

DELAWARE RIVER BASIN COMMISSION

MEETING OF DECEMBER 11, 2019

Minutes

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

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

The Commission met at the Washington Crossing Historic Park Visitor Center, Washington Crossing, Pennsylvania. Kenneth Kosinski, P.E., Chief, Watershed Implementation Section, New York State Department of Environmental Conservation and Alternate Commissioner for Governor Andrew M. Cuomo of New York, presided. Mr. Kosinski welcomed everyone, thanked the Washington Crossing Historic Park and the Pennsylvania Department of Conservation and Natural Resources for the use of the space, and noted the exits and safety procedures. The Commissioners and senior staff introduced themselves, and all stood for the Pledge of Allegiance.

Mr. Kosinski explained that once the business was completed, and as time allowed, he would ask Mr. Tambini to moderate an Open Public Comment session.

Minutes. The Minutes of the Commission's regularly scheduled Business Meeting of September 11, 2019 were unanimously approved.

Announcements. Ms. Bush announced the scheduled Commission advisory committee meetings listed below, which, unless otherwise noted, were to take place in the Goddard Conference Room at the Commission's office building in West Trenton, NJ. She said that contact information for committee staff liaisons could be found on the Commission's website, www.drbc.gov.

- *DRBC Monitoring Advisory and Coordination Committee (MACC).* The MACC will meet on Wednesday, December 18, 2019 at 9:30 a.m.

- *DRBC Subcommittee on Ecological Flows (SEF)*. The SEF, a subcommittee of the Regulated Flow Advisory Committee (RFAC), will meet on Tuesday, January 21, 2020 from 10:00 a.m. to 3:30 p.m. at the Lake Wallenpaupack Environmental Learning Center, 126 Lambertson Lane (formerly PPL Drive) in Hawley, PA.
- *DRBC Water Management Advisory Committee (WMAC)*. The WMAC will meet on Thursday, February 20, 2020 at 10:00 a.m.

Hydrologic Conditions. Hydrologic Conditions. Ms. Shallcross began her report on hydrologic conditions in the Delaware River Basin with an explanation of the hydrologic cycle (also, “water cycle”). The cycle begins as water in streams and oceans, which then evaporates into the atmosphere. When the atmosphere becomes saturated, the water becomes too heavy to stay aloft and falls as precipitation. Precipitation either infiltrates into the ground or flows into impoundments, streams, and/or eventually, the ocean, and the cycle begins again.

Ms. Shallcross displayed figures showing precipitation over the previous three months, noting that precipitation over a 90-day period provides a reasonable indicator of current hydrologic conditions. Over the preceding 90 days, between 6.0 and 16.5 inches of rain had fallen in the basin, with less rain in the lower basin and more rain in the upper basin. Because the basin receives approximately 45 inches of precipitation per year, Ms. Shallcross, four inches per month or twelve inches per quarter would be expected. Year-to-date precipitation for 2019 ranged from 36 to 64 inches basin-wide, with the least amount in western Berks and Schuylkill counties and the greatest amount (more than 60 inches) in the middle of the basin—i.e., in eastern Berks, and Lehigh, Northampton and Warren counties. The departures from normal included more than 15 inches above normal amounts of precipitation.

Once precipitation reaches the ground, some of it may infiltrate the ground and become groundwater. Most of the indicator well levels in the basin were normal for December. The Schuylkill County well, located in the western part of the basin, was below the normal range. Ms. Shallcross said this was not unexpected, because that area had recently received below normal precipitation. An indicator well in Wayne County, Pennsylvania in the upper basin was above normal for the majority of the year, with the exception of a period during the late summer and early fall when dry weather prevailed. In the middle-upper basin, the Monroe County, PA well had been below normal but was now trending up. The middle-lower basin indicator well in Bucks County, PA was above normal the entire year and remained so. In the lower basin, the Cumberland County, NJ well was also above normal.

Much of the precipitation that does not seep into the ground enters reservoirs or streams. The New York City (“City”) Delaware Basin reservoirs—Pepacton, Cannonsville and Neversink—are the three largest impoundments in the basin. Their combined storage is used to define different drought stages for basin reservoir operations. The City is required to make releases from these reservoirs to meet a flow objective of 1,750 cubic feet per second (cfs) or 1,130 million gallons per day (mgd) at Montague, New Jersey. To ensure minimum freshwater inflows into the Delaware River Estuary, DRBC is responsible for directing releases to meet the flow objective at Trenton, New Jersey, which is 3,000 cfs, equal to about 1,940 mgd.

Ms. Shallcross displayed a summary of current storage conditions in the basin's larger reservoirs. It showed Beltzville Lake at 100 percent of its normal pool. To accommodate more intensive recreational use in the summertime, the elevation in Blue Marsh Lake varies depending upon the season. Blue Marsh was at winter pool elevation. F.E. Walter, a flood control and recreation reservoir, was at its normal pool for this time of the year—that is to say, almost empty.

