

DELAWARE RIVER BASIN COMMISSION

MEETING OF DECEMBER 13, 2017

Minutes

Commissioners Present: Jennifer Orr, Pennsylvania, Chair
Jeffrey L. Hoffman, New Jersey, Vice Chair
Kenneth Kosinski, New York, Second Vice Chair
Bryan A. Ashby, Delaware
Lieutenant Colonel Kristen N. Dahle and Henry W. Gruber, United States

DRBC Staff Participants: Steven J. Tambini, Executive Director
Pamela M. Bush, Commission Secretary & Assistant General Counsel
Kenneth J. Warren, Warren Environmental Counsel, LLC, General Counsel
Elba L. Deck, Director, Finance and Administration
Thomas J. Fikslin, Director, Science and Water Quality Management
David Kovach, Manager, Project Review
Kenneth F. Najjar, Director, Water Resource Management
Amy Shallcross, Manager, Water Resource Operations

The Commission met at the Washington Crossing Historic Park Visitor Center in Washington Crossing, Pennsylvania on December 13, 2017. Chairwoman Jennifer Orr opened the meeting by noting that DRBC was conducting a winter coat collection through December 15 and that the annual reenactment of General Washington's crossing of the Delaware River would begin at noon on Christmas Day, and could be viewed via a live web-feed. At Ms. Orr's invitation, the Commissioners introduced themselves.

Minutes. The Minutes for the Commission's regularly scheduled Business Meeting of September 13, 2017 were unanimously approved.

Announcements. Ms. Bush announced that the *Water Management Advisory Committee (WMAC)*. Would meet on Thursday, February 22, 2018 in DRBC's Goddard Conference Room. [The meeting was subsequently postponed to Thursday, June 21 at 10:00 a.m. in same location.]

Hydrologic Conditions. Ms. Shallcross reported on the hydrologic conditions in the Basin as follows:

The average observed precipitation for the portion of the Basin above Montague, New Jersey for the period January 1, 2017 through December 11 was 44.78 inches, or 1.67 inches above normal.

The observed precipitation for the Basin above Trenton for the same period was 44.20 inches, or 1.37 inches above normal and for the Basin above Wilmington, Delaware for this period was 39.19 inches or 1.64 inches below normal.

The average observed streamflow of the Delaware River at Montague, New Jersey in November 2017 was 3,088 cubic feet per second (cfs), or 67.8 percent of the long-term average for the month. The average observed streamflow of the Delaware River at Trenton, New Jersey for the same period was 6,555 cfs, or 65.3 percent of the long-term average for the month.

For December 1 through 11, the average observed streamflow at Montague was 1,934 cfs, or 38.3 percent of the long-term average for the month. The average streamflow at Trenton, New Jersey during the same period was 3,970 cfs, or 30.7 percent of the long-term average for the month.

In the Lower Basin, as of December 12, 2017, Beltzville Reservoir contained 13.5 bg usable, or 100.3 percent of usable storage; Blue Marsh contained 4.4 bg usable, or 100.0 percent of winter pool usable storage. As of December 11, Merrill Creek contained 13.5 bg usable, or 86.3 percent of usable storage.

In the Upper Basin, as of December 12, Pepacton Reservoir contained 111.9 bg usable or 79.8 percent of usable storage; Cannonsville contained 48.5 bg usable, or 50.7 percent of usable storage. Neversink contained 31.2 bg usable or 89.2 percent of usable storage. The total New York City Delaware Basin reservoir storage was 191.6 bg usable or 70.7 percent of usable storage.

The long-term median storage for the New York City Delaware Basin reservoirs for December 12 was 208.2 bg, or 76.9 percent.

During the month of November 2017, the location of the seven-day average of the 250-parts-per million (ppm) isochlor, also known as the "salt front," fluctuated between River Miles (RM) 77 and 72. The normal location of the salt front during November is RM 70, which is eight miles downstream of the Delaware-Pennsylvania state line.

As of December 12, the salt front was estimated to be at River Mile 74, which is five miles upstream of the normal location of the salt front during December.

