

DELAWARE RIVER BASIN COMMISSION

MEETING OF DECEMBER 8, 2021

Minutes

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

DRBC Staff: Steven J. Tambini, Executive Director
Participants: Kenneth J. Warren, DRBC General Counsel
Pamela Bush, Commission Secretary and Assistant General Counsel
Elba Deck, Director, Finance and Administration
David Kovach, Manager, Project Review
Amy Shallcross, Manager, Water Resource Operations
John Yagecic, Manager, Water Quality Assessment
Elizabeth Koniers Brown, Director, Communications and External Affairs

Lieutenant Colonel Brigantti called the meeting to order, introducing himself as the Commander of the Philadelphia District, U. S. Army Corps of Engineers, and alternate for Brigadier General Thomas Tickner, the Commission's chair *pro tem*, representing the Federal government. He noted that the meeting was held remotely, had been advertised as such on the DRBC website, and was open to the public via a Zoom webinar and the DRBC YouTube channel. The agenda was posted on the DRBC website.

LTC Brigantti also noted that the meeting was being recorded and that attendees would not have audio or video access, adding that during the one hour open public comment session the microphone would be enabled for each speaker in turn. The public could also phone in using a number provided on the DRBC website.

Each of the four alternate state commissioners introduced themselves and offered congratulations in recognition of the Commission's 60th anniversary. From a letter from Brigadier General Tickner, LTC Brigantti read, "From its beginnings, the DRBC became a model in water quality control, soon reversing decades of pollution suffered throughout the lower Delaware River. For the millions of Americans who rely on the Delaware River to provide clean drinking water, agricultural and commercial use, recreation, river faring and more, the DRBC is an essential partner in their everyday lives. To our partners on the Commission and staff members of all parties, past and present, who have made this mission possible, congratulations for all that you do."

Aneca Atkinson, Pennsylvania alternate commissioner and the deputy secretary for the Office of Water Programs at the Pennsylvania Department of Environmental Protection, on behalf of Governor Tom Wolf, offered: “ I know the challenges in managing and improving the health of our waterways and the value of interstate water resource collaboration. It has been my pleasure to work with the Commission to address the issues facing this Basin. This watershed is home to millions of Pennsylvanians and it is through the work of the Commission and the member states that we maintain this resource for all of us. Since its inception, the Delaware River Basin Commission has encouraged federal-interstate coordination to lead the fight in conserving and managing the Delaware River Basin's natural resource assets and to enhance the uses and values of the Basin’s water. I commend the Delaware River Basin Commission for their service to the Commonwealth by enhancing public welfare through the means of comprehensive planning, water supply allocation, management of the resources, and so much more. On behalf of Pennsylvania DEP, it is my pleasure to congratulate the DRBC on its 60th anniversary.”

New Jersey’s alternate commissioner, state geologist Jeff Hoffman, on behalf of Governor Murphy, read from an executive proclamation issued by the governor: “As governor, it is my pleasure to commend and recognize the Delaware River Basin Commission for its vision to provide trusted, effective and coordinated management of our shared water resources. The Delaware River Basin Commission is guided by its core values of service to the public, respect for the Basin's water resources, and professionalism defined by high ethical standards and accountability. Congratulations.”

Ken Kosinski of the New York State Department of Environmental Conservation, representing Governor Kathy Hochul, extended congratulations and read from a letter from Governor Hochul: “For the last six decades, the Delaware Basin Commission has brought stability to the region’s water management. From conservation initiatives to water quality protection, to flood management, the Commission has played an integral role in safeguarding a water supply millions of New Yorkers rely on. The Commission's stewardship of the Basin during a turbulent time of our global climate is commendable. Once again, congratulations on your 60th anniversary.”

Shawn Garvin, Delaware Secretary of the Department of Natural Resources and Environmental Control, representing Governor John Carney, also read from a letter from his governor: “As governor of the state of Delaware, I want to extend my sincere congratulations to the DRBC during this 60th anniversary celebration. Your decades of hard work and commitment have revitalized the Delaware River Basin, one of our most important natural resources. On behalf of the nearly one million Delawareans who have benefited from the DRBC’s stewardship, I thank you for providing trusted leadership on the many issues that affect the river basin region. It takes extraordinary dedication to manage that 13,539 square miles of this watershed, but your efforts helped support 600,000 jobs and \$22 billion in economic activity that the river basin generates. I salute the DRBCs historic success and ongoing efforts in Delaware, the region, and the nation to make this important waterway environmentally and economically sustainable. I look forward to continuing to work together to ensure the Delaware River and Bay remains a vibrant resource for all to enjoy. Sincerely, John C. Carney, Governor State of Delaware.”

Steve Tambini, Executive Director of DRBC, and Ken Warren, General Counsel, also introduced themselves. Mr. Warren congratulated “all the commissioners for the 60th anniversary, because the shared exercise of state and federal sovereignty to manage water resources is no easy task, and the states and federal government have done this jointly for a period of 60 years,” adding, “I think it's something that each of you and your respective states and federal government should be very proud of.”

Minutes. Ms. Bush said the Minutes from the Commission’s third quarterly meeting in September had been circulated. Having received no proposed changes or corrections, she recommended they be approved. By motion of Mr. Kosinski, seconded by Mr. Hoffman, the Minutes of the quarterly meeting of September 9, 2021 were approved by unanimous vote.

DRBC 60th Anniversary Recognition. Mr. Jesse Smith, research curator for the Science History Institute in Philadelphia, spoke on the history of the DRBC and the Basin. The Institute’s “Downstream” exhibition explores more than 200 years of water analysis and water protection in the Basin. In a discussion on the Interstate Commission on the Delaware River Basin (“Incodel”) and factors motivating the creation of the DRBC, Mr. Smith showed a 1941 aerial photograph of the Delaware River at Philadelphia, noting the environmental challenges associated with the area’s rapid industrialization and population growth. He said the Science History Institute wanted to emphasize the relationship between scientific knowledge and action and noted that the work of the Commission embodied the importance of that relationship. Mr. Smith closed with congratulations to the DRBC.

