basin Commission, including as its Chair in 1996, and lauded the Commission on its 35th anniversary, stating “The Commission, which pioneered the concept of partnerships, has the tools through its organizational structure to oversee a unified approach to the development and control of the river system without regard to political boundaries”; and

WHEREAS, in 1999 then-Governor Carper joined with other basin state governors to sign a “Resolution on the Protection of the Delaware River Basin” that called for the development of a new comprehensive water resources plan for the Basin and Estuary; and

WHEREAS, Senator Carper worked throughout his senate career to advance water resource management priorities nationwide and in the Delaware River Basin; advance solutions to mitigate and address climate change; and promote stewardship of our environment and natural resources—especially our water resources; and

WHEREAS, throughout his tenure, Senator Carper pushed for full federal funding for the Commission, and he successfully aided the Commission in securing its full share in Fiscal Year 2009, the first time since 1996 in which the Commission received federal operating funds; and

WHEREAS, after continued budget and funding gaps, Senator Carper successfully led the passage of a Water Resources Development Act amendment further directing the Army Corps of Engineers to fund the Commission; and

WHEREAS, Senator Carper led efforts to create and continue the Delaware River Basin Restoration Program, which has awarded \$72 million in federal funding to landscape- and community-scale conservation projects in the Basin since 2016; and

WHEREAS, since 2017 Senator Carper has served as either Chair or Ranking Member of the Senate Environment and Public Works Committee, leading bipartisan successes in managing our water and environmental resources while driving economic growth and building thriving communities; and

WHEREAS, in 2021 Senator Carper played an instrumental role in constructing and passing the bipartisan Infrastructure Investment and Jobs Act, providing billions of dollars for drinking water and wastewater infrastructure, ecosystem restoration, flood mitigation, and waterway management; and

WHEREAS, Senator Carper has immense knowledge of complex water resource issues, cares deeply about protecting this vital resource, and has long championed the Delaware River, its communities, and its wildlife; and

WHEREAS, throughout his career, Senator Carper has embodied the “Delaware Way,” modeling civility, integrity and collaboration to build and sustain a spirit of community; and

WHEREAS, Senator Carper is a die-hard Delawarean, choosing the “First State” and its people as his home, crisscrossing the state in his beloved “Silver Bullet” minivan and returning nightly from Washington on Amtrak; now therefore,

BE IT RESOLVED that the Commissioners and staff of the Delaware River Basin Commission hereby recognize and thank Senator Thomas R. Carper for his extraordinary service and wish him a long, healthy, and enjoyable retirement.

At the Chair’s request for a motion, Lt. Col. Beeman moved for approval, Mr. Domber offered a second, and without further discussion, the Resolution for the Minutes in appreciation of The Honorable Thomas R. Carper was approved by unanimous vote.

Mr. Gentile said the Senator was in Washington, D.C. that day, continuing to “run through the tape” as he said he would when he announced in 2023 that he would not seek re-election. Mr. Gentile added that Senator Carper extended his deep gratitude for this honor and wished to thank the entire DRBC team for all they do to manage, protect, and improve the basin’s water resources. On behalf of Senator Carper, Mr. Gentile also thanked the DRBC Alternate Commissioners, Karen Stainbrook of New York, Steve Williams and his fellow Delawareans at DNREC, Steve Domber of New Jersey, Jill Whitcomb of Pennsylvania, and his good friend from the U.S. Army Corps of Engineers, Lt. Col. Jeffrey Beeman, with whom he had recently stood on the Saint

George's Bridge to celebrate the completion of a successful and much needed repair project. Mr. Gentile also thanked DRBC's Chris McCann and Beth Brown for their help in coordinating this honor with the Senator's staff. Last, he thanked and congratulated DRBC's new Executive Director, Kristen Bowman Kavanagh and all in attendance for honoring Senator Carper and for their work to make the region a better place in which to live.