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 ("GASB 75"). Ms. Deck explained that the proposed resolution would authorize the Executive Director to execute an agreement for the actuarial evaluation of the Commission's OPEB obligations (consisting largely of health care benefits) in accordance with GASB 75.

Ms. Orr invited comments or questions from the Commissioners. Hearing none, she requested a motion to adopt the resolution as proposed. Mr. Kosinski so moved, LTC Dahle seconded his motion and 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 (GASB 75) was adopted by unanimous vote.

The text of the resolution follows:

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 triennial actuarial evaluation be performed to measure the Commission's OPEB liabilities and expenses; and

WHEREAS, such an evaluation was conducted during the fiscal years beginning July 1, 2009, July 1, 2012 and July 1, 2015; 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 October 25, 2017, 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.

Resolution Authorizing the Executive Director to Enter into an Agreement with the University of Maryland for the Analysis of Ambient Water Samples Collected from the Delaware Estuary for Primary Productivity and Associated Nutrient Parameters. Dr. Fikslin recounted that in September, the Commission had adopted a resolution directing the staff to undertake several studies over a period of 3.5 years to develop a eutrophication model and evaluate the designated uses of the Delaware River Estuary for fish maintenance and propagation. The Commission's eutrophication model expert panel in November recommended that primary productivity measurements similar to a series completed in 2014 for Delaware Bay be performed further upstream within the Estuary. The Delaware Bay analysis, authorized by Resolution No. 2013-6, was conducted by Dr. Thomas Fisher of the University of Maryland's Horn Point Laboratory. Dr. Fisher is uniquely qualified and has the capacity to perform the analysis; no other institution in the region – either commercial or academic has this capability. Funding in the amount of \$90,000 for this work is included in DRBC's federal Clean Water Act Section 106 grant agreement with the U.S. Environmental Protection Agency (EPA). The proposed resolution would authorize the Executive Director to enter into a two-year cooperative agreement with the University of Maryland for the proposed analysis, with a total

cost not to exceed \$90,000, or the sum of this amount and any additional funds expressly awarded to the Commission or allocated by it for this purpose. In accordance with the provisions of Section 14.9(5) of the *Delaware River Basin Compact* (the Compact) the requirement for use of a competitive bidding process would be waived due to the professional nature of the services and the unique capacity of Dr. Fisher and the Horn Point Laboratory to perform the work. A public hearing on the proposed resolution took place on November 15, 2018. Staff received no written or oral comments on this item.

Hearing no comments or questions from the Commissioners, Ms. Orr requested a motion to approve the proposed resolution. Mr. Gruber so moved, Mr. Hoffman seconded his motion, and Resolution No. 2017-5 authorizing the Executive Director to enter into an agreement with the University of Maryland for the analysis of ambient water samples collected from the Delaware Estuary for primary productivity and associated nutrient parameters was approved by unanimous vote.

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

- *Notice of Proposed Rulemaking.* The Commission on November 30, 2017 published a notice of proposed rulemaking to amend the Rules of Practice and Special Regulations regarding natural gas development activities and to provide additional clarifying amendments. Mr. Tambini referred the public to DRBC's website for the most accurate information on the Commission's actions regarding natural gas and other DRBC matters. He noted the following highlights of the public process:
 - *Comment Period.* The public comment period for the proposed rulemaking began on November 30, 2017 and will close on February 28, 2018. [In early January, the Commission extended the comment period through March 30].
 - *Public Hearings.* Two public hearings will be held in Waymart, Pennsylvania at the Ladore Camp, Retreat and Conference Center on January 23, 2018; and two will be held in Philadelphia, Pennsylvania on January 25 at the Doubletree Hilton Hotel at the Philadelphia Airport. [In early January, the Commission announced that it would hold a fifth in-person hearing on February 22 at the Lehigh Carbon Community College in Schnecksville, PA, and a virtual hearing on March 6 via telephone.]
 - *Attendance Pre-registration.* Registration, which may occur in advance or on-site, is required to attend and/or to speak at any of the public hearings.
 - *Written Comments.* Written comments must be submitted through DRBC's online system. Anyone seeking an exception to this policy may write to the attention of the Commission Secretary, DRBC, P.O. Box 7360, West Trenton, New Jersey 08628.
- *Ongoing Seasonal Photo Contest.* The Delaware River Basin is an amazing place. Staff would like to highlight photos of the basin by residents and visitors, both on the Commission's website and in the annual report. The winner of the Fall Photo Contest is Andy Smith. Andy's photo captured a reach of rapids in New York's Mongaup River, a Delaware River tributary, framed by vibrant autumn colors. Andy specializes in images of nature, primarily in the Delaware River Basin. His work can be found on his website,

andy.smith@photography.com. Mr. Tambini thanked Andy and presented him with a certificate of recognition. Andy's winning photo will be featured on DRBC's website and in the 2017 annual report.