Mr. Tambini said DRBC had been pleased to contribute to the Institute’s exhibit. He thanked Mr. Smith for his thoughtful reflections and encouraged everyone to visit “Downstream.” He also thanked Governor Carney, Governor Murphy, Governor Hochul, Governor Wolf and Brigadier General Tickner for their generous remarks “on behalf of the DRBC staff past and present, my three executive director predecessors, and all the commissioners and alternates who shaped the 60-year history of the Delaware River Basin Commission.”

Mr Tambini shared the following quote from President Kennedy:

Today’s formal signing of the Delaware River Basin Compact is a significant event We are glad to join with Delaware, New Jersey, New York, and Pennsylvania in this bold venture. The task set for the Commission will not be easy to achieve, but we are confident that the cooperation that has brought forth this Compact will endure, and that working together, real progress can be made for the people of the Basin.

Mr. Tambini then remarked upon the Commission’s successes and its plan to continue providing significant and measurable solutions to ensure water security for the Delaware River Basin and make certain all Basin water users share in the benefits and stewardship of the Basin’s shared water resources.

LTC Brigantti continued with the meeting agenda:

Announcements. Ms. Bush announced that the DRBC Regulated Flow Advisory Committee (RFAC) was to meet on Wednesday, December 15, 2021 at 1:00 p.m. The Monitoring Advisory and Coordination Committee (MACC) was to meet on Thursday, December 16, 2021 at 9:30 a.m. Details for both meetings were to be posted on the Commission's website shortly.

Hydrologic Conditions. Highlights of Ms. Shallcross's report on hydrologic conditions follow. A graphical summary of hydrologic conditions in the Basin as of December 8, 2021 can be accessed at: https://www.nj.gov/drbc/library/documents/HydrologicConditions_shallcross_120821.pdf.

Ms. Shallcross thanked Anthony Preucil, Operations Water Resource Scientist, who assisted in the development of the graphics and information in her presentation.

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

Precipitation. Over the previous 365 days, the Basin had received greater than normal precipitation, starting with a large storm in December 2020 that dropped moisture on the remaining snow from an earlier storm, causing flooding. Ms. Shallcross presented photographs of some of the flooding.

The Basin ordinarily receives between 42 and 48 inches of precipitation annually. Over the year, parts of the Poconos, Lehigh Valley and the central Basin received up to 64 inches, with isolated areas receiving up to 80 inches. Areas in the western part of the Basin, including parts of Carbon and Schuylkill counties in Pennsylvania, and portions of the lower Basin, including parts of Salem County, New Jersey and New Castle County, Delaware, received normal amounts of precipitation. Other areas of the Basin received above normal amounts of between 48 and 56 inches.

Over the latest six-month period, four tropical storms impacted the Basin—Elsa in July, Fred and Henri in mid-August, and Ida in early September. The heavy amounts of rain from these storms resulted in localized flash and river flooding. Ms. Shallcross presented a color-coded graphic depicting precipitation from Fred, Henri and Ida, which all occurred within a two-week period. She then presented photographs of flooding from Ida and slides summarizing the flooding at National Weather Service flood forecast and reporting stations for each event.

Ms. Shallcross also presented an overview of the past 90-day and 30-day precipitation. After the tropical storm events, the Basin received lower than normal precipitation, with the largest deficits in the lower Basin below the Lehigh Valley.

Streamflows. Ms. Shallcross presented a graph of December 6, 2021 streamflow measurements at U.S. Geological Survey (USGS) gaging stations. Streamflows were in the normal range in the larger rivers and streams, which, Ms. Shallcross noted, are more resilient than the smaller

tributaries. The smaller tributaries, which are more responsive to short-term rainfall amounts, had below normal streamflows.

Ms. Shallcross recommended listeners attend the annual Christmas day reenactment of George Washington's crossing of the Delaware River, accompanied by 2400 Continental Army troops, on the night of December 25, 1776 for a surprise attack the following morning on Hessian troops camped at Trenton. The reenactment is performed at the Washington Crossing Historic Park from noon until 3:00 p.m. on Christmas Day. A rehearsal was scheduled for December 12 from 10:00 a.m. until 4:00 p.m.

Basin Storage. Ms. Shallcross presented a map of the Basin, showing the reservoirs that are used to meet flow objectives at Montague and Trenton, New Jersey. Presenting a graphic illustrating storage in the New York City (NYC) and federal reservoirs, she explained that for purposes of flow management, the combined storage in NYC's three Delaware River Basin reservoirs is used to determine basinwide drought status, while storage levels in Beltzville and Blue Marsh reservoirs are used to define lower Basin drought conditions. On December 6, storage in the NYC reservoirs was above normal. Storage in the federal reservoirs was normal, with Blue Marsh and F.E. Walter each at their respective, less-than-full, winter pool levels.

Ms. Shallcross then presented a time-series graph of the combined storage in the NYC reservoirs. As of the meeting date, the combined storage was 235 billion gallons, or 88 percent of the total storage capacity.

Salt Front. The reason for the flow objectives at Montague and Trenton is to ensure adequate flows for downstream uses and to repel the "salt front"—the 250 mg/liter chloride concentration—in the Delaware River Estuary. As of the meeting date, the salt front was at river mile 68, one mile below its normal location for December. Ms. Shallcross presented two graphics demonstrating the inverse relationship between mainstem flow and the salt front location.

Groundwater. Ms. Shallcross described the Commission's Southeastern Pennsylvania Groundwater Protected Area (SEPA-GWPA) program and the Commission's project review process as the primary means of protecting groundwater in the Basin. The Commission uses 13 wells to indicate groundwater conditions. As of the meeting date, twelve of these were considered to have normal water levels. One was at a level slightly below normal and considered to be in a drought watch condition, although no response measures had been implemented. Displaying graphs of six of the indicator wells, Ms. Shallcross discussed the relationship between well water levels and precipitation throughout the year.