Ms. Shallcross next offered metrics relating to streamflows. During 2019, dry weather in the summer months resulted in 55 days when releases were made from the New York City reservoirs to meet the flow objective at Montague, described above. The total amount of water released was 26 billion gallons (bg). Because conditions in the lower basin were not as dry, a total of only 1.5 bg of water over ten days was released to meet the Trenton flow objective, and streamflow never actually fell below that objective. Ms. Shallcross noted that if average main stem flows over the next 20 days remained above 16,160 cfs, then average annual flow in the main stem for 2019 would be among the top ten ever recorded.

Indeed, except in September and early October, streamflows were above normal throughout the year. Although flooding on some tributaries was observed earlier in the year, particularly in the Schuylkill and southeastern Pennsylvania sub-basins and in a flood-prone sub-basin above the Cannonsville Reservoir in Walton, New York, no main stem flooding occurred in 2019.

The Trenton flow objective was established to maintain freshwater flows into the Delaware River Estuary to push the salt water from the ocean downstream. The “salt front” is normally located at River Mile (RM) 69 in December, and on the meeting date was located at River Mile (RM) 71. Ms. Shallcross explained that the normal range of the salt front, which is defined as the 250 mg/l chloride concentration, is from RM 67 to RM 76, near Wilmington, Delaware. The 240 mg/l value is based on a secondary drinking water standard that was established by the U.S. Department of Public Health during the early part of the Twentieth Century. Today, it is a secondary drinking water standard.

The U.S. Geological Survey (USGS) is piloting in the Delaware River Basin a program it calls the “Next Generation Water Observing System.” As part of this pilot program, USGS deployed an autonomous underwater vehicle, which moves through the water column and channel, collecting temperature and velocity data and other information. The information will be used to develop new models for understanding the processes that affect water quality in the Delaware River Estuary and Bay. Such models may be used to evaluate the impacts of sea-level rise.

The University of Delaware has developed sea-level rise projections for use in planning. Under a low-emissions scenario, it predicts one-half meter of sea-level rise; under a medium emission scenario, one foot of sea-level rise; and under a high-emission scenario, 1.6 meters of sea-level rise. Ms. Shallcross presented model results showing the probable range of the salt front under the different sea level rise scenarios with 2001-2002 hydrology (third worst drought). Under the high-emission scenario, the salt front could move further upstream than RM 104, which is well into Philadelphia. Because drinking water intakes for Philadelphia and central New Jersey are located at RM 110, the current management objective is to keep the salt front below RM 98.

According to the Center for Climate Prediction, which projects conditions over the next three months, there is a greater than normal chance of higher than normal temperatures and higher than

normal precipitation from mid-December 2019 through mid-February 2020. Notably, however, “higher than normal” may not be all that noticeable. For temperatures, it may mean as little as 0.01 degrees higher.

With respect to snowfall, at this time of the year, the basin might normally receive 10 to 15 inches of snow near Philadelphia, 20 to 30 inches in northern New Jersey, and 50 inches in the upper basin. According to a recent journal article about how snow might change in the future, because warmer temperatures are expected, less snow and fewer snowfalls are likely. In particular, fewer two-inch storms are expected; the precipitation will fall as rain instead. However, because more moisture is likely to be present in the atmosphere, when a nor’easter comes through, it is likely to be accompanied by larger snowfall amounts.

Ms. Shallcross concluded her report by noting that the DRBC staff are in the process of creating a hydrologic conditions “dashboard,” to include plots of flows at Montague and Trenton, the movement of the salt front over the preceding three months, and basin reservoir storage.

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

- *DRBC 2019 State of the Basin Report and 2018 Annual Report.* These two documents are full of information about how the DRBC continues to manage, improve and protect the water resources of the Delaware River Basin. Monitoring activity intensified in 2018 and 2019 to support the science and modeling efforts underway to evaluate aquatic life uses of the Delaware River Estuary in recognition of improved water quality. Models love data. With guidance from the Water Quality Advisory Committee (WQAC) and a panel of nationally renowned experts, DRBC has stepped up our collection of data on nutrients, salinity, light extinction, primary productivity and other measures to support model development and related inquiries. Mr. Tambini extended thanks to the DRBC staff, the WQAC and the Eutrophication Model Expert Panel supporting the aquatic life use studies. He noted that during the previous week, DRBC’s expert panel members from around the country gathered at DRBC for two days to offer their perspectives and guidance on the ongoing work.
- *Grants Awarded.* Mr. Tambini reported that since the Commission’s second quarter meeting in September, DRBC had been awarded two grants under the U.S. Fish and Wildlife Service Delaware Watershed Conservation Fund. The project entitled *Creating a Web-based Habitat Model for the Upper Delaware River* received a grant in the amount of \$128,000. This sum will be combined with a DRBC match of \$136,000 for a total project value of \$265,000. The project will build upon existing models that measure habitat changes resulting from regulated flow and temperature mitigation efforts in the Upper Delaware. The project entitled *Characterization of Algal Composition and Dissolved Oxygen in the Delaware River Estuary* received a grant of \$88,000, which will be combined with a DRBC match of \$90,000.
- *DRBC Advisory Committees.* In 2016 the Commissioners by a Resolution for the Minutes established consistent practices for membership on DRBC advisory committees. Among other things, the new policy provided that “non-reserved members,” defined as committee members not representing DRBC member state or federal agencies, would be appointed