A Resolution pursuant to Section 10.4 of the Delaware River Basin Compact to preserve and protect water supplies in the Delaware River Basin during persistent dry conditions. In accordance with Section 10.4 of the Compact, a special public hearing was held on Tuesday, November 19, 2024, on the matter of persistent dry conditions in the basin. Comments during the hearing confirmed the public's concerns about the lack of precipitation. Although reservoir levels had not declined to the point where a DRBC drought declaration and corresponding operations were required by the Water Code, each of the member states had declared some level of drought, and regional reservoir storage was declining. To avert the need for a special Commission meeting to authorize the specific coordinated actions the Commissioners wished to take in response, if different from those prescribed by the Water Code, Ms. Bowman Kavanagh recommended that the Commissioners do so by resolution in advance. A copy of the draft resolution had been provided to the Commissioners for their review and consideration prior to the meeting.

Ms. Kavanagh recited "Be it resolved" paragraph 1 of the proposed resolution, declaring a basinwide "water supply emergency" pursuant to Section 10.4 of the Compact. For the duration of such an emergency, in accordance with Section 10.4, no basin water may be diverted or withdrawn for any purpose "in excess of such quantities as the commission may prescribe by general regulation or authorize by special permit." Key points of the resolution are described below:

- "Be it resolved" paragraph 3 and sub-paragraphs 3(a) through 3(g) define the terms of a special permit for coordinated operation of regional reservoirs and diversions to manage main stem flows and conserve regional reservoir storage should these coordinated operations go into effect in accordance with paragraph 3(e).
- For the purposes of the special permit, basinwide drought stages consisting of "drought watch," "drought warning," and "drought" are to be determined on the basis of combined storage in the three New York City Delaware Basin reservoirs—Cannonsville, Papacton, and Neversink—as set forth in Figure 1 of the resolution. A corresponding schedule of diversions and flow objectives is set forth in Tables 1 and 2 of the resolution.
- Because the diversions, releases, and flow objectives to be established by the special permit would affect terms of the 1954 U.S. Supreme Court Decree in the matter of *New Jersey vs. New York*, in accordance with Section 3.3(a) of the Compact, the special permit requires the unanimous consent of the parties to the Decree. Written consent by each of the parties was provided in advance of the day's meeting.

- If and when drought operations as defined by the special permit should take effect pursuant to paragraph 3(e), (i.e., in the event storage were to cross the “drought watch” line in Figure 1 and remain below that line for five consecutive days), operations in accordance with the special permit are to continue until the date of the Commission’s first quarterly business meeting in 2025, scheduled for March 12, or the date when the combined storage in the New York City reservoirs reaches a level 15 billion gallons above the drought watch line in Figure 1 and remains above that level for five consecutive days.
- Consultation among the commissioners, the Decree Parties, and the Delaware River Master will continue for the duration of the drought event and could lead to modifications or termination of the special permit.
- “Be it resolved” paragraph 4 concerns the Commission’s policy for the replacement of water that is consumptively used by electric generating and co-generating facilities during critical hydrologic conditions, as set forth in DRBC Resolution No. 2018-5. That policy provides that a critical hydrologic condition exists whenever the Trenton Effective Flow Objective is less than 3,000 cubic feet per second.
- “Be it resolved” paragraph 6 concerns well interference and impairment. It states that for the duration of the water supply emergency declared by the resolution, in instances where the Executive Director determines that a groundwater withdrawal not regulated by either DRBC or the host state may be impairing or interfering with publicly or privately owned groundwater sources vital to human health or sanitation, the Executive Director after consultation with the host state representative, may take certain actions to address the alleged interference. Specifically, the Executive Director may require the operator of the allegedly responsible withdrawal to provide available data or collect and provide new data, or both, to ascertain the degree of impact, if any, on the uses allegedly affected. If the data demonstrates interference, the Executive Director may place limits on the amount and rate of the withdrawals causing the impairment or require the operator to cease the withdrawals.
- The resolution provides that any entity previously entitled to divert or withdraw water could otherwise continue to do so within applicable legal limits.
- The resolution makes clear that the basin states remain responsible for the declaration of county or statewide drought stages in their respective jurisdictions, and for implementing and enforcing associated water use restrictions in these areas.
- Finally, the resolution encourages all residents, businesses and users of water throughout the basin to maximize water efficiency.