Outlook. Ms. Shallcross presented the National Oceanic and Atmospheric Administration's (NOAA) nation-wide three-month outlook for precipitation and temperature. NOAA was forecasting a greater than 50-50 chance of a warmer than normal winter, and an equal chance that winter precipitation would be above or below normal. A La Niña was also forecast to occur, indicating winter weather with a short period of cold and snow.

Ms. Shallcross wished the commissioners, staff and all attendees a safe and happy new year and noted that some of the graphics presented were available on the DRBC Hydrologic Snapshot for Flow and Drought Management at: www.hydrosnap.drbc.net. She also noted the Commission's flood portal, where users could access flood information, sign up for alerts from the National Weather Service, and find links to flood forecasts and FEMA projects. The portal is located at: <https://www.nj.gov/drbc/hydrological/river/portal-flood.html>.

Executive Director Report. Mr. Tambini noted for the record that there were 44 attendees at the meeting, excluding the participants that had been on screen and those who may have been observing on YouTube. He also noted the following:

- *New publication.* In October 2021, the DRBC published a report titled *Water Withdrawal and Consumptive Use Estimates for the Delaware River Basin (1990-2017) with Projections through 2060*. The report analyzes 30 years of historic water withdrawal data and forecasts water withdrawal demands to the year 2060. Key findings include that peak water withdrawals in the Delaware River Basin have likely already occurred; that total withdrawals are projected to decrease by about 1 billion gallons per day by 2060; that the overall consumptive use of water has remained the same, and projected consumptive use remains constant; and that the Basin's population has increased but the amount of water we use has not.

The report, along with associated data and news releases as well as an interactive data visualization tool, are available at: <https://www.nj.gov/drbc/programs/supply/use-demand-projections2060.html>.

Mr. Tambini thanked the report's principal authors, DRBC's Michael Thompson, P.E., and Chad Pindar, P.E., who will continue to use this work to assess the availability of water to meet the Basin's needs through 2060.

- *Water quality assessment methodology.* The methodology proposed to be used in the 2022 Delaware River and Bay Water Quality Assessment Report was available for review and public comment, with comments due by February 18, 2022. Details were available at: https://www.nj.gov/drbc/home/spotlight/approved/20211122_wq-assessment-methodology.html.
- *Pending rulemaking.* After the meeting, at 2:30 p.m., the Commission would hold its first of four virtual public hearings on proposed amendments to its regulations regarding the importation and exportation of water and wastewater into and from the Delaware River Basin and the discharge of wastewater from high volume hydraulic fracturing and related activities to Basin lands and waters. The second hearing was to begin at 6:30 p.m. that evening. Information on the rulemaking proposal was available at: https://www.nj.gov/drbc/meetings/proposed/notice_import-export-rules.html.

Mr. Tambini said registration remained open to those who wished to comment at either of two additional hearings on the rulemaking, scheduled for December 15, 2021. He noted that for comments to be included in the administrative record, they needed to be submitted at one of the hearings or in written comments received no later than February 28, 2022. Details on how to attend or speak at the meetings and for submitting written comments were available on the DRBC website at www.drbc.gov.

Mr. Tambini further noted that any comments offered during the public comment session immediately following the business meeting would not be part of the administrative record of the pending rulemaking or any other Commission matter, but were purely informational.

He wished the commissioners and attendees a safe and enjoyable holiday season.

General Counsel Report. Mr. Warren provided a brief report on the three pending litigation matters involving DRBC.

Yaw et al. v. DRBC. Pennsylvania State Senators Gene Yaw and Lisa Baker, together with additional plaintiffs, challenged the Commission's adoption on February 28, 2021 of a prohibition on high volume hydraulic fracturing (HVHF) in the Basin. The district court dismissed the suit on grounds that the plaintiffs had not been harmed in any legally cognizable way and thus lacked standing to bring their claims. All but one of the plaintiffs appealed the case to the Court of Appeals for the Third Circuit, where the case was fully briefed. The court had asked for attorney availability for oral argument during the first week of March, 2022, but this timing was subject to change.

WLMG v. DRBC. As of the meeting date, the suit by Wayne Land and Mineral Group initiated in May of 2016 was pending in the Middle District of Pennsylvania. In this case, a landowner challenged DRBC's project review authority over HVHF activities in the Basin. Based upon a recommendation of the court, the parties stipulated to a stay of the action, at least until the *Yaw* case is resolved. That stay was in effect as of the meeting date and will be revisited once the *Yaw* case is resolved.

DRN v. DRBC. The Delaware Riverkeeper Network (DRN) filed this suit, challenging the DRBC's approval of the Gibbstown Logistics Center Dock 2 project. A few days prior to the meeting, the District Court in the District of New Jersey rejected DRN's motion to supplement the administrative record with comments that had been submitted after the close of the comment period. Mr. Warren said the next step was for the court to issue a briefing schedule for the case. He explained that this would be an on-the-record proceeding, meaning that there should not be any discovery. He added that no party was requesting discovery. Mr. Warren noted that a conference with a magistrate judge in the District of New Jersey was scheduled, and that the schedule for briefing the case would likely be determined shortly after that conference.

A RESOLUTION FOR THE MINUTES authorizing the Executive Director to enter into an agreement with the New Jersey Center for Water Science and Technology at Montclair State University for microbial source tracking analysis. Mr. Yagecic presented a Resolution for the

Minutes authorizing the Executive Director to enter into an agreement with the New Jersey Center for Water Science and Technology at Montclair State University for the analysis of water samples for microbial source tracking. The analysis would provide the Commission with a better understanding of the sources of bacteria to the Estuary, which would inform efforts to manage bacteria. Funds in an amount not to exceed \$50,000 would be allocated for this purpose from the Commission's Clean Water Act Section 106 grant, unless additional funds were expressly allocated to augment this sum. Mr. Yagecic noted that the competitive bidding process was waived for this contract because the lab services were to be provided by an entity of the State of New Jersey. The full text of the Resolution for the Minutes had been provided to the commissioners in advance of the meeting, and Mr. Yagecic recommended the resolution be approved as proposed.