- *Retirement of Dr. Jessica Rittler Sanchez.* Dr. Sanchez is retiring from the Commission, effective January 1, 2018. Mr. Tambini noted that Jessica had served the DRBC for 16 years in various capacities, including as a senior water resource planner. He thanked her for her valuable contributions to the Delaware River Basin and offered her best wishes in her retirement.
- *One Warm Coat.* Mr. Tambini thanked the staff and others for their contributions to a successful coat drive and other community service projects. The coats will be donated to the Rescue Mission of Trenton, a worthy recipient.

Mr. Tambini wished everyone a very happy holiday season.

General Counsel Report. Mr. Warren noted the only litigation involving the Commission is a case that has been pending for some time – that of Wayne Land and Mineral Group (WLMG) against the DRBC. This case involves a landowner that desires to perform exploration and production of natural gas on a property in Wayne County within the basin. If allowed to proceed, WLMG's activities would entail the use of hydraulic fracturing. A federal district court ruled that the Commission has the authority to review WLMG's proposed activity under Section 3.8 of the Compact, which gives the Commission the authority to review projects having a substantial effect on the water resources of the basin. The landowner appealed the district court's decision to the Court of Appeals for the Third Circuit. There was briefing in that case over the summer and early fall, followed by oral argument in November. In addition to argument by attorneys for WLMG and by Mr. Warren on behalf of the Commission, the oral argument included participation by Pennsylvania state legislators as *amici* on behalf of WLMG, and by the Delaware Riverkeeper Network as an intervenor opposing WLMG's proposed activities. The court asked many questions and took the matter under advisement. The parties are awaiting the Third Circuit's decision about DRBC's ability to review hydraulic fracturing activities and related facilities within the basin under Section 3.8 of the Compact. Mr. Warren noted that the case did not directly involve the DRBC's ability to regulate the activity under Article 5 of the Compact, by means of a rulemaking such as that currently open for public comment.

Statement of Lieutenant Colonel Kristen N. Dahle. LTC Dahle explained that Mr. Hank Gruber, the North Atlantic Division Deputy Chief of the Planning and Policy Division, would vote in her place on the project review applications, to eliminate any appearance of conflict regarding possible future permitting actions in which the Philadelphia District regulatory team might be involved.

Chairwoman Orr recognized Mr. Gruber as the voting representative of the United States for the with respect to project review applications.

Project Review Applications. Mr. Kovach of the DRBC staff reported that the Commission had received comments on three of the 22 draft dockets that were the subject of the Commission's public hearing on November 15, 2017. He noted that the hearing on item number 1, the draft docket for

Global Advanced Metals USA, Inc. (D-1970-072-6), had been postponed to allow additional time for review.

Hearing Item 13 – Naval Air Warfare Center, D-2010-038 CP-3. The docket continues DRBC approval of a facility that treats groundwater pumped from 29 wells contaminated with chlorinated volatile organic compounds and other organic chemicals. Residuals from the treatment process are hauled off the site to a state-approved disposal facility. The treated effluent is discharged to an unnamed tributary of the Little Neshaminy Creek. Mr. Kovach said the Delaware Riverkeeper Network (DRN) had submitted comments requesting that DRBC include PFOA and PFOS sampling, monitoring and reporting requirements in the docket, because the site is known to be contaminated by those chemicals. DRBC has no water quality standards or effluent limitations for perfluorinated compounds (PFCs). Staff reviewed actions already under way by federal and state authorities to address groundwater contamination by PFC at the site. Under an administrative order between the U.S. Environmental Protection Agency (EPA) and the U.S. Navy, sampling is being conducted at the wastewater treatment plant, and neighboring domestic wells and public water supply wells are being monitored. Treatment systems or alternative water supplies have been provided in some instances. The Southeast Regional Office of the Pennsylvania Department of Environmental Protection (PADEP) receives and publicly reports all sampling results. In the view of DRBC staff, groundwater contamination by PFC is being adequately evaluated by federal and state authorities. Mr. Kovach noted further that the site's National Pollutant Discharge Elimination System (NPDES) permit for the groundwater treatment plant would expire and be re-evaluated for renewal in the spring of 2018. Accordingly, PADEP may impose additional requirements related to PFCs if it deems them to be needed at that time.