for terms of no more than five years. As a result, several non-reserved memberships on DRBC advisory committees are opening up. These will be advertised publicly on the DRBC website. Mr. Tambini encouraged those interested in serving on a DRBC committee, including members whose terms are expiring, to visit the website for details on how to seek an appointment or re-appointment.

- *DRBC Staff Member Paula Schmitt Retires.* Anyone who receives meeting notices from the DRBC or who attended our meetings when registering to speak entailed phoning the office, probably knows the name Paula Schmitt. If you dig around a bit on our website, you are likely to see Paula's name more than just about anyone else's. In her dedicated and professional way, Paula has served as a legal and administrative assistant since 2003. She has decided to retire at the end of this year. Please join me in thanking Paula for her years of dedicated service to the DRBC and in wishing her a well-deserved and happy retirement.
- *The Winter of 1776.* It is understood that on a wintry night in 1776 the world changed, and it changed at this place. On Christmas Day a reenactment of Washington's Crossing will take place right here. Mr. Tambini thanked the Washington Crossing Historic Park Visitor Center for hosting the Commission and urged attendees to attend the crossing reenactment on Christmas Day. He noted that the annual reenactment rehearsal, which is also open to the public, had already occurred.
- *PennEast Pipeline Project.* Noting that many of those attending the day's meeting wished to speak about the PennEast Pipeline project, Mr. Tambini explained that the opportunity to do so would be during Open Public Comment following the close of the Business Meeting.

General Counsel Report. A summary of Mr. Warren's report on two pieces of litigation in which the DRBC is involved follows.

Wayne Land and Mineral Group v. DRBC. In the *Wayne Land* matter, which has been pending for a few years in the Middle District of Pennsylvania, plaintiff WLMG seeks a declaration that the well pad and fracking activities it intends to undertake in Wayne County are not a project subject to DRBC review under Section 3.8 of the Compact. On Monday, December 9, the Third Circuit heard oral argument on an appeal by three Pennsylvania State Senators—Senators Scarnati, Yaw and Baker—who objected to the District Court's denial of their effort to intervene in the case on the side of WLMG. The court engaged actively in the argument and took the matter under advisement. We will have to wait and see what the court decides to do.

Mr. Warren explained that in the District Court, several discovery motions were outstanding, relating to the question of whether certain documents in the case are privileged and whether a deposition that the DRBC wishes to take will go forward. Expert reports were also exchanged. The DRBC and the Delaware Riverkeeper Network (DRN), which is an intervenor on DRBC's side of the matter, both submitted expert reports. Plaintiff Wayne Land responded on December 9 with its rebuttal reports; and DRBC and DRN now have the opportunity to submit supplemental reports, which are due on January 23, 2020. Expert depositions will follow. After those, motions for summary judgment are possible. In other words, Mr. Warren said, the case goes on.

Delaware River Partners, LLP. Mr. Warren next reported on an administrative appeal of the Commission's docket issued to Delaware River Partners, LLP for the project known as Gibbstown Logistics Center Dock 2. The Delaware Riverkeeper Network and the Riverkeeper (collectively, DRN) requested an administrative hearing on the DRBC's issuance of that docket, and the Commission granted the hearing. Pennsylvania has assisted the Commission by providing a hearing officer—John Kelly—who ordinarily serves as a hearing examiner for the Pennsylvania Department of State. Hearing Officer Kelly held a case management conference on December 9, and we are awaiting his order establishing the schedule for the case. Another aspect of this matter is that Damascus Citizens for Sustainability (DCS) has asked to participate as “an interested party” under DRBC's rules—essentially, to intervene. Delaware River Partners has opposed DCS's request. That issue will be briefed for the hearing officer, who will decide whether or not DCS is allowed to participate in the case.

Mr. Warren wished everyone a happy holiday.

Resolution Establishing the Advisory Committee on Climate Change and Providing for Its Purpose, Membership and Initial Charge. Ms. Kavanaugh explained that the proposed resolution would establish the Advisory Committee on Climate Change. The draft resolution was the subject of a duly noticed public hearing on November 13, 2019, and the Commission invited written comment on the proposal as well. No comments on the draft resolution—either oral or written—were received. Ms. Kavanaugh noted minor changes to paragraph 3.c. on page 3, offered by the Commissioners. The proposed revisions would replace the word “interrelated” with “climate-related” and delete the last six words of the paragraph. The revised sentence in paragraph 3.c. would read, “The ACCC may serve as the coordinating body for climate-related Basin water resource and watershed studies.” Staff recommends that the Commission vote to approve the resolution with the proposed changes to paragraph 3.c.