There being no questions, comments or corrections, Ms. Atkinson so moved and Mr. Garvin seconded her motion. The Resolution for the Minutes authorizing the Executive Director to enter into an agreement with the New Jersey Center for Water Science and Technology at Montclair State University for microbial source tracking analysis was approved by unanimous vote.

The text of the Resolution follows:

RESOLUTION FOR THE MINUTES

A Resolution for the Minutes authorizing the Executive Director to enter into an agreement with the New Jersey Center for Water Science and Technology at Montclair State University for the analysis of water samples for microbial source tracking.

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

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

WHEREAS, since summer 2019, DRBC has performed enhanced bacterial monitoring for *E. coli*, fecal coliform and enterococci in Zone 3 and upper Zone 4, including both shore-based sampling and boat-based transect sampling; and

WHEREAS, evaluation of the monitoring results to date shows spikes in bacterial concentration during both wet and dry weather periods and suggests multiple sources of bacteria; and

WHEREAS, the proportion of animal-derived bacteria in the Delaware Estuary is currently unknown; and

WHEREAS, the Commission recognizes that identifying the sources of bacteria in Zone 3 and upper Zone 4 is an important step toward reducing bacterial concentrations in the Estuary; and

WHEREAS, the New Jersey Center for Water Science and Technology at Montclair State University, an entity of the State of New Jersey, performs microbial source tracking analysis to accurately quantify universal fecal markers in water bodies for both human and animal hosts, including bovine, Canada goose, deer, equine, and canine; and

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

1. The Executive Director is hereby authorized and directed to enter into an agreement with the New Jersey Center for Water Science and Technology at Montclair State University for source tracking of bacteria in Zone 3 and upper Zone 4 of the Delaware Estuary.

2. Funds in an amount not to exceed \$50,000 shall be allocated for this purpose from the Commission's Water Pollution Control (Clean Water Act Section 106) grant, unless additional funds are expressly allocated to augment this sum.

3. In accordance with sub-paragraphs (1) and (5) of Section 14.9 of the Delaware River Basin Compact, the competitive bidding requirements of that section are hereby waived.

A RESOLUTION FOR THE MINUTES authorizing the Executive Director to secure professional services to train the Commission staff in diversity, equity, and inclusion. Ms. Deck said the Commission is committed to the principles of diversity, equity, inclusion, and justice, and staff training in these principles is important to build the foundation for implementing this commitment. The resolution would authorize the Executive Director to engage PowerToFly, an organization with highly qualified personnel capable of providing such training at a cost not to exceed \$20,000. Ms. Deck noted that the competitive bidding requirements were waived in view of the specialized and professional nature of the services to be provided. She recommended approval of the resolution.

Mr. Kosinski so moved and Mr. Hoffman seconded. The Resolution for the Minutes authorizing the Executive Director to secure professional services to train the Commission staff in diversity, equity, and inclusion was approved with four votes in favor and one abstention on behalf of the federal government.

The text of the Resolution follows:

RESOLUTION FOR THE MINUTES

A RESOLUTION for the Minutes authorizing the Executive Director to secure professional services to train the Commission staff in diversity, equity, and inclusion.

WHEREAS, to thrive as an organization and be as effective as possible in our work, the Commission is committed to the principles of diversity, equity, inclusion and justice; and

WHEREAS, expert instruction in diversity, equity and inclusion for the staff is an important step in building the foundation from which to implement this commitment; and

WHEREAS, DRBC has identified the Delaware corporation PowerToFly Inc. (“PowerToFly”) as qualified and capable of providing the professional consulting, training and facilitation we seek at a cost that is reasonable and within the Commission’s budget for the fiscal year beginning July 1, 2021, through June 30, 2022; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that:

1. The Executive Director is hereby authorized to procure the services of PowerToFly to provide training in diversity, equity, and inclusion to the Commission staff at a cost not to exceed \$20,000.

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 provided.

This Resolution shall take effect immediately.

A RESOLUTION FOR THE MINUTES authorizing the Executive Director to secure professional services to identify and pursue federal funding opportunities. Due to technical difficulties, Mr. Tambini presented the Resolution for the Minutes on behalf of Ms. Brown. The commissioners had received a copy of the resolution in advance of the meeting. Mr. Tambini noted that the Compact included the United States as a full signatory party and voting member of the DRBC, and that the federal government has participated fully in Commission decision-making. However, in spite of congressional authorizations in the Compact and subsequent federal legislation, signatory party funding by the United States has fallen significantly short. The resolution would authorize the DRBC to retain a qualified professional consultant to provide aid in securing federal funding, through avenues that include but are not limited to the legislative process. The resolution before the commissioners would authorize the executive director to enter into a 12-month agreement in an amount not to exceed \$100,000, and would preclude any use of federal monies to pay for these services. Mr. Tambini recommended that the commissioners approve the resolution.

Mr. Kosinski so moved and Mr. Hoffman offered a second. There being no questions, comments, or corrections, the Resolution for the Minutes authorizing the Executive Director to secure

professional services to identify and pursue federal funding opportunities was approved by a vote of four in favor. The federal government abstained.

The text of the Resolution follows:

RESOLUTION FOR THE MINUTES

A Resolution for the Minutes authorizing the Executive Director to enter into an agreement for professional services to identify and pursue federal funding opportunities.