Ms. Bowman Kavanagh requested the Commissioners’ approval of the resolution as proposed. Ms. Whitcomb so moved, Mr. Domber offered a second, and without further discussion, Resolution No. 2024-07, a Resolution pursuant to Section 10.4 of the Delaware River Basin

Compact to preserve and protect water supplies in the Delaware River Basin during persistent dry conditions was approved by unanimous vote.

A Resolution temporarily placing water stored in Lake Wallenpaupack and the Mongaup reservoir system under operations designed to preserve and protect water supplies in the basin during a period of persistent dry conditions. A second resolution focused on the dry conditions across the basin was proposed, approving a separate special permit pursuant to the Section 10.4 declaration, together with a conservation order, designed to support the main stem flow objectives at Montague and Trenton. Ms. Bowman Kavanagh explained that this resolution would provide for:

- Brookfield Renewable to operate Lake Wallenpaupack in accordance with Section 2.55 of the Commission’s Water Code, except that references in Section 2.55 to “Figure 1 in Section 2.5.3 A.” would be deemed to be references to Figure 1 of Resolution No. 2024-07, and references to “drought warning” in Section 2.5.5 would be deemed to encompass both “drought watch” and “drought warning” as defined by Figure 1 of Resolution No. 2024-07;
- Eagle Creek Hydropower, LLC to operate the Mongaup system reservoirs in accordance with Section 2.55 of the Water Code and the Commission’s approved drought operating plan for the Mongaup system reservoirs, dated April 12, 2016; and
- the two hydropower companies to coordinate their operations with the Commission through the Executive Director or her designee and with the Office of the Delaware River Master.

Ms. Bowman Kavanagh added that by the terms of the resolution, the proposed special permit and conservation order would remain in effect until the drought management special permit approved by Resolution No. 2024-07 terminated in accordance with paragraph 3.c. of that resolution. She recommended that the Commissioners approve the resolution as proposed.

Mr. Domber so moved, Ms. Whitcomb offered a second, and without further discussion, Resolution No. 2024-08, temporarily placing water stored in Lake Wallenpaupack and the Mongaup reservoir system under operations designed to preserve and protect water supplies in the basin during persistent dry conditions, was approved by unanimous vote.

A Resolution for the Minutes amending the *Administrative Manual – By Laws, Management and Personnel*. As proposed, this resolution would amend three of the personnel policies set forth in the Commission’s *Administrative Manual Bylaws, Management and Personnel*—those concerning eligibility for performance increases, uses of and approvals required for sick leave, and uses of franchise leave.

Addressing each of the proposed changes in turn, Ms. Bush explained that under the existing regulation, on April 1 of each year, staff who had served the Commission continuously from May 1 of the previous calendar year were eligible to receive a performance increase. An effect of this rule was that staff who began working for the Commission on May 2 or later of a given year were

not eligible for the annual performance increase on the following April 1. The proposed amendments would make staff who joined the commission after May 1 of a given year eligible for a prorated increase on April 1 of the following year.

With respect to sick leave, the proposed amendments would consolidate two provisions currently captioned “Sick Leave and Other Absence” under the caption “Sick Leave,” because all relate to illness of the employee or to the illness, birth or death of a family member. The amendments also would clarify which uses of sick leave require the Executive Director’s advance approval. In particular, if an employee needs more than five days in the event of an illness or death of a family member, or if an employee wishes to take off more than two weeks in connection with the birth or adoption of a new child that is not the employee’s own child, the approval of the Executive Director is required.

Finally, under the existing rules, employees are allowed three hours of franchise leave each year to vote in a general election. The amendments would modify this provision to allow each employee a total of three hours of franchise leave annually to vote in federal, state, or local primary or general elections.

Noting that the Commissioners had had an opportunity to review the proposed changes in advance of the day’s meeting, Ms. Bush recommended that the resolution be adopted.