Hearing no comments or questions, Mr. Kosinski requested a motion to approve the resolution establishing the Advisory Committee on Climate Change as presented. LTC Park so moved, Mr. Hoffman seconded his motion, and without further discussion, Resolution No. 2019-8, adopting the Resolution establishing the Advisory Committee on Climate Change and providing for its purpose, membership and initial charge was unanimously approved.

A Resolution for the Minutes Authorizing the Executive Director or His Designee to Issue a Task Order to the Academy of Natural Sciences of Drexel University to Provide Analytical Services for Characterization of Algal Composition in the Delaware Estuary. Dr. Suk explained that the development of a new eutrophication model is a central component of staff's evaluation of the appropriate designated aquatic life uses in the Delaware River Estuary. The Commission's Eutrophication Model Expert Panel, which is guiding the model development process, has advised that information on algal composition is important to the project. The DRBC applied to the National Fish and Wildlife Foundation (NFWF) for funding to support sampling and analysis of algal community composition, and NFWF awarded the Commission a grant in the amount of \$88,854 for this purpose. The proposed Resolution for the Minutes authorizes the Executive Director or his designee to issue a Task Order for this work to the Academy of Natural Sciences of Drexel University, with which the Commission has an active contract. Cash expenditures for the study are not to exceed \$56,000 unless additional funds are awarded to the Commission or

allocated by it for this purpose. Dr. Suk respectfully requested that the Commissioners approve the Resolution.

Mr. Kosinski requested a motion to approve the resolution proposed by Dr. Suk. LTC Park so moved. Ms. Atkinson seconded his motion, and without further discussion the Resolution for the Minutes authorizing the Executive Director or his designee to issue a task order to the Academy of Natural Sciences of Drexel University to provide analytical services for characterization of algal composition in the Delaware Estuary was approved by unanimous vote.

The text of the resolution follows:

RESOLUTION FOR THE MINUTES

A RESOLUTION for the Minutes authorizing the Executive Director or his Designee to issue a Task Order to the Academy of Natural Sciences of Drexel University to provide analytical services for characterization of algal community composition in the Delaware Estuary.

WHEREAS, the DRBC recognizes the vital importance of determining the appropriate designated aquatic life uses of the Delaware Estuary and the water quality criteria necessary to protect these uses; and it appreciates the importance of reaching these determinations through a collaborative process informed by technical studies and specialized scientific and engineering expertise; and

WHEREAS, the development of a new Eutrophication Model of the Delaware Estuary to assess the attainability of various levels of dissolved oxygen is underway, in accordance with the Commissioners' direction to staff set forth in Resolution No. 2017-4; and

WHEREAS, the Commission's expert panel guiding development of the Eutrophication Model has identified the seasonal and spatial variations of algal community composition as important information for this project; and

WHEREAS, the National Fish and Wildlife Foundation's Delaware Watershed Conservation Fund ("NFWF") has awarded the DRBC a grant in the amount of \$88,853.81, to which the DRBC will provide in-kind match, to implement a work plan that includes sampling and analysis of algal community composition in the Delaware Estuary; and

WHEREAS, pursuant to a Resolution for the Minutes adopted on June 14, 2017, the DRBC has an existing professional services contract with The Academy of Natural Sciences of Drexel University, through which the Commission may engage that institution's diverse scientific skill sets, including the skills needed to characterize algal community composition; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that:

1. The Executive Director or his Designee is hereby authorized to issue a Task Order to the Academy of Natural Sciences of Drexel University to provide analytical services for characterization of algal community composition in the Delaware Estuary.

2. Expenditures may not exceed the amount of \$56,000 unless additional funds are awarded to the Commission or allocated by it for this purpose.
3. The competitive bidding provisions of Section 14.9 of the Compact have been satisfied.

This resolution shall take effect immediately.

A Resolution for the Minutes Authorizing the Executive Director to Execute an Agreement for the Preparation of an Actuarial Evaluation of the Commission's "Other Post-Employment Benefit" ("OPEB") Obligations, in Accordance with Government Accounting Standards Board Statement No. 75. Ms. Deck explained that the proposed Resolution for the Minutes would authorize the Executive Director to execute an agreement for the preparation of an actuarial evaluation of the Commission's "Other Post-Employment Benefit" otherwise known as "OPEB" Obligations in accordance with Government Accounting Standards Board Statement "GASB" Number 75. GASB No. 75 requires a biannual actuarial evaluation to be performed by the Commission for its OPEB liabilities and expenses. Such an evaluation has been conducted in fiscal years beginning July 1, 2009, 2012, 2015, and 2017 and is again due. The evaluation is proposed to be prepared by Brown & Brown Consulting of Philadelphia, Pennsylvania in accordance with that firm's proposal dated August 19, 2019, at a cost not to exceed the amount of \$6,250. Ms. Deck recommended approval of the proposed Resolution for the Minutes.