WHEREAS, the Delaware River Basin Compact provides that the United States is a full signatory party and voting member of the Delaware River Basin Commission; and

WHEREAS, since the Commission's inception in 1961, the United States has participated fully in Commission decision-making and has helped to coordinate among the multiple federal agencies whose actions affect the water resources of the Basin; and

WHEREAS, with one exception, during each fiscal year since FY 1998, the federal government has provided no signatory party funding to support the Commission's operations, despite express authorizations and direction by Congress through: the Delaware Basin Compact (U.S. Public Law 87-328); the Water Resources Development Act of 2007 (P.L. 110-114, Sec. 5019), and the Water Resources Reform and Development Act of 2014 (P.L. 113-121, Sec. 4001); and

WHEREAS, since 2016, the United States has supported the Delaware River Basin Restoration Program (the "Program"), a non-regulatory initiative managed by the United States Fish and Wildlife Service ("USF&WS"), focused on habitat conservation and restoration within the Basin's geographic boundaries; and

WHEREAS, over the period from FY 2018 – 2021, the United States has appropriated funds for the Program in the amount of \$30.7 million; the President's FY 2022 Budget includes an additional \$10 million in funding for the Program; and the Infrastructure Investment and Jobs Act, recently passed by Congress with bipartisan support, includes another \$26 million in special funding for this Program; and

WHEREAS, the National Estuary Program ("NEP") managed by the U.S. Environmental Protection Agency ("EPA") provides federal funding for the Partnership for the Delaware Estuary, the non-regulatory entity that hosts the NEP for the Delaware Estuary and Bay (the "Delaware Estuary Program"). In addition to annual federal financial support for the Delaware Estuary Program, the recently enacted Infrastructure Investment and Jobs Act includes supplemental funding in the amount of \$950,000 per year over 5 years for each NEP, including the Delaware Estuary Program. The DRBC is not a recipient of NEP funds; and

WHEREAS, the nation's Water Resources Development Act ("WRDA") is generally updated and revised every two years, and 2022 amendments to the WRDA that could impact DRBC's federal funding are being considered by Congress at this time; and

WHEREAS, additional federal legislation, policies, and programs are being considered by Congress to address matters central to the Commission's mandate—the planning, development, conservation, utilization, management, and control of the water resources of the Delaware River Basin to meet present and future needs—including measures to address climate change, water quality challenges, and infrastructure needs; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. The Executive Director is hereby authorized and directed to enter into a 12-month agreement for the professional services of a qualified consultant to support the reinstatement of federal signatory party funding for the DRBC. The objectives of such an agreement shall be: to renew clear congressional authorizations for DRBC funding; to ensure inclusion of DRBC funding in the budgets of executive branch agencies and the President; and to secure one or more congressional appropriations. In addition, the services may include support for national, regional and watershed-based federal policies and programs that align with the DRBC's mission to manage, protect, and improve the water resources of the Delaware River Basin.
2. The cost for twelve (12) months of professional services shall not exceed \$100,000.
3. No federal monies shall be used to pay for these services.

Project Review Docket Applications. Mr. Kovach said that 22 draft docket approvals had been published for comment in advance of a duly noticed public hearing on November 10, 2021. He recommended that the commissioners approve 21 of these and that they consider the remaining docket at a future meeting to allow additional time for the Commission to complete its review. Mr. Kovach also noted that during his presentation at the public hearing, he had erroneously described item number 14, Lost Lake Management Corp., as a Pennsylvania project, when it is actually located in the State of New York. The draft docket itself, the Commission's Notice of Application Received for the project, and the public hearing notice on the DRBC website all included the correct project location.

The Commission received comments on three of the projects presented at the hearing: item 9, the BlueTriton groundwater withdrawal; item 21, the South Jersey Port Corporation dredging project; and item 22; the Diamond State Port Corporation dredging project. The staff prepared written responses to the comments on items 9 (Blue Triton) and 21 (South Jersey Port Corporation), which had been shared with the commissioners. Staff had not completed its review of the comments received on item 22, the Port of Wilmington Edgemoor Expansion dredging project. Thus, Mr. Kovach reserved any recommendation on the latter project for a future business meeting.

Mr. Kovach summarized the comments received on item 9, the BlueTriton groundwater withdrawal in Washington Township, Northampton County, Pennsylvania. He noted that comments submitted by the Martins Jacoby Watershed Association (“Association”) included a detailed study and statistical analysis of data generated by the docket holder’s monitoring activities at Green Waltz Springs, where the withdrawal occurs, along with a request that the DRBC consider several proposed changes to the monitoring program. The requested changes included more frequent stream flow measurements and an hourly passing flow requirement instead of the existing average daily flow-based passing flow and six-hour monitoring frequency.

Specifically, the Association asked the Commission to:

- require withdrawal meter recording on an hourly basis instead of daily. Mr. Kovach stated that hourly recording is currently required.
- revise the precipitation data collection method to reduce the number of days when the data are estimated.
- modify the automated creek flow data collection method and weir construction to reduce the number of days when data are either estimated or cannot be collected.
- require the docket holder to notify the Martins Jacoby Watershed Association whenever automated creek flow data collection is interrupted or is being estimated.
- require the docket holder to cease its withdrawals if automated creek flow data collection is interrupted for more than 12 consecutive hours.
- require the docket holder to avoid planned maintenance of the automated creek flow data collection method and the weir in October or November.

Mr. Kovach said that the staff’s comment and response document provided a detailed response to each of these points. He explained that many of the comments were in response to periods of measurement estimation in the data record, due mainly to instrument malfunctions. Mr. Kovach noted that BlueTriton had remedied the malfunctions by upgrading the rain gauge and stream flow monitoring station to improve reliability and minimize data lapses. He explained that the passing flow meter recording and monitoring frequency requirements in the docket and operations plan were consistent with, or more restrictive than, DRBC requirements applied to other withdrawals in the Basin. Accordingly, Mr. Kovach noted that with one exception, DRBC staff deemed the monitoring provisions in the draft docket to be sufficient and further restrictions unwarranted. The single exception was a condition (number 29 in the draft docket), which Mr. Kovach said staff proposed changing, to read, “To the extent practicable, the docket holder shall schedule planned maintenance of the automated creek flow data collection instruments and weir when flows in Green Waltz Creek are greater than 1.25 cfs (cubic feet per second).”