Hearing Item 22 – Little Lehigh Tree & Turf, D-2017-004-1. Staff received comments from Long Swamp Township (LST) on this groundwater withdrawal project. The project is located in both Long Swamp and Lower Macungie townships. Staff provided LST with the applicant's hydrogeologic report and its analysis of the water withdrawal wells and their effect on the local hydrologic system. LST responded with technical comments questioning the validity of the test results on the grounds that pumped water was discharged at a distance LST deemed insufficient to avoid affecting the test results. The Commission staff re-examined the test procedure and test results. Staff saw no indication that water discharged from any of the tested wells was being recycled during the pumping tests. LST also questioned the trend in water levels before pumping tests were conducted. Staff found that the levels were stable prior to the tests. LST asked DRBC to provide LST through the docket with permission to inspect the docket holder's facilities. DRBC's regulations provide the Commission with authority to enter a property to inspect facilities regulated by the DRBC. The regulations do not provide for the extension of such authority to third parties. Accordingly, DRBC staff declined to grant LST's request. However, staff did agree to provide LST with the results of any inspections performed by DRBC staff, as such results would ordinarily constitute public records. These records will be provided to LST when received.

Hearing Item 23 – Delaware River Partners, LLC, D-2017-009-1. The Delaware Riverkeeper Network (DRN) submitted comments on the dredging project proposed by Delaware River Partners (DRP) for its planned Gibbstown Logistics Center. DRN protested that DRBC's docket would approve a project for which the final plans and specifications had not been submitted. DRN also alleged that the project site had not been adequately evaluated for PCB contamination; that it would

result in the resuspension in the water column of PCBs buried in sediment; and that it would adversely affect aquatic life and critical habitats.

Mr. Kovach explained that DRBC commonly acts on applications without having final plans and specifications in hand. He said the materials submitted by DRP provided the Commission with sufficient information on which to determine whether the project would substantially impair or conflict with the Commission's comprehensive plan. Like many DRBC dockets for projects involving construction, this one includes a requirement that final plans and specifications be submitted to DRBC, primarily to allow the staff to ascertain whether any changes from the project as proposed are so substantial as to render the activity a new and different project requiring further DRBC review.

Mr. Kovach noted that the DRP project would redevelop a site that had formerly belonged to DuPont. The property was transferred by DuPont to Chemours, which sold it to Delaware River Partners (DRP) for redevelopment. Since 2005, the site has undergone extensive sampling for PCBs. It also has been the subject of a Pollutant Minimization Plan (PMP) involving site remediation and sampling at two outfalls for the purpose of characterizing continued PCB releases. The proposed dredging will in the view of DRBC staff remove PCB-contaminated soils from the river. The project will also cap upland areas, thereby further reducing potential releases of PCBs to surface or groundwater. Chemours will have a continuing obligation to implement its PMP and to conduct sampling on portions of the site it has retained. In addition, New Jersey is requiring DRP to apply for a NPDES permit for its post-construction stormwater discharges. The NPDES permit will include the requirement that a PCB sampling plan be developed and implemented to characterize PCB discharges post-construction.

DRN also maintained that any action by DRBC on this docket was premature if the Commission did not first designate critical habitat in the Estuary. Section 4.20.5 B.1 of the DRBC Water Quality Regulations provides that the Commission will identify and designate critical habitat within the tidal Delaware River. The single substantive requirement associated with such a designation, however, is section 4.20.5 A.1.b., providing in the context of the allowance of a mixing zone, that "stream quality objectives shall not be exceeded in areas designated as critical habitat for fish and benthic organisms." DRP's project does not involve a mixing zone. Moreover, Mr. Kovach reported, the National Marine Fisheries Service had provided a favorable biological opinion on the project.

