SERIES 2026
Number 1

DELAWARE RIVER BASIN COMMISSION

MEETING OF MARCH 4, 2026

Minutes

Commissioners Present:	Greg Patterson, Delaware, Chair Jill Whitcomb, Pennsylvania, Vice Chair Pat Gardner, New Jersey, Second Vice Chair Lt. Col. Ryan Baum, United States Karen Stainbrook, New York
DRBC Staff Participants:	Kristen Bowman Kavanagh, Executive Director Kenneth J. Warren, DRBC General Counsel Naomi Mendelsohn, Acting Commission Secretary Amy Shallcross, Manager, Operations Branch David Kovach, Manager, Project Review Sara Beganskas, Manager, Water Quality Assessment

The business meeting of March 4, 2026 was conducted remotely. The meeting also was broadcast publicly *via* Zoom webinar and livestreamed on the DRBC YouTube channel. Recordings were made on both Zoom and YouTube. The agenda was posted on the DRBC website ten or more days before the meeting date.

Greg Patterson called the meeting to order, introducing himself as Secretary of the Delaware Department of Natural Resources and Environmental Control ("DNREC"), and DRBC Alternate Commissioner for Governor Matt Meyer, the FY 2025-26 Commission Chair.

At Secretary Patterson's request, DRBC's Acting Commission Secretary, Naomi Mendelsohn, called the roll. Present were: Pat Gardner, Assistant Commissioner, New Jersey Department of Environmental Protection ("NJDEP"), alternate Commissioner for Governor Mikie Sherrill; Karen Stainbrook, Director of the Bureau of Water Resource Management, New York Department of Environmental Conservation ("NYSDEC"), alternate Commissioner for Governor Kathy Hochul; Jill Whitcomb, Deputy Secretary for Water Programs at Pennsylvania Department of Environmental Protection ("PADEP"), alternate Commissioner for Governor Josh Shapiro; and Lt. Colonel Ryan Baum, Philadelphia District Commander, U.S. Army Corps of Engineers ("USACE" or "Corps of Engineers"), alternate Commissioner for Colonel Jesse Curry, North Atlantic Division Commander, USACE.

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

Approval of Minutes. Draft Minutes of the Commission's December 10, 2025 business meeting had been circulated previously, and the Commissioners had offered no comments or corrections. Accordingly, Ms. Mendelsohn recommended that the Minutes be approved as presented. Ms. Whitcomb so moved, Ms. Stainbrook offered a second, and without further discussion, the Minutes of the December 10, 2025 business meeting were approved by unanimous vote.

Announcements. Ms. Mendelsohn announced the following upcoming DRBC advisory committee meetings, noting that additional details for each were available on the DRBC website.

- The subcommittee on source water protection of the Water Management Advisory Committee was to meet on Thursday, May 14, 2026, at 10:00 a.m. *via* Zoom.
- A joint meeting of the Commission's Monitoring Advisory and Coordination Committee and the Science and Technical Advisory Committee of the Partnership for the Delaware Estuary was to take place on Thursday, May 28, 2026, at 10:00 a.m. *via* Teams.
- The Water Management Advisory Committee was to meet on June 3, 2026, at 10:00 a.m. *via* Zoom.

Ms. Mendelsohn also announced that DRBC was partnering with PADEP to provide a three-part training series on water loss management. The day-long sessions were being held at Bucks County Community College in Newtown, PA, between March 3 and March 31, 2026. More information about the workshops could be found on DRBC's website under the Water Audit Program tab.

Ms. Mendelsohn added that DRBC was in the process of hiring four summer interns and one year-long intern to support DRBC's water resource resilience plan, database management, water resource planning, and water quality assessment teams. Additional details regarding the intern opportunities were available on the DRBC website.

Hydrologic Conditions. DRBC Water Resource Operations Manager Amy Shallcross presented the hydrologic conditions report. Ms. Shallcross's presentation can be accessed at: https://www.nj.gov/drbc/library/documents/HydrologicConditions_Shallcross030426.pdf

Hydrologic Cycle. Ms. Shallcross provided an overview of the hydrologic cycle, by which water moves around the earth through air and soil, and over land. The hydrologic cycle helps to determine the amount of water in the basin and the current conditions.