With respect to item 21, the South Jersey Port Corporation dredging project in Paulsboro, New Jersey, Mr. Kovach said DRBC had received comments from Jacobs Engineering Group (Jacobs)

on behalf of the project sponsor, and from the Delaware Riverkeeper Network (DRN). Jacobs primarily offered clarifications of project details to ensure that DRBC's docket is consistent with the project as proposed in pending state and federal permit applications. Jacobs clarified that dredge material stockpiled at the fine-grained dredged material processing stockpile area would be evaluated and beneficially used as structural fill or grading fill at the Paulsboro Marine Terminal site or disposed of at an approved offsite location; that dredged material disposed of at a location other than the proposed, on-site confined disposal facility would require the project sponsor to submit applications to, and obtain permits and approvals from, the appropriate agency or agencies having jurisdiction over the project; that the docket holder would adhere to all restrictions established by state and federal permits on the timing of in-water work; and that the confined disposal facility at the Paulsboro Marine Terminal will be constructed using a dense granular material compacted in lifts, a design which allows safe operation with one foot or less of freeboard. Mr. Kovach noted that DRBC modified the language in the docket to instead require that adequate freeboard "shall be maintained" at all times to ensure the integrity of the berms.

Mr. Kovach said that DRN's comments on the South Jersey Port Corporation docket closely resembled comments DRN submitted on the PSE&G Wind Port docket, which the Commission approved at its September 2021 business meeting. Staff's responses to the comments were likewise similar. In summary, DRN raised concerns about increased ship strikes on fish species listed as threatened and endangered under the Endangered Species Act as a result of the project and related mitigation and management activities. In response, DRBC staff repeated that the Commission's comprehensive plan and regulations include water quality protections for aquatic life, but do not address risks to aquatic life from ship strikes. In accordance with Section 7 of the Endangered Species Act, the U.S. Army Corps of Engineers must consult with the National Marine Fisheries Service (NMFS), the federal agency responsible for listing the Atlantic and shortnose sturgeon species as endangered and for designating the Delaware Estuary as critical habitat for these species. The result of that consultation will be a biological opinion that may contain recommendations for conservation and further recovery of the listed species, and, if appropriate, reasonable and prudent measures to minimize any "take" of the species. Section C.4. of the docket requires the permittee to adhere to all conditions and guidance issued by federal resource agencies, including the U.S. Fish and Wildlife Service, NMFS, and National Oceanic and Atmospheric Administration, for the protection and conservation of habitat for the federally listed shortnose and Atlantic sturgeons. Section C.11. of the docket states expressly that the docket does not exempt the docket holder from obtaining all necessary permits and approvals from other state, federal, or local government agencies having jurisdiction over the project.

The DRN also raised concerns that the existing and proposed dredging projects would heighten salinity intrusion into the Estuary, with potential adverse effects on threatened and endangered species. Mr. Kovach said that as explained in section B.5. of the docket, no substantial impact on longitudinal salinity distribution is expected as a result of dredging for the South Jersey Port Corporation project. Modeling by the Commission utilizing the PST Toxi-5 model and salinity modeling performed by others to date indicates that the total dredge volume of projects previously approved by or pending before the DRBC, in combination with deepening of the federal navigation

channel, will have an insignificant effect on the location of the salt front relative to tidal forcing and freshwater inflows. DRBC's modeling showed that the minimum difference in the predicted salt front location was 0.095 miles or 502 feet, and the maximum difference in the predicted salt front location was 0.271 miles or approximately 1400 feet.

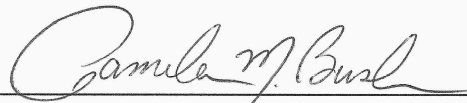
Mr. Kovach said the remaining dockets on the agenda were largely unmodified from when first presented at the November hearing, except in a few cases where dockets were corrected slightly to align with related signatory party permits and to correct grammatical errors. Mr. Kovach recommended that the commissioners approve as presented or with the described modifications the draft dockets identified as items 2 through 21 and 23.

Mr. Hoffman so moved and Ms. Atkinson offered a second. There being no comments, questions, or corrections, the commissioners by unanimous vote approved the 21 dockets identified on the meeting agenda as items 2 through 21 and 23.

Adjournment. Mr. Kosinski offered a motion to adjourn, which was seconded by Mr Garvin and approved unanimously.

Audio Recording. Audio recordings of the public hearing of November 9, 2021 and the business meeting of December 8, 2021 are on file with the Commission Secretary. A description of each of the applications for dockets approved during the business meeting of December 8, 2021 is provided as an attachment to these Minutes.

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



Pamela M. Bush, Esquire

Commission Secretary and Assistant General Counsel

ATTACHMENT A

DESCRIPTION OF PROJECTS APPROVED BY THE COMMISSION DURING THE BUSINESS MEETING OF DECEMBER 8, 2021

Background. Projects subject to Commission review in accordance with the Delaware River Basin Compact and Commission regulations must have the Commission's approval in the form of a docket, permit or resolution (collectively, "docket").

The Commission's project review process takes six to nine months to complete, and the public is informed of the status of project applications by a variety of means during that period:

- Each project for which an application is received is added to the "Project Review Status Report" maintained 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 December 8, 2021 are presented below.