Mr. Kovach concluded by recommending that no material changes be made to the draft dockets on which comments had been received. He recommended that the Commissioners approve hearing items 2 through 23 (the hearing on item no. 1 having been postponed to allow additional time for review).

Ms. Orr thanked Mr. Kovach and requested a motion to approve the 22 dockets that had been subjects of the public hearing on November 15. Mr. Gruber so moved, and Mr. Kosinski seconded his motion. Without further comment, the 22 draft dockets were approved by unanimous vote. Ms. Orr remarked that at the discretion of the federal government, LTC Dahle might wish to re-join the Commissioners. She did so.

Adjournment. Ms. Orr asked the Commissioners and staff whether there were any other matters to be considered that day. Hearing none, Ms. Orr requested a motion to close the business meeting prior to the commencement of the Open Public Comment session. Mr. Hoffman so moved, Mr. Gruber seconded his motion, and the business meeting was adjourned by unanimous vote at 11:20 a.m.

Audio Recording. Audio recordings of the public hearing of November 15, 2017 and the business meeting of December 13 are on file with the Commission Secretary. A description of each of the applications for the dockets approved during the Business Meeting of December 13, 2017 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.

/s/ Pamela M. Bush

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 13, 2017

Background. Projects subject to Commission review in accordance with the *Delaware River Basin Compact* and Commission regulations must have the Commission's approval in the form of a docket, permit or resolution (collectively, "docket"). The Commission's project review process takes six to nine months to complete, and the public is informed of the status of project applications by a variety of means during that period. Each project for which an application is received is added to the "Project Review Status Report" maintained on the DRBC website. This report includes the applicant's name and project location, a description of the proposed project, the docket number assigned to the project, and the name of the staff member reviewing the project. A list of applications received also is compiled approximately five times a year and posted on the Commission's website as a "Notice of Applications Received" (NAR). An "Interested Parties List" (IPL) is created for each project under review. Anyone can have his or her name added to the IPL for a given project. All those listed on the IPL receive email notification of public notices for the project as they are posted on the Commission's website, including the notice advertising the public hearing. Members of the public seeking additional information about a project may contact the staff member reviewing the project or arrange by appointment to review the relevant Project Review file at any time that is mutually convenient for the staff and the party.

Approximately six weeks before the Commission's scheduled public hearing date, draft dockets are circulated to the Commission's members for review and comment by the appropriate state and federal agencies. Shortly thereafter, a public notice, including descriptions of the draft dockets, is filed with state and federal bulletins or registers. Ten or more business days prior to the hearing date, the hearing notice, along with draft dockets, is posted on the Commission's website. Written comment on hearing items is accepted through the close of the public hearing. At the Commissioners' regularly scheduled public meetings, the Commissioners may approve, disapprove or postpone consideration of any docket for which a hearing has been completed. Approved dockets are posted on the Commission's website as quickly as possible following the date on which the Commission acted. Delay of a few days may occur to complete clerical work, particularly in instances in which the Commissioners approve a docket with modifications.

The projects are customarily considered in three categories – *Category A* – project renewals with no substantive changes; *Category B* – project renewals with substantive changes; and *Category C* – projects not previously reviewed by the Commission. All the projects approved by the Commission on December 13, 2017 were subjects of a duly noticed public hearing on November 15, 2017. Descriptions of the projects (based on the applications received, which may vary from final projects) for which the Commission issued approvals on December 13 are listed below, in the order in which the dockets were presented at the November 15 public hearing.