Mr. Kosinski requested a motion to approve the resolution as presented. Mr. Hoffman so moved, LTC Park seconded his motion, and without further discussion, the Resolution for the Minutes authorizing the Executive Director to execute an agreement for the preparation of an actuarial evaluation of the Commission's "Other Post-Employment Benefit" ("OPEB") obligations, in accordance with Government Accounting Standards Board Statement No. 75 was approved by unanimous vote.

The text of the resolution follows:

RESOLUTION FOR THE MINUTES

A RESOLUTION authorizing the Executive Director to execute an agreement for the preparation of an actuarial evaluation of the Commission's "Other Post-Employment Benefit" ("OPEB") obligations, in accordance with Government Accounting Standards Board Statement No. 75 ("GASB 75").

WHEREAS, Resolution No. 2009-9, adopted on October 22, 2009, authorized the Executive Director to establish an IRC Section 115 Integral Part Trust and to adopt the VantageCare Retirement Health Savings Employer Investment Program offered by ICMA Retirement Corporation (ICMA-RC) to help the Commission fulfill its OPEB (non-pension) post-employment retirement benefit obligations; and

WHEREAS, in implementing these steps, the Commission has complied with the generally accepted accounting standards set forth in GASB 75; and

WHEREAS, GASB 75 requires that a biennial actuarial evaluation be performed to measure the Commission's OPEB liabilities and expenses as of fiscal 2018; and

WHEREAS, such an evaluation was conducted during the fiscal years beginning July 1, 2009, July 1, 2012, July 1, 2015 and July 1, 2017; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that:

1. The Executive Director is hereby authorized to procure the services of Brown & Brown Consulting of Philadelphia, Pennsylvania for the preparation of an actuarial evaluation as required by GASB 75, consistent with the firm's proposal dated August 19, 2019, in an amount not to exceed \$6,250.
2. In accordance with Section 14.9(5) of the Compact, the competitive bidding provisions of the Compact are hereby waived in view of the specialized and professional nature of the services to be procured.

This Resolution shall take effect immediately.

Project Review Applications. Mr. Kovach reported that 30 draft dockets were the subjects of a duly noticed public hearing on November 13, 2019, with a written comment period that closed on November 18. He recommended that 29 of the dockets be approved, and that one—Docket D-1988-052-2 for the Grand Central Sanitary Landfill, Inc. (item 9 on the agenda)—be postponed for further review.

During the public comment period, staff received comments on three of the draft dockets, including, in addition to item 9 as noted above: Docket D-1988-034 CP-3 for Manwalamink Sewer Company (item 8 on the agenda); and Docket D-1970-052 CP-2 for the City of Philadelphia, Northeast Wastewater Treatment Plant Upgrades (item 28 on the agenda).

In connection with draft Docket D-1988-034 CP-3 for Manwalamink Sewer Company, a private citizen expressed concern over contaminants that are present in biosolids according to a U.S. EPA report submitted to DRBC by the commenter. The commenter expressed concerns about how biosolids are handled generally. Mr. Kovach explained that the Manwalamink Sewer Company had not changed its operations with respect biosolids handling and was in compliance with its NPDES permit, including applicable regulations cited in that permit. Accordingly, in his view, the docket should be approved.

The Delaware Riverkeeper Network (DRN) requested that consideration of Docket D-1970-052 CP-2 for the City of Philadelphia, Northeast Wastewater Treatment Plant upgrades be postponed to provide additional time for review, because in the view of DRN the project would impair uses of the receiving water that DRN believes require protection as existing uses. It the understanding of the DRBC staff that the project will provide primary treatment and chlorination to wet weather overflows that would otherwise be discharged to the river untreated. Accordingly, staff believes the project has the potential to improve water quality in the Delaware River Estuary and particularly in Water Quality Zone 3, where it is located. Although Mr. Kovach acknowledged that the uses of the Estuary are being studied under Resolution No. 2017-4, he explained that in the view of staff, any actions based on that ongoing work would be premature. Mr. Kovach recommended that the project be approved.

DRN also commented on Docket D-1988-052-2 for the Grand Central Sanitary Landfill, Inc. Mr. Kovach said that he would defer discussion of those comments until such time as he is ready to offer the Commissioners a recommendation.

Mr. Kovach concluded by recommending that the Commissioners approve the draft dockets comprising items 1 through 8 and 10 through 30 on the agenda.

Mr. Kosinski thanked Mr. Kovach and requested a motion to approve the 29 dockets identified as items 1 through 8 and 10 through 30 on the meeting agenda. Ms. Atkinson so moved, LTC Park seconded her motion, and without any further comment, the draft dockets comprising items 1 through 8 and 10 through 30 of the meeting agenda were approved by unanimous vote.