A. Renewals with No Substantive Changes (Items 1 through 17).

1. Global Advanced Metals USA, Inc., D-1970-072 -7. *Consideration of this item was deferred to allow additional time for the Commission's review.*
2. Middle Smithfield Township, D-1973-209 CP-4. An application to renew the approval of the applicant's existing 0.05 million gallons per day (mgd) Winona Lakes WWTP and its discharge. No modifications to the WWTP are proposed. The WWTP will continue to discharge treated effluent to Bush Kill at River Mile 226.9 - 5.5 (Delaware River - Bush Kill) and is located 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, in Middle Smithfield Township, Monroe County, Pennsylvania.
3. Ambler Borough, D-1975-016 CP-5. An application to renew the approval of the docket holder's existing 6.5 mgd WWTP and its discharge. The existing WWTP will continue to discharge treated effluent to Wissahickon Creek at River Mile 92.47 - 12.8 - 12.7 (Delaware River - Schuylkill River - Wissahickon Creek), via Outfall No. 001, in Upper Dublin Township, Montgomery County, Pennsylvania.
4. Community Utilities of Pennsylvania, Inc., D-1975-093 CP-6. An application to renew the approval of the existing 0.25 mgd Tamiment WWTP and its discharges to land (via spray irrigation) and surface water. The WWTP will continue to spray irrigate treated effluent at the Tamiment Golf Course. Treated effluent that is not spray irrigated will continue to be discharged to an unnamed tributary to Little Bush Kill, which is tributary to Bush Kill, at River Mile 226.9 - 0.8 - 1.5 - 1.85 (Delaware River - Bush Kill - Little Bush Kill - UNT Little Bush Kill), within the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters, in Lehman Township, Pike County, Pennsylvania.
5. Calpine Corporation, D-1981-020 CP-3. An application to renew the approval of the existing discharge of up to 870.2 mgd of non-cooling contact water (NCCW), intake screen backwash, and boiler and cooling tower blowdown from the docket holder's Edgemoor Energy Center and Hay Road Energy Center power generation facilities. The 710-megawatt Edgemoor Energy Center is fueled by natural gas or oil and consists of three (3) boiler/turbine units. The 1,100-

megawatt Hay Road Energy Center facility is fueled by natural gas and consists of six (6) combustion turbines and heat recovery steam generating units and two (2) steam turbine units. The facilities will continue to discharge via three (3) existing outfalls to Water Quality Zone 5 of the Delaware River at River Mile 72.8, in the City of Wilmington, New Castle County, Delaware.

6. North Wales Water Authority, D-1990-019 CP-4. An application to renew the approval of an existing groundwater withdrawal with a decrease in allocation from 45.14 mgm to 32.1 mgm to supply the applicant's public water supply system from existing Wells Nos. 1, 2, 3, 4, 5, 6, 8, 9 and 11 completed in the Stockton Formation. The Warrington system supplements its groundwater withdrawals through interconnections with the North Wales Water Authority main system. The project is located within the Commission's designated Southeastern Pennsylvania Groundwater Protected Area (SEPA GWPA) in the Little Neshaminy Creek Watershed in Warrington Township, Bucks County, Pennsylvania.
7. Pennsylvania American Water Company, D-1991-014 CP-5. An application to renew the approval of the docket holder's existing 0.275 mgd Blue Mountain Lake WWTP and its discharge. The existing WWTP will continue to discharge to Sambo Creek at River Mile 213.0 - 5.3 - 2.9 (Delaware River - Broadhead Creek - Sambo Creek), via Outfall No. 001, within the drainage area to the Middle Delaware Special Protection Waters, in Stroud Township, Monroe County, Pennsylvania.
8. Pennsylvania American Water Company, D-1995-053 CP-2. An application to renew the approval of an existing groundwater and surface water withdrawal of up to 180 mgm to supply the applicant's Yardley public water supply distribution system from existing Well Nos. 4, 6, 7, 8, 10 and a surface water intake on the Delaware River. The project wells are completed in the Stockton Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Delaware River Watershed in Lower Makefield Township, Bucks County, Pennsylvania within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.
9. BlueTriton Brands, Inc., D-1998-055 -6. An application to renew the approval of an existing groundwater withdrawal of up to 13.21 million gallons per month (mgm) from borehole B-1 and up to 3.84 mgm from borehole B-2 (a combined total of 17.05 mgm). The water is used for the docket holder's bottled water facility. The boreholes are completed in the Martinsburg Formation and in the weathered unconsolidated sediments overlying the Martinsburg Formation. The project is located in the Waltz Creek Watershed in Washington Township, Northampton County, Pennsylvania within the drainage area to the non-tidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.
10. Upper Bern Township, D-2001-002 CP-5. An application to renew the approval of the applicant's existing 0.155 mgd wastewater treatment plant (WWTP) and its discharge. The

WWTP will continue to discharge treated effluent to Wolf Creek, above the Blue Marsh Reservoir, at River Mile 92.47 - 76.8 - 15.6 - 5.1 - 2.3 (Delaware River - Schuylkill River - Tulpehocken Creek - Northkill Creek - Wolf Creek) in Upper Bern Township, Berks County, Pennsylvania.

11. Towamencin Municipal Authority, D-2002-029 CP-4. An application to renew approval of the applicant's 6.5 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to Towamencin Creek, tributary to Skippack Creek, tributary to Perkiomen Creek, tributary to the Schuylkill River, at River Mile 92.5 - 32.3 - 3.0 - 7.6 -1.4 (Delaware River - Schuylkill River - Perkiomen Creek - Skippack Creek - Towamencin Creek), in Towamencin Township, Montgomery County, Pennsylvania.
12. SC Stream PA LLC, D-2006-020 -4. An application to renew the approval of the existing 0.05 mgd Paradise Stream Resort WWTP and its discharge. The WWTP will continue to discharge treated effluent to Paradise Creek, which is a tributary of Brodhead Creek at River Mile 213 - 13.7 - 7.7 (Delaware River - Brodhead Creek - Paradise Creek) in Paradise 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.
13. BM Resort Management, LLC, D-2008-023 -5. An application to renew the approval and previously proposed expansion for the 0.06 mgd Blue Mountain Ski Area WWTP to discharge up to 0.28 mgd. The expansion will consist of the addition of aeration tanks, clarifiers, and sludge storage tanks, with the installation of associated controls and electrical equipment. The WWTP will continue to discharge treated effluent to Aquashicola Creek at River Mile 183.66 - 36.32 - 5.73 (Delaware River - Lehigh River - Aquashicola Creek) via Outfall No. 002, within the drainage area to the Lower Delaware Special Protection Waters (SPW), in Lower Towamencin Township, Carbon County, Pennsylvania.
14. Lost Lake Management Corp., D-2011-007 CP-2. An application to renew the approval to withdrawal up to 19.84 million gallons per month of groundwater from five existing groundwater wells (Wells Nos. O, HH, FFF, JJJ, and TW5) to supply the applicant's proposed public water supply system and golf course associated with the Lost Lake Resort development. The project was previously approved by the Commission, however the project has yet to be constructed. The wells are completed in the Devonian - Lower Walton Formation in the Neversink River Watershed, within the drainage area to the section of the non-tidal Delaware River known as the Middle Delaware, which is designated as Special Protection Waters, in the Town of Forestburgh, Sullivan County, New York.
15. American Household, Inc.- C/O Newell Co., D-2012-005 -2. An application to renew the approval of a discharge of remediation water from the existing 0.432 mgd groundwater treatment plant (GWTP), as well as the withdrawal of up to 10.044 mgm of groundwater from Remediation Well MUN-3. The GTP discharges to the West Branch of the Perkiomen Creek at River Mile 92.47 - 32.08 - 18.65 - 5.2 - 6.75 (Delaware River - Schuylkill River - Perkiomen