A. *Renewals with No Substantive Changes (hearing items 2 through 14).*

1. Global Advanced Metals USA, Inc., D-1970-072-6. *Consideration of this docket was postponed to allow additional time for review.*

2. Blue Ridge Real Estate Company, D-1985-025-4. An application to renew the approval of an existing discharge from the 0.225 mgd Big Boulder Wastewater Treatment Plant (WWTP) and the continuation of the approval by Docket No. D-1985-025-3 for an expansion to 0.265 mgd. The WWTP utilizes absorption beds for land discharge of the first 0.04 mgd of treated effluent. The WWTP will continue to discharge 0.225 mgd of treated effluent to an unnamed tributary (UNT) of Tunkhannock Creek at River Mile 183.7 - 83.5 - 5.6 - 2.5 - 0.9 (Delaware River - Lehigh River - Tobyhanna Creek - Tunkhannock Creek - UNT Tunkhannock 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 Kidder Township, Carbon County, Pennsylvania.
3. Catasauqua Borough, D-1986-032 CP-3. An application to renew the approval of the applicant's existing 2.25 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to the Lehigh River at River Mile 183.7 - 20.2 (Delaware River - Lehigh River) 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 Catasauqua Borough, Lehigh County, Pennsylvania.
4. Kiamesha Artesian Spring Water Company, D-1990-068 CP-4. An application to renew the approval to withdraw up to 22.63 million gallons per month (mgm) of surface water from Kiamesha Lake and groundwater from the Filter Plant Well and the Fraser Road Well for use in the docket holder's existing public water supply system. The total allocation is based on the reported projected daily demand and is reduced from the previously approved allocation of 28.7 million gallons per 30 days (mg/30 days). This docket also includes an annual surface water allocation of 100 million gallons per year (mgy) from Kiamesha Lake in accordance with previous New York State permit requirements. The wells are completed in the Upper Walton Formation and the surface water intake is located in the Sheldrake Stream Watershed in the Town of Thompson, Sullivan County, New York within the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which is classified as Special Protection Waters.
5. Nesquehoning Borough, D-1990-107 CP-3. An application to renew the approval of the existing 0.65 mgd Nesquehoning Borough WWTP and its discharge. The WWTP will continue to discharge treated effluent to Nesquehoning Creek at River Mile 183.7 - 48.5 - 1.6 (Delaware River - Lehigh River - Nesquehoning 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 Nesquehoning Borough, Carbon County, Pennsylvania.
6. Lower Bucks County Joint Municipal Authority, D-1993-068 CP-3. An application to renew the approval of the existing 10 mgd Lower Bucks County Joint Municipal Authority WWTP. No modifications are proposed. The WWTP will continue to discharge treated effluent to Water Quality Zone 2 of the Delaware River at River Mile 122.1, via Outfall No. 001, located in Bristol Township, Bucks County, Pennsylvania.

7. Bucks County Water & Sewer Authority, D-1993-076 CP-4. An application to renew the approval of an existing discharge from the 1.10 mgd Upper Dublin WWTP. The WWTP will continue to discharge treated wastewater effluent to the Pine Run Creek, a tributary of Sandy Run, at River Mile 92.47 - 12.5 - 10.6 - 1.1 - 0.7 (Delaware River - Schuylkill River - Wissahickon Creek - Sandy Run Creek - Pine Run Creek), in Upper Dublin Township, Montgomery County, Pennsylvania.
8. Northside Heights Mobile Home Estates, D-1996-039 CP-3. An application to renew the approval of the existing 0.1 mgd Northside Heights Estates WWTP and its discharge. The WWTP will continue to discharge treated effluent to an UNT of Lizard Creek at River Mile 183.7 - 39.3 - 7.0 - 0.2 (Delaware River - Lehigh River - Lizard Creek - UNT Lizard 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 East Penn Township, Carbon County, Pennsylvania.
9. River Road Utilities, Inc., D-2006-038-3. An application to renew the approval of the applicant's existing 0.066 mgd WWTP and its discharge. No modifications to the WWTP are proposed. The WWTP will continue to discharge to the Delaware River Water Quality Zone 1D at River Mile 204 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 Upper Mount Bethel Township, Northampton County, Pennsylvania.
10. Royersford Borough, D-2006-045 CP-3. An application to renew the approval of the existing 1.0 mgd Royersford Borough WWTP and its discharge. No modifications to the WWTP are proposed. The WWTP will continue to discharge treated effluent to the Schuylkill River at River Mile 92.47 - 41.5 (Delaware River - Schuylkill River) via Outfall No. 001, in Upper Providence Township, Montgomery County, Pennsylvania.
11. Upper Makefield Township, D-2007-024 CP-2. An application to renew the approval of an existing groundwater withdrawal of up to 8.711 mgm to supply the applicant's public water supply distribution system from existing Wells Nos. HH-1, HH-3, HH-4, GTW-1 and GTW-2. Wells Nos. HH-1, HH-3 and HH-4 are completed in the Brunswick Formation and Wells Nos. GTW-1 and GTW-2 are completed in the Lockatong Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Houghs Creek and Delaware River watersheds in Upper Makefield Township, Bucks County, Pennsylvania 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.
12. Squires Golf Club, D-2010-034-2. An application to renew the approval to withdraw up to 5.0 mgm of groundwater from existing Well 1 and up to 5.7 mgm of surface water from the existing Pond Intake for irrigation purposes at the applicant's golf club. The requested allocations of groundwater and surface water are not increases from the allocations previously approved by the Commission. The project well is completed in the Stockton Formation in the Park Creek Watershed in Horsham Township, Montgomery County,