Mr. Williams so moved, Ms. Whitcomb seconded his motion, and without further discussion, the Resolution for the Minutes amending the *Administrative Manual – By-Laws, Management and Personnel* was approved by unanimous vote. The text of the resolution follows, and the attachment to the resolution is provided as Attachment B of these Minutes.

RESOLUTION FOR THE MINUTES

A Resolution for the Minutes amending the *Administrative Manual – By-Laws, Management and Personnel*.

WHEREAS, the Commission periodically amends its *Administrative Manual – By-Laws, Management and Personnel (Bylaws)* to streamline procedures and update personnel policies;

WHEREAS, the Executive Director and staff have recommended amendments to the current *Bylaws* at Sections 5.6 G. and 5.7 F. to: clarify the Commission’s policies regarding performance-based compensation adjustments, sick leave, and franchise leave; and

WHEREAS, the Commission has determined that its best interests are served by the revisions to the *Bylaws* described above; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that:

1. The *Administrative Manual – Bylaws, Management and Personnel* is hereby amended to incorporate the revisions shown in the Attachment.

2. The revised *Administrative Manual – Bylaws, Management and Personnel* shall be effective upon the date of adoption set forth below.

Project Review Docket Applications. Mr. Engle related that at the Commission's regularly scheduled public hearing on November 6, 2024, David Kovach of the DRBC staff had presented 20 duly noticed draft docket approvals for public comment, corresponding to docket items 1 through 20 on the day's business meeting agenda. Consideration of item 8, for the Nesquehoning Borough Authority, was removed from consideration to allow additional time for review. Seventeen of the dockets presented for the Commission's consideration were for projects located in Pennsylvania, and two were for projects located in Delaware. Of the 19 proposed approvals, 12 would approve wastewater discharges and 7, water withdrawals.

The Commission received no comment on any of the proposed docket approvals during the public comment period. Mr. Engel recommended that the Commissioners approve the 19 draft dockets as proposed.

Ms. Whitcomb so moved, Lt. Col. Beeman offered a second, and without further discussion, docket agenda items 1 through 7 and 8 through 20 were approved by unanimous vote.

Adjournment. On a motion by Mr. Williams, seconded by Lt. Col. Beeman, the business meeting of December 5, 2024 was adjourned by unanimous vote at approximately 11:52 a.m.



Pamela M. Bush, Commission Secretary and
Assistant General Counsel

ATTACHMENT A

DESCRIPTION OF PROJECTS APPROVED BY THE COMMISSION DURING THE BUSINESS MEETING OF DECEMBER 5, 2024

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 at https://www.nj.gov/drbc/programs/project/project-review_status-pg.html. This report, updated approximately once a month, 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 is compiled and posted as a "Notice of Applications Received" (NAR) at <https://www.nj.gov/drbc/programs/project/nar.html>, approximately once per month.
- Anyone interested in receiving notices about projects under review as the notices are posted on the Commission's website may sign up for the Commission's "Most Recent Notice of Applications Received" listserv at <https://www.nj.gov/drbc/contact/interest/index.html>.
- 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.
- Ten days prior to the hearing date, the hearing notice, along with draft dockets, is posted on the Commission's website. A public hearing and meeting notice also appears in the Federal Register and certain state registers in accordance with the respective schedules of these publications. The register notice directs readers to the Commission's website for links to the draft dockets available for comment.

Written comment on hearing items is ordinarily accepted until 5 p.m. on the Monday of the week following the public hearing.

At the Commission's 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 5, 2024 are presented below.