Creek - Green Lane Reservoir - West Branch Perkiomen Creek), in Bally Borough, Berks County, Pennsylvania.

16. Indian Head Camp, D-2015-008 -3. An application to include modifications of the docket holder's existing 0.045 mgd wastewater treatment plant by upgrading the existing aerated lagoon system and upgrading the existing chlorine disinfection system with a UV disinfection system. The existing WWTP will continue to discharge treated effluent to spray fields located in Manchester Township, Wayne County, Pennsylvania, 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 (SPW).
17. Camp Starlight, With You, LLC, D-2017-005 -2. An application to approve the existing 0.027 mgd Camp Starlight WWTP and its discharge. The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) of Shehawken Creek, at River Mile 330.5 - 0.5 - 5.0 - 0.3 (Delaware River - West Branch Delaware River - Shehawken Creek - UNT Shehawken Creek), within the drainage area of the section of the non-tidal Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in Preston Township, Wayne County, Pennsylvania.

B. Renewals with Substantive Changes (Items 18 through 21)

18. Cambridge-Lee Industries, LLC, D-1970-120 -4. An application to renew the applicant's existing discharge of industrial process water from its copper pipe manufacturing facility. The facility will continue to discharge 0.0155 million gallons per day (mgd) of cooling tower blowdown and pretreatment system backwash from Plant No. 4 operations (Outfall No. 001), and 0.929 mgd of cooling tower blowdown and noncontact cooling water (NCCW) from Plant Nos. 2 & 3 operations (Outfall No. 002). The discharge rates are increases from 0.0112 mgd and 0.76 mgd, at Outfalls Nos. 001 and 002 respectively, to align with the design flows in the NPDES permit. The application includes a request to continue a total dissolved solids (TDS) determination of 15,200 mg/l for Outfall No. 001. No modifications to the existing facilities are proposed. The facility will continue to discharge industrial process water from two outfalls (Outfall Nos. 001 and 002) to the Schuylkill River at River Mile 92.47 - 86.5 (Delaware River - Schuylkill River), located in Ontelaunee Township, Berks County, Pennsylvania.
19. Sunoco Pipeline L.P., D-1998-035 -2. An application to approve the relocation and replacement of approximately 2,500 feet of existing 14-inch diameter high-pressure, liquid petroleum pipeline, a portion of which has become exposed within the streambed of Jacobs Creek. The new pipeline will be installed using horizontal directional drill construction beneath the Delaware River and Jacobs Creek and will tie into the existing pipeline in upland areas. Following the installation of the new pipeline, the existing pipeline will be grouted. The 350-foot long exposed abandoned/existing pipeline will be removed from Jacob Creek and the remaining pipeline will be left in place. The project is located in Upper Makefield Township, Bucks County Pennsylvania and Ewing and Hopewell Townships, Mercer County, New Jersey.

20. Chadds Ford Township Sewer Authority, D-2005-022 CP-4. An application to upgrade the docket holders existing 0.15 mgd Turner's Mill WWTP and to expand its existing discharge to up to 0.21 mgd. Improvements include the addition of a third treatment train that will include a flow splitter, an anoxic tank, an aeration, clarifier, filtration system, an upgraded ultraviolet (UV) disinfection system and a chemical metering pump. Treated effluent will continue to be discharged to Harvey Run at River Mile 70.73 - 1.5 - 14.6 - 0.66 (Delaware River - Christiana River - Brandywine Creek - Harvey Run) via Outfall No. 001, in Chadds Ford Township, Delaware County, Pennsylvania.
21. South Jersey Port Corp, D-2010-044 CP-2. An application for approval of the Paulsboro Marine Terminal (PMT) dredging project to add an additional Roll on/Roll off (Ro/Ro) berth at the downstream end of the existing wharf with mooring infrastructure to facilitate transport of offshore monopile foundations for assembly of offshore wind turbines in the Atlantic Ocean. The monopile foundations will be assembled at the PMT. The project also includes dredging in the Delaware River of approximately 140,900 cubic yards adjacent to the Ro/Ro slip and the addition of mooring infrastructure to allow berthing by vessels with Ro/Ro capability. The proposed project is located along the Delaware River at River Mile 89.5 in the Borough of Paulsboro, Gloucester County, New Jersey, in Water Quality Zone 4.

C. Projects Not Previously Reviewed by the Commission

22. Diamond State Port Corporation, D-2020-003 CP-1. *Consideration of this item was deferred to allow additional time for the Commission's review.*
23. Prysmian Cables and Systems USA, LLC, D-2021-001 -1. An application to approve the applicant's existing IWTP and its discharge of industrial process wastewater. Up to 0.038 mgd, 0.158 mgd, 0.096 mgd and 0.019 mgd of industrial process effluent will continue to be discharged with stormwater to the Schuylkill River via Outfalls No. 001, 002, 003, and 004, respectively. Effluent will discharge at River Mile 92.47 - 119.2 (Delaware River - Schuylkill River), in Schuylkill Haven Borough, Schuylkill County, Pennsylvania.