Drought Conditions. Ms. Shallcross explained that DRBC operations concern main stem flows and are triggered by storage in certain reservoirs. As of the meeting date, DRBC's flow operations were normal. Ms. Shallcross added that the basin states each used different criteria to classify the stages of drought conditions. In December 2025, for example, New Jersey issued a statewide drought warning. During the same month, New York and Pennsylvania counties within the basin were in a drought watch, while Delaware counties remained in normal status.

Ms. Shallcross also displayed two graphics from the U.S. Drought Monitor—one dated December 2, 2025 and another dated February 24, 2026—showing drought status throughout the basin. The U.S. Drought Monitor considers multiple factors in assessing drought conditions, including precipitation, streamflow, reservoir levels, temperature, evaporative demand, soil moisture and vegetation health. The graphs indicated that drought conditions in the basin ranged from abnormally dry to severely dry. Importantly, Ms. Shallcross noted that the U.S. Drought Monitor indicators do not match the states' definitions of drought, and instead provide a more general assessment of nationwide drought conditions.

Precipitation. Presenting bar graphs of precipitation in the upper and middle basins during the 12 months from March 2025 through February 2025, Ms. Shallcross observed that for seven of the prior 12 months, those portions of the basin had received below normal precipitation, while a bar graph for the lower basin indicated below normal precipitation for five of the previous 12 months. All areas of the basin experienced a significant precipitation event in May 2025. Maps showing cumulative precipitation over the previous 365 days indicated that total rainfall remained below normal except in the northwest portion of the basin, which had received 50 inches of rainfall, or about 8 inches above normal. The middle portion of the basin received only 30 inches, or more than 20 inches below normal, and the lower portion of the basin received approximately 40 inches, or about 6 inches below normal. Ms. Shallcross also noted that there were a few areas in the basin, including Hancock, NY, and a portion of Burlington County, NJ, that received 50 inches or more of precipitation. She noted that because precipitation measures could be skewed by a single month of high precipitation, these areas might not be as wet as the annual precipitation numbers suggested.

A set of maps showing year-to-date, 90-day, and 30-day precipitation departures by county as of the meeting date showed below normal precipitation in all areas of the basin for each of these time periods. The maps showed that even with the snowfall within the 30 days preceding the meeting date, the basin had received very little precipitation, or approximately 50 to 75 percent less than the normal amount for this time of year.

Ms. Shallcross also presented a map showing snow-to-water equivalence. She explained the general rule that one inch of precipitation equals 10 inches of snow. The maps showed that as of February 4, 2026, snowpack of 4 to 6 inches had accumulated in the upper basin, and by March 4, 2026, the snowpack had increased to between 6 and 8 inches.

Groundwater. Ms. Shallcross displayed maps comparing groundwater levels in September 2025, December 2025, and March 2026, which illustrated a decline in groundwater levels across the basin over this period. She pointed out that as of September 2025, nearly normal groundwater levels were observed across the middle portion of the basin, while groundwater levels in the northern and southernmost areas of the basin had begun to show the effects of low rainfall over the preceding months. By December, much of the basin was seeing below normal groundwater levels. As of the meeting date, while groundwater had recovered in several counties, levels were "below" or "much below" normal across the basin generally for this time of year. Graphs showing

observation well levels in Lehigh and Chester counties in Pennsylvania showed the declines into drought watch and drought warning, respectively, in these locations since July of 2025. Similar graphs for observation wells in Burlington and Cumberland counties in New Jersey showed the persistence of very dry conditions since January 2025, with "drought emergency" status in both locations as of the meeting date.