Pennsylvania within the Commission's designated Southeastern Pennsylvania Groundwater Protected Area (GWPA).

13. Naval Air Warfare Center – Warminster, D-2010-038 CP-3. An application to renew the approval of an existing discharge of treated groundwater from the Department of the Navy, Base Realignment and Closure (BRAC) Warminster Groundwater Treatment Plant (GTP). The GTP will continue to pump and treat an average annual flow of 0.171 mgd of contaminated groundwater from 27 on-site wells for discharge to an UNT of the Little Neshaminy Creek, a tributary of Neshaminy Creek, at River Mile 115.6 - 23.6 - 3.3 - 1.4 (Delaware River - Neshaminy Creek - Little Neshaminy Creek - UNT). The GTP is located in Warminster Township, Bucks County, Pennsylvania and discharges at existing Outfall No. 001 located approximately one mile away in Warwick Township, Bucks County, Pennsylvania.
14. WG America Company, D-2011-019-2. An application to renew the approval of the existing discharge of 0.075 mgd of backwash water generated by the bottled-water operations at the applicant's bottling facility. The facility will continue to discharge to the Schuylkill River at River Mile 92.47 - 68.5 (Delaware River - Schuylkill River) in Cumru Township, Berks County, Pennsylvania. The application includes a request to renew the approval of a TDS determination consisting of effluent concentration limits of 6,850 mg/l (average monthly) and 19,600 mg/l (daily maximum).

B. Renewals with Substantive Changes (hearing items 15 through 20).

15. Western Berks Water Authority, D-1969-055 CP-4. An application to renew the approval of an existing surface water withdrawal of up to 186 mgm to supply the applicant's water supply system from an existing intake on Tulpehocken Creek and a proposed 24-inch diameter raw water supply transmission line to be connected to Blue Marsh Dam. The water transmission pipeline will extend approximately 3,900 feet to the docket holder's existing 8.0 mgd water treatment plant. The project is located in the Tulpehocken Creek Watershed in Lower Heidelberg Township, Berks County, Pennsylvania.
16. Aqua Pennsylvania, Inc., D-1977-094 CP-2. An application to renew the approval of an existing groundwater withdrawal of up to 27.82 mgm to supply the applicant's public water supply distribution systems from existing wells Flying Hills Wells Nos. 1, 2 and 3 and Green Hills Wells Nos. 1 and 2. The approval will also consolidate Dockets Nos. D-1977-094, D-1991-006 and D-2001-026 CP. Flying Hills Wells Nos. 1 and 2 are completed in Brunswick Conglomerate, and Flying Hills Well No. 3 and Green Hills Wells Nos. 1 and 2 are completed in Hammer Creek Conglomerate. The requested allocation is not an increase from the previous docket allocations; it is a combined total of the three existing allocations. The project is located in the Schuylkill River Watershed in Cumru Township, Berks County, Pennsylvania.
17. Delaware County Solid Waste Authority, D-1989-018 CP-7. An application to modify the approval of the applicant's existing treatment facilities and discharges at the existing Rolling Hills landfill. The applicant currently operates a 0.12 mgd leachate treatment system (LTS) and a 0.087 mgd wetland treatment system (WTS), and their respective