Adjournment. Mr. Kosinski asked the Commissioners and staff whether any other matters required the Commissioners' consideration that day. Hearing none, he requested a motion to adjourn the business meeting. Mr. Ashby so moved, Mr. Hoffman seconded his motion, and the meeting was adjourned by unanimous vote at 11:20 a.m.

Audio Recording. Audio recordings of the public hearing of November 13 and the business meeting of December 11, 2019 are on file with the Commission Secretary. A description of each of the applications for dockets approved during the Business Meeting of December 11, 2019 is provided as an attachment to these Minutes.

Open Public Comment. After the business meeting adjourned, Mr. Tambini conducted an Open Public Comment session for off-the-record comment by stakeholders on water resource issues affecting the Basin.



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

ATTACHMENT

DESCRIPTIONS OF PROJECTS APPROVED BY THE COMMISSION DURING THE BUSINESS MEETING OF DECEMBER 11, 2019

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 December 11 are presented below.

A. *Renewals with No Substantive Changes. (Items 1 through 8 and 10 through 27).*

1. Freeland Borough Municipal Authority, D-1965-052 CP-5. An application to renew the approval of the applicant's existing 1.2 million gallons per day (mgd) Wastewater Treatment Plant (WWTP) and its discharge. The WWTP will continue to discharge treated effluent to Pond Creek at River Mile 183.7 - 67.3 - 2.0 - 8.5 (Delaware River - Lehigh River - Sandy Run - Pond Creek), within the drainage area of the section of the main stem

Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Freeland Borough, Luzerne County, Pennsylvania.

2. Chemtrade Solutions, LLC, D-1969-038-4. An application to renew the approval of the docket holder's existing 3.1 mgd facility and its discharge. The docket holder will continue to discharge treated stormwater and groundwater infiltration to Delaware River Water Quality Zone 5 at River Mile 78.4 via Outfall No. 001, in the City of Claymont, New Castle County, Delaware.
3. Knoll, Inc., D-1974-162-5. An application to renew the approval of the applicant's existing 0.0715 mgd Industrial Wastewater Treatment Plant (IWTP) and its discharges of treated industrial process water and non-contact cooling water (NCCW). The IWTP will continue to discharge to Perkiomen Creek at River Mile 92.5 - 32.3 - 28.5 (Delaware River - Schuylkill River - Perkiomen Creek) in Upper Hanover Township, Montgomery County, Pennsylvania.
4. Philadelphia Gas Works, D-1976-055 CP-4. An application to renew the approval of an existing discharge of up to 6.67 mgd of NCCW from process compressors, heat exchangers and the emergency fire suppression system via Outfall No. 004 at the Philadelphia Gas Works (PGW) Richmond Plant. Outfall No. 004 will continue to discharge to Water Quality Zone 3 of the Delaware River at River Mile 106.5, in the City of Philadelphia, Philadelphia County, Pennsylvania.
5. Reading City, D-1986-028 CP-4. An application to renew the approval of an upgrade of the applicant's existing 20.5 mgd Fritz Island WWTP and its discharge. The upgrade consists of replacing the existing trickling filter treatment system with a biological reactor treatment system. The upgrade was approved by DRBC Docket No. D-1986-028 CP-3 on September 10, 2014 but is not yet complete. The WWTP will continue to discharge treated effluent to the Schuylkill River at River Mile 92.5 - 72.8 (Delaware River - Schuylkill River) in the City of Reading, Berks County, Pennsylvania.
6. Dublin Borough, D-1986-070 CP-3. An application to renew the approval of the applicant's 1.2 mgd Dublin Borough WWTP and its discharge. Treated effluent will continue to discharge to Deep Run Creek at River Mile 157.0 - 6.2 - 5.4 (Delaware River - Tohickon Creek - Deep Run 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 Bedminster Township, Bucks County, Pennsylvania.
7. Antietam Valley Municipal Authority, D-1987-045 CP-6. An application to renew the approval of the docket holder's existing 2.45 mgd WWTP and its discharge of up to 1.225 mgd. Treated effluent will continue to discharge to Antietam Creek at River Mile 92.47 - 66.1 - 4.4 (Delaware River - Schuylkill River - Antietam Creek) via Outfall No. 001 in St. Lawrence Borough, Berks County, Pennsylvania.
8. Manwalamink Sewer Company, D-1988-034 CP-3. 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.