Corps of Engineers Reservoir Storage. If precipitation does not infiltrate into the ground, it can go into storage. DRBC uses releases from storage it controls in Blue Marsh Reservoir in the Schuylkill Valley and Beltzville Reservoir in the Lehigh Valley to meet flow objectives at Trenton and Montague, New Jersey. Both reservoirs are owned and operated by the U.S. Army Corps of Engineers. F.E. Walter, a third Corps of Engineers reservoir that, like Beltzville, is located in the Lehigh Valley, is used primarily for flood control and recreation. As of the meeting date, storage in Beltzville was at 100.5 percent of the reservoir's capacity. Blue Marsh and F.E. Walter reservoirs were at their normal winter pool levels of 78 percent and 1,300 feet (National Geodetic Vertical Datum of 1929), respectively.

New York City Reservoir Storage. The three New York City Delaware Basin reservoirs are Neversink, Pepacton and Cannonsville. All three are located in the headwaters of the basin, and DRBC uses their storage information to determine basinwide drought operating status. As of the meeting date, Neversink was approximately 71 percent full, Pepacton was at about 75 percent of capacity, and Cannonsville was at 64 percent capacity, for a total combined storage of approximately 70 percent, significantly below the median combined storage of 86 percent for early March. Ms. Shallcross noted that although combined storage in the three New York City reservoirs was below the median for early March, about 40 billion gallons of storage—an amount sufficient to make up the apparent deficit—remained in snowpack. Over the past year, storage in the New York City reservoirs was at the target level of 100 percent by early May 2025, and declined steadily thereafter to its March 2026 levels. Under the flow management operations criteria, however, as of the meeting date, the reservoirs remained in normal operations. Ms. Shallcross noted that if and when reservoir storage dips to a "drought watch" level, the authorized out-of-basin diversions by New York City and New Jersey are reduced, as are the main stem flow objectives and conservation releases from the reservoirs.

Streamflow. Ms. Shallcross shared a map depicting streamflow conditions throughout the basin. She observed that most tributaries were flowing below or much below normal levels. She added that between January and March, ice cover and ice jams had occurred across the basin but had not resulted in flooding conditions. A satellite image showed ice accumulation along the banks of Delaware Bay, and a photograph from January 30 showed the main stem at Trenton apparently covered with ice from bank to bank. An ice concentration analysis based on a NOAA satellite image of February 10, 2026 showed ice coverage of 10 to 30 percent in Delaware Bay, extending into the lower bay where salt water is present. Ms. Shallcross noted that ice on the river was relatively flat this year, due to low flows and less windy conditions.

Ms. Shallcross explained that to ensure adequate freshwater flows downstream, New York City releases water from its reservoirs in the headwaters of the basin to meet a flow objective at Montague, the point at which the boundaries of the states of New York, New Jersey and Pennsylvania meet. To repel salinity and thereby protect drinking water and industrial intakes in the Delaware Estuary, the Commission releases water from its storage in Beltzville and Blue Marsh reservoirs to meet a flow objective at Trenton. Although main stem flows were below normal as of the meeting date, they remained above the Montague and Trenton objectives. Ms. Shallcross noted that some flow data for the most recent period were missing because the measurement gages were affected by ice.

Salt Front. On a daily basis, DRBC monitors the location of the "salt front," the seven-day average location in the Delaware Estuary at which the chloride concentration is 250 milligrams per liter ("mg/L"). A secondary drinking water standard, 250 mg/L is the chloride concentration above which the taste and odor of water are affected. Ms. Shallcross displayed a map showing the salt front at River Mile 77.9 during the first week of March. She noted that the salt front had moved as far upstream as River Mile 87.1 in February 2026, due in large part to the impact of road salt application. Normally for this time of year, the salt front would be around River Mile 70, which is near the Delaware Memorial Bridge.

Seasonal Outlook and Summary. NOAA's Seasonal Outlook for March through May indicated that drought conditions in the basin were expected to persist over the three-month forecast period. Precipitation, streamflow, and groundwater levels all were below normal, reflecting the amount of precipitation received but not the amount remaining in snowpack.

Executive Director's Report. Highlights of Ms. Bowman Kavanagh's report to the Commissioners are set forth below.

- *New DRBC Alternate Commissioners*. Ms. Bowman Kavanagh recognized two new DRBC Alternate Commissions—Acting Commissioner Ed Potosnak and Deputy Commissioner Joseph Seebode, both of the New Jersey Department of Environmental Protection, who would serve on behalf of Governor Mikie Sherrill.