discharges. The applicant proposes to decommission and cease operations at the LTS and its outfall (Outfall No. 001), taking the LTS out of service. The applicant has requested to maintain approval to operate and discharge from the LTS only in an emergency situation. The WTS will not be modified and will continue to operate and discharge treated effluent to Furnace Run at River Mile 92.47 - 54.15 - 13.9 - 1.4 (Delaware River - Schuylkill River - Manatawny Creek - Furnace Run) via Outfall No. 006, in Earl Township, Berks County, Pennsylvania.

18. Pennsylvania American Water Company, D-1996-016 CP-3. An application to renew the approval of an existing surface water withdrawal of up to 217 mgm to supply the applicant's public water supply distribution system from existing intakes on Rock Run Reservoir and the West Branch Brandywine Creek. When Rock Run Reservoir is spilling, the docket holder can withdraw up to 7.0 mgd from Rock Run; and when the reservoir is not spilling the docket holder can withdraw up to 3.0 mgd from Rock Run and 4.0 mgd from the West Branch Brandywine Creek. The project is located in the West Branch Brandywine Creek Watershed in West Caln Township, Chester County, Pennsylvania.
19. Pocono Manor Investors, LP, D-2007-044-2. An application to renew the approval of an existing surface water withdrawal and to approve an increase in allocation from 0.72 mg/30 days to 1.5 mgm to irrigate the applicant's golf course from an existing intake on Indian Run. This renewal will approve the use of Well No. 2 to supplement water to the irrigation system in case of an emergency. The project is located in the Brodhead Creek Watershed, Pocono Township, Monroe County, Pennsylvania, 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.
20. Pennsylvania Department of Conservation and Natural Resources (PA DCNR), D-2015-017 CP-2. An application to approve new surface water intakes located at Marshal Island and Bowman's Hill and to approve an increase in surface water withdrawal from 3.565 mgm up to 45 mgm (to supplement water in the Delaware Canal) from two existing surface water intakes on the Delaware River at Durham and Center Bridge and the two new intakes. The surface water intake at Center Bridge is the only one proposed to be used on a regular basis. The other three intakes will be used only during canal maintenance or when the Easton and New Hope inlets are not available. The increase in allocation is due to an inaccurate estimation of water use by the PA DCNR in their previous application submittal. The requested allocation is the amount of water that has been withdrawn on a daily basis from the existing intakes for the past 20 years. The water will be used to augment flow in the Delaware Canal. The existing and new intakes are located in the Delaware River Watershed in Durham, Tinicum and Solebury townships, Bucks County, Pennsylvania within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters. This application also continues the request under the temporary pilot project to discharge up to 3.0 mgd from the Point Pleasant Pump Station into the Delaware Canal to re-establish and maintain flow in the canal.

C. *New Projects (projects not previously reviewed by the Commission) (hearing items 21 – 23).*

21. Joe Jurgielewicz & Sons, Ltd., D-2017-003-1. An application to approve a groundwater withdrawal of up to 5.425 mgm to supply water to the applicant's agricultural duck farm and processing facility from 17 existing wells (Nos. PW-1 through PW-17). The project wells are completed in Ordovician sedimentary rock units of shale and graywacke of the Hamburg Sequence. The project is located in the Mill Creek Watershed in Tilden Township, Berks County, Pennsylvania.
 22. Little Lehigh Tree & Turf, D-2017-004-1. An application to approve a groundwater withdrawal of up to 148.176 mgm to irrigate the applicant's corn farm from existing Wells Nos. H-1, H-4, H-5 and B-1. The project wells are completed in the Allentown Dolomite Formation. The project is located in Lower Macungie Township, Lehigh County and Longswamp Township, Berks County, Pennsylvania 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.
 23. Delaware River Partners, LLC, D-2017-009-1. An application to review the dredging of the Delaware River for the Delaware River Partners (DRP) Gibbstown Logistics Center, a proposed multi-use deepwater seaport and international logistics center located at River Mile 86.5 of the Delaware River in Greenwich Township, Gloucester County, New Jersey.
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