A. Renewals with No Substantive Changes (Items 1 through 16 and 20)

1. Drawbridge Claymont LLC, D-1969-038 -5. An application to renew the approval of the applicant's existing 3.1 mgd WWTP and its discharge, formerly owned by Chemtrade Solutions LLC, transferred to Drawbridge Claymont, LLC. The WWTP will continue to discharge treated stormwater and groundwater infiltration to Zone 5 the Delaware River at River Mile 78.2, in the City of Claymont, New Castle County, Delaware.
2. Bucks County Water and Sewer Authority, D-1969-066 CP-5. An application to renew the approval of the applicant's existing 2.7 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to Otter Creek, a tidal tributary of the Delaware River Water Quality Zone 2, at River Mile 118.6 - 0.2 (Delaware River - Otter Creek) in Bristol Borough, Bucks County, Pennsylvania.
3. Bridgeport Borough (Montgomery County), D-1970-081 CP-5. An application to renew the approval of an existing 0.9 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to the Schuylkill River at River Mile 92.47 - 22.6 (Delaware River - Schuylkill River) via Outfall No. 001 in Upper Merion Township, Montgomery County, Pennsylvania.
4. WestRock Converting Company, LLC, D-1980-025 -3. An application to renew the approval of an allocation of 15.438 million gallons pr month (mgm) of surface water from the Mill Intake on Brodhead Creek for industrial cooling and industrial processes at the applicant's paper board mill. The project is located in the Brodhead Creek Watershed in Smithfield Township, Monroe County, Pennsylvania within the drainage area to the Middle Delaware, which the Commission has classified as Special Protection Waters.
5. Manwalamink Sewer Company, D-1988-034 CP-4. An application to renew the approval of the existing 0.7 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to Brodhead Creek at River Mile 213.0 - 0.6 (Delaware River - Brodhead Creek), via Outfall No. 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 Smithfield Township, Monroe County, Pennsylvania.
6. Rohm and Haas Chemicals, LLC, D-1989-002 -5. An application to renew approval of the applicant's existing 3.7 mgd IWTP and its discharges of treated industrial wastewater effluent and non-contact cooling water (NCCW). The WWTP will continue to discharge treated industrial wastewater to Water Quality Zone 2 at River Mile 117.0 - 0.3 (Delaware River - Hog Run Creek) via Outfall No. 009, and NCCW to Water Quality Zone 2 at River Mile 118.9 - 0.4 (Delaware River - Otter Creek) via Outfall Nos. 003 and 008. All three outfalls are located in Bristol Township, Bucks County, Pennsylvania.

7. Waltz Golf Farm, Inc., D-1992-049 -4. Waltz Golf Farm, Inc., D-1992-049 -4. An application to renew the approval of an existing surface water withdrawal of up to 9.3 mgm to irrigate the applicant's golf course from a surface water intake located on a man-made pond on Landis Creek. The requested allocation is not an increase from the previous allocation. The surface water intake is located in the Perkiomen Creek Watershed in Limerick Township, Montgomery County, Pennsylvania.
8. Nesquehoning Borough Authority, D-1994-047 CP-3. *Consideration of this item was postponed to allow additional time for review.*
9. Lehigh Township Municipal Authority, D-1994-053 CP-4. An application to renew the existing 0.3 mgd Danielsville WWTP and its related discharge. The WWTP will continue to discharge treated effluent to Bertsch Creek at River Mile 183.7 - 31.3 - 4.1 (Delaware River - Lehigh River - Bertsch Creek) via Outfall No. 001, located within the drainage area of the section of the non-tidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in Lehigh Township, Northampton County, Pennsylvania.
10. Chalfont-New Britain Township Joint Sewage Authority, D-1999-063 CP-5. An application to renew the approval of the existing 4.625 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to Neshaminy Creek at River Mile 115.6 - 37.4 (Delaware River - Neshaminy Creek) via Outfall No. 001, in New Britain Township, Bucks County, Pennsylvania.
11. Bedminster Municipal Authority, D-2003-014 CP-4. An application to renew the existing 0.303 mgd WWTP and its related discharge. The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) of Deep Run at River Mile 157.0 – 6.1 – 3.8 – 1.1 (Delaware River – Tohickon Creek – Deep Run – UNT), via Outfall No. 001, located within the drainage area of the section of the non-tidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in Bedminster Township, Bucks County, Pennsylvania.
12. Milford Township Water Authority, D-2003-037 CP-3. An application to renew the approval of an existing groundwater withdrawal of up to 23.18 mgm to supply the applicant's public water supply distribution system from existing Well Nos. 1, 2, 4, 5 and 6. The project wells are completed in Brunswick Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Commission's designated Southeastern Pennsylvania Ground Water Protected Area (SEPA GWPA) in the Unami Creek Watershed, in Milford Township, Bucks County, Pennsylvania.
13. Upper Tulpehocken Township, D-2005-006 CP-5. An application to renew the approval of the existing 0.065 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to Jackson Creek at River Mile 92.47 - 76.8 - 15.4 - 0.8 - 6.5 - 0.4 (Delaware River - Schuylkill River - Tulpehocken Creek - Northkill Creek - Little Northkill Creek) via Outfall No. 001, in Upper Tulpehocken Township, Berks County, Pennsylvania.
14. Ruscombmanor Township, D-2007-034 CP-5. An application to renew the approval of the existing 0.05 mgd Golden Oaks WWTP and its discharge. The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) to Furnace Creek at River Mile 92.5 - 54.2 - 16.8 - 1.0 -