9. Grand Central Sanitary Landfill, Inc., D-1988-052-5. (*Consideration of this docket has been postponed to allow additional time for review.*)
10. Chambers Cogeneration, LP, D-1991-019-2. An application to renew the approval of the existing Carneys Point Electric Generating Station and the use of up to 240 million gallons per month (mgm) of surface water from Chemours' Salem Canal Intake. The project withdrawal is from the non-tidal portion of the Salem Canal in the Township of Pennsville, Salem County, New Jersey, and the cogeneration plant is located in the Township of Carneys Point, Salem County, New Jersey.
11. Hobart Village, D-1991-063 CP-4. An application to renew the approval of the applicant's existing 0.20 mgd WWTP and its discharge. Treated effluent will continue to discharge to the West Branch of the Delaware River at River Mile 330.7 - 76.7 (Delaware River - West Branch Delaware River) which is located in Delaware River Water Quality Zone W1, 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 Stamford, Delaware County, New York.
12. Honey Brook Borough Authority, D-1991-099 CP-3. An application to renew the approval of an existing groundwater withdrawal of up to 12 mgm to supply the applicant's public water supply distribution system from existing Wells Nos. 5, 6, 7 and 8. The project wells are completed in a Precambrian Gneiss aquifer. The requested allocation is not an increase from the previous allocation. The project is located in the West Branch Brandywine Creek Watershed in Honey Brook Borough, Chester County, Pennsylvania.
13. Valley Forge Sewer Authority, D-1995-006 CP-5. An application to renew the approval of the existing 11.75 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to the Schuylkill River at River Mile 92.47 - 32.0 (Delaware River - Schuylkill River) via Outfall No. 001 in Schuylkill Township, Chester County, Pennsylvania.
14. Clemens Food Group, LLC, D-1999-072-3. An application to renew the approval of an existing groundwater withdrawal of up to 20.57 mgm to supply the applicant's meat processing facility from existing Wells Nos. H-1, H-3, H-4, H-8, H-10 and H-12. The project wells are completed in the Brunswick Formation. The requested allocation is not an increase from the previous allocation. The wells are located in the Commission's Southeastern Pennsylvania Groundwater Protected Area (SEPA GWPA) in the Skippack Creek Watershed, Hatfield Township, Montgomery County, Pennsylvania.
15. Yukiguni Maitake Manufacturing Corporation of America, D-2003-026-2. An application to renew the approval to withdraw up to 13.14 mgm of groundwater from existing Well No. PW-2 for geothermal heating and cooling, agricultural production, industrial purposes

such as cleaning, and potable supply at the docket holder's proposed pilot-scale and subsequent full-scale agricultural production and processing facility. The initial allocation for use at the pilot facility remains limited to 1.95 mgm. The well is screened in outwash sand and gravel in the Gumaer Brook – Basher Kill Watershed in the Town of Mamakating, Sullivan County, New York 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.

16. Warminster Municipal Authority, D-2004-021 CP-3. An application to renew the approval of the docket holder's existing 3.0 mgd WWTP and its discharge of 1.2 mgd. The WWTP will continue to discharge treated effluent to an UNT of the Little Neshaminy Creek at River Mile 115.6 - 23.6 - 3.3 - 1.4 (Delaware River - Neshaminy Creek - Little Neshaminy Creek - UNT Little Neshaminy Creek) via Outfall No. 001, in Warminster Township, Bucks County, Pennsylvania.
17. Ruscombmanor Township, D-2007-034 CP-4. 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 UNT of 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.
18. Marcus Hook Energy, LP, D-2008-021 CP-3. An application to renew the approval of the applicant's existing discharge of up to 4.32 mgd of process water, consisting primarily of cooling tower blowdown, from the Marcus Hook Energy Center. The facility will continue to discharge directly to Delaware River Water Quality Zone 4 at River Mile 78.7 in Marcus Hook Borough, Delaware County, Pennsylvania.
19. CMBK Resort Holdings, LLC, D-2008-026-2. An application to renew the approval to withdraw up to 5.71 mgm of groundwater from existing Wells Nos. 2, 3 and 4 for continued use in the docket holder's public water supply system. The wells are completed in the Long Run Member of the Catskill Formation in the Upper Pocono Creek Watershed in Pocono Township, Monroe County, Pennsylvania 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.
20. Naval Surface Warfare Center Philadelphia Division, D-2009-004 CP-3. An application to renew and modify the conditions for approval of the applicant's discharge of NCCW and process water from the Naval Surface Warfare Center Philadelphia Division (NSWCPD) facility. The NSWCPD facility will continue to withdraw water from the Navy Reserve Basin (NRB), which is located on the tidal Schuylkill River in Delaware River Water Quality Zone 4, for temporary, intermittent, land-based tests of ship systems and to discharge up to 72.0 mgd of NCCW from Outfall No. 001 to the NRB and up to 0.60 mgd of process water from Outfall No. 005 directly to Delaware River Water Quality Zone 4. The modification consists of allowing discharge to occur at higher ambient temperatures, conditional upon limiting the Outfall No. 001 discharge to a temperature

delta of 3°F. The facility is located in the City of Philadelphia, Philadelphia County, Pennsylvania.