5.1 - 0.3 (Delaware River - Schuylkill River - Manatawny Creek - Little Manatawny Creek - Furnace Creek - UNT Furnace Creek) in Ruscombmanor Township, Berks County, Pennsylvania.

15. Cleveland Cliffs Plate LLC, D-2008-036 -2. An application to renew the approval of a surface water withdrawal of up to 98.4 mgm from the West Branch Brandywine Creek and up to 24.8 mgm from Sucker Run for industrial cooling and processes at the applicant's electric arc furnace steel slab and plate mill. The surface water withdrawals are located in the Upper West Branch Brandywine Creek Watershed and the Sucker Run Watershed in the Borough of South Coatesville and Valley Township, Chester County, Pennsylvania.
16. Pocono Plateau Christian Association, D-2013-011 CP-3. An application to renew the approval of the existing 0.015 mgd Pocono Plateau Camp WWTP and its discharge. The WWTP will continue to discharge treated effluent to an Unnamed Tributary (UNT) to Taylor Creek at River Mile 277.7 - 15.8 - 30.6 - 2.25 - 0.83 (Delaware River - Lackawaxen River - Wallenpaupack Creek - Taylor Creek - UNT Taylor Creek) via Outfall No. 001, within the drainage area to the Lower Delaware, which is classified as Special Protection Waters, in Coolbaugh Township. The WWTP is located in Barrett Township. Both townships are located in Monroe County, Pennsylvania.

[For nos. 17-19, please see Section B., below.]

20. Pike County Commissioners Office, D-2018-001 CP-2. An application to renew the approval of the applicant's existing 0.0484 mgd Pike County Correctional Complex WWTP and its discharge. The existing WWTP will continue to discharge treated effluent to land via spray irrigation and its discharge to Billings Creek at River Mile 273.3 - 9.43 - 3.19 - 5.68 - 2.3 (Delaware River - Shohola Creek - Shohola Creek Reservoir - Shohola Creek - Billings Creek), via Outfall No. 001, within the drainage area to section of the main stem Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters.

B. Renewals with Substantive Changes (Items 17 through 19)

17. Lookaway Partners, L.P., D-1996-042 -4. An application to renew the approval of an existing groundwater and surface water withdrawal with an increase in system allocation from 6.2 mgm to 8.0 mgm to irrigate the applicant's Lookaway golf course from existing Well Nos. PW-2 and PW-3, an existing, off-stream constructed pond and new Well No. PW-4. The project wells are completed in Brunswick Formation. The project is located in the Commission's designated Southeastern Pennsylvania Ground Water Protected Area (SEPA GWPA) in the Mill Creek Watershed, in Buckingham Township, Bucks County, Pennsylvania.
18. Artesian Water Company, D-2001-025 CP-2. An application to consolidate Docket Nos. D-2001-025 CP and D-1984-034 CP RENEWAL 3 into a single docket which makes up the docket holder's Northern Kent County Regional System. The application will also add Clayton Well No. 4 into the DRBC Comprehensive Plan. The applicant also requests to renew the approval to withdraw up to 21.02 mgm of groundwater from six groundwater sources. The project's existing groundwater withdrawals are approved by the Delaware Department of Natural Resources and Environmental Control (DNREC) and will continue to be regulated by DNREC in accordance with the Administrative Agreement (AA) between the Commission and the State of Delaware. The wells are located in the Smyrna Watershed in the Town of Clayton, Kent County, Delaware.