21. Chester Valley Golf Club, D-2009-035-2. An application to renew the approval to withdraw up to 5.6 mgm of surface water and groundwater from an existing irrigation storage pond and Well No. 11904 for golf course irrigation. The well is completed in the Elbrook Formation and the pond is located within the Valley Creek Watershed in East Whiteland Township, Chester County, Pennsylvania in the SEPA GWPA.
22. Springdale Gardens, LP, D-2009-044-3. An application to renew the existing 0.0126 mgd Springdale Estates WWTP and its discharge. The existing WWTP will continue to discharge treated effluent to an UNT of Mahoning Creek at River Mile 183.66 - 42.5 - 7.0 - 0.44 (Delaware River - Lehigh River - Mahoning Creek - UNT Mahoning Creek) via Outfall No. 001, located within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Mahoning Township, Carbon County, Pennsylvania.
23. Green Top Management, LLC, D-2010-002-4. An application to renew the approval of the docket holder's existing Green Top Management Mobile Home Park (Green Top MHP) WWTP and to renew the approval of an upgrade and expansion of the Green Top MHP WWTP from 0.012 mgd to 0.018 mgd. The WWTP will continue to discharge treated effluent to an UNT of Tohickon Creek at River Mile 157.0 - 10.8 - 6.5 - 3.1 - 4.1 (Delaware River - Tohickon Creek - Lake Nockamixon - Tohickon Creek - UNT Tohickon Creek) via Outfall No. 001. The WWTP discharges within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in West Rockhill Township, Bucks County, Pennsylvania.
24. NIS Hollow Estates, LLC, D-2010-003 CP-3. An application to renew the approval of the applicant's existing 0.018 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to an UNT of the Lehigh River at River Mile 183.7 - 39.3 - 1.2 (Delaware River - Lehigh River - UNT Lehigh River) located within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in East Penn Township, Carbon County, Pennsylvania.
25. Pennsylvania American Water Company, D-2010-025 CP-3. An application to renew the approval of a discharge of up to 0.1679 mgd of filter backwash from the Stony Garden Water Filtration Plant. During normal operations, the clarified supernatant is recycled to the head of the plant and is not discharged. However, under certain circumstances such as extreme weather conditions, treated effluent will continue to be discharged to Ross Commons Creek at River Mile 183.66 - 36.32 - 20.7 - 0.06 (Delaware River - Lehigh River - Aquashicola Creek - Ross Commons Creek) via Outfall No. 001, within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Hamilton Township, Monroe County, Pennsylvania.

26. HMS Host Corporation, D-2013-018 CP-2. An application to renew the approval of the existing 0.05 mgd Peter J. Camiel Service Plaza WWTP and its discharge. The WWTP will continue to discharge treated effluent to an UNT of Marsh Creek above the Marsh Creek Reservoir at River Mile 70.7 - 1.8 - 20.3 - 12.5 - 6.7 - 0.3 (Delaware River - Christina River - Brandywine Creek - East Branch Brandywine Creek - Marsh Creek - UNT Marsh Creek) in Wallace Township, Chester County, Pennsylvania.
27. Markel Corporation, D-2014-013-2. An application to renew the approval of the applicant's existing discharge of up to 0.06 mgd of contact and non-contact cooling water from its Norristown facility. The facility will continue to discharge to Diamond Run Creek at River Mile 92.5 - 22.3 - 0.7 (Delaware River - Schuylkill River - Diamond Run Creek) in Plymouth Township, Montgomery County, Pennsylvania.

B. Renewals with Substantive Changes. (Items 28 and 29).

28. City of Philadelphia, D-1970-052 CP-2. An application to approve an upgrade to the applicant's existing 210 mgd Northeast WWTP consisting of constructing an additional, preliminary treatment system for conveyance of peak wet weather flows to the existing primary settling and chlorination disinfection system for treatment prior to discharge, thereby reducing combined sewer overflows (CSOs) from the WWTP service area. The WWTP will continue to discharge treated effluent to Delaware River Water Quality Zone 3 at River Mile 104.2 in the City of Philadelphia, Pennsylvania.
29. Upper Montgomery Joint Authority, D-1987-028 CP-3. An application to renew the approval of the docket holder's existing 2.77 mgd WWTP and its discharge of 2.0 mgd. The WWTP will continue to discharge treated effluent to Perkiomen Creek at River Mile 92.47 - 32.3 - 25.0 (Delaware River - Schuylkill River - Perkiomen Creek) via Outfall No. 001, in Upper Hanover Township, Montgomery County, Pennsylvania.

C. New Projects. Project not previously reviewed by the Commission. (Item 30).

30. Monroe Career & Technical Institute, D-2019-002 CP-1. An application to approve the existing 0.015 mgd Monroe Career & Technical Institute (MCTI) WWTP and its discharge. The MCTI WWTP will continue to discharge treated effluent to an UNT of Pocono Creek, at River Mile 213 - 4.0 - 0.82 - 8.1 - 0.5 (Delaware River - Broadhead Creek - McMichael Creek - Pocono Creek - UNT Pocono Creek) via Outfall No. 001, 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 Bartonsville, Monroe County, Pennsylvania.
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