19. Aqua Pennsylvania Wastewater, Inc., D-2002-042 -6. An application to modify and improve Outfall No. 001 at the 0.60 mgd White Haven WWTP, which is showing signs of severe tuberculation. The proposed outfall modifications consist of replacing the current 8-inch cast iron outfall pipe with a larger, 24-inch diameter pipe that is directly connected to the ultraviolet (UV) disinfection channel effluent. 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 classified as the Lower Delaware Special Protection Waters (SPW).

C. Projects Not Previously Reviewed by the Commission

None.

ATTACHMENT B

**COMPRISED OF THE ATTACHMENT TO THE RESOLUTION FOR THE MINUTES OF
DECEMBER 5, 2024, AMENDING THE ADMINISTRATIVE MANUAL—BYLAWS,
MANAGEMENT AND PERSONNEL**

ATTACHMENT

Mark-Up Showing Revisions to the *Administrative Manual – By-Laws, Management and Personnel*

Editor's Note:

Proposed additions are shown in redline with underscore.

Proposed deletions are shown in ~~redline with strikethrough~~.

A series of 4 asterisks (* * *) denotes
chapters, sections or paragraphs omitted because
no changes are proposed to them.*

Administrative Manual

BY-LAWS, MANAGEMENT AND PERSONNEL

Adopted and Effective December 13, 1961

Revised through December 5, 2024

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**CHAPTER 5
PERSONNEL POLICIES**

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5.6 Compensation Plans.

* * * *

5.6 G. Performance Evaluation and Performance-Based Compensation Adjustments.

1. *Annual Evaluations and Performance Increases.* Employee performance reviews shall be conducted annually by the employee’s supervisor for the period running January 1 through December 31, in accordance with a system established by the Executive Director. . . .

Annually, effective April 1, employees who ~~have continuously~~ served the Commission for any portion since May 1 of the previous calendar year will be eligible to receive a performance increase. In the case of an employee who began service with the Commission during the previous calendar year, the performance increase will be pro-rated in accordance with the employee’s length of service to the Commission during the previous calendar year. Commission-approved leave periods will not affect an employee’s eligibility to receive a performance increase in accordance with this paragraph. The Executive Director shall establish a system that will provide for the calculation and distribution of annual performance increases among eligible employees, taking into consideration the financial resources available under the approved operating budget and the performance rating of the employee. The “comparatio” of the employee (defined as the current salary divided by the midpoint of the grade listed in the General Schedule) may also be considered.

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5.7 Fringe Benefits for Employees. . . .

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5.7 F. *Description of Benefits.*

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8. *Sick Leave* – The following types of absence may be charged to sick leave:

- Absence necessitated by the personal illness or other physical disability of the employee;
- Absence of the employee’s visits to a doctor or dentist for the purpose of seeking medical treatment; And, for valid sick-related reasons as discussed under “Other Absences” below.
- Illness or death of a family member of the employee—not to exceed five days in a calendar year without the prior approval of the Executive Director;
- Accompanying a family member to a medical appointment; and
- Maternity or New Parenting of a family member of the employee—not to exceed two weeks in a calendar year without the prior approval of the Executive Director. Note that this two-week leave period does not apply to Maternity or New Parenting of the employee, which is addressed in § 5.7 F.16.d., below.

* * * *

~~11. *Other Absence* – The following types of absence may be charged to sick leave with the approval of the Executive Director:~~

- ~~• Illness or death in the employee’s family;~~
- ~~• Visit to doctor or dentist (immediate family)~~
- ~~• Maternity or New Parenting in the employee’s immediate family—not to exceed two weeks.~~

~~134. *Franchise Leave* – Leave for the purpose of voting in the General Election each year federal, state, or local primary or general elections – not to exceed three hours annually.~~

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