- *DRBC Staff*. Dr. Sarah Beganskas was hired as DRBC's new Manager of Water Quality Assessment, succeeding John Yagecic, who retired on December 31, 2025. Sarah joined the Commission in May 2021 as a water resource scientist, working on modeling and planning studies in support of several DRBC branches. In her new role, Sarah would supervise a team of scientists to develop water quality standards for basin waters, advance regulations to maintain and improve water quality, plan and conduct water quality monitoring studies, and prepare water quality assessments.

- *Publications and Presentations*. In December, the DRBC released two technical reports offering important insights into salinity intrusion in the Delaware Estuary.

- Technical Report No. 2025-5, *Three-Dimensional Hydrodynamic and Salinity Model for the Delaware River Estuary Calibration Report,* documents the development of a three-dimensional computer model that simulates temperature and salinity throughout the estuary—from Trenton, NJ to the Atlantic Ocean. This model strengthens the scientific foundation for understanding how salinity varies under different conditions.

- Technical Report No. 2025-6, *The Impact of Sea Level Rise on Salinity Intrusion on the Delaware River Estuary,* evaluates how sea level rise will affect the amount of salt water in the estuary and the location of the salt front, which is the location where the river is no longer considered fresh water. Using sophisticated computer modeling, DRBC engineers and scientists evaluated five sea level rise scenarios ranging from 0.3 meters to 1.6 meters under varying drought conditions, while also considering factors such as changing river flows and channel depth. The results indicate that when sea level rise exceeds half a meter, the DRBC's current strategies, which consist primarily of releasing freshwater from reservoirs in multiple states to dilute the salt water, may no longer be sufficient. The report also outlines potential policy and management changes. These findings are significant because key water intakes along the tidal Delaware River supply drinking water to more than 1.3 million people in southeastern Pennsylvania, Philadelphia, and South Jersey, while also supporting manufacturing and power generation in the region.

- *Article Published by Pennsylvania Municipal League.* In February, the Pennsylvania Municipal League ("PML") invited DRBC and its partners at the Susquehanna River Basin Commission and the Interstate Commission on the Potomac River Basin to share their thoughts on water considerations in data center development. The February 2026 edition of PML's Municipal Reporter includes the article, *River Basin Commissions and Data Centers: Planning for a Growing Industry with Intensive Water Demands,* authored jointly by the executive directors of the three commissions.

- *Joint Initiative with PEMA.* DRBC recently concluded a joint initiative with the Pennsylvania Emergency Management Agency ("PEMA") to better equip municipalities and eligible authorities in the Middle Delaware region to advance their mitigation, recovery and resilience priorities. The effort focused on increasing local capacity to apply for grants, and provided education and outreach on grant applications, Hazard Mitigation Plans, and project development. Funded by the Federal Emergency Management Agency ("FEMA"), the initiative primarily supported basin communities in Carbon, Lehigh, Northampton, Bucks and Luzerne counties. In partnership with PEMA, DRBC delivered 20 in-person workshops, virtual webinars and trainings.

- *DRBC Advisory Committee Meetings.* Between the December 2025 business meeting and the March 2026 meeting, the following DRBC advisory committees met on the noted dates:

- Regulated Flow Advisory Committee – December 15, 2025
- Advisory Committee on Climate Change – December 16, 2025 and February 17, 2026
- Toxics Advisory Committee – January 21, 2026
- Water Management Advisory Committee – February 11, 2026

- *Water Resources Resilience Plan Update.* A report comprising Phase One of the Water Resources Resilience Plan ("WRRP") for the basin was to be published before the end of March 2026. The Phase One report outlines a workplan that will ultimately include a list of prioritized actions for evaluating potential impacts on the basin's water resources and formulating management approaches for improving resilience and adaptation. The Phase One report sets the stage for work to be completed in subsequent phases. Notably, it defines the water resource assets, climate change hazards, planning horizons, and future scenarios that will provide the foundation for Phase Two, as well as the metrics that will be used to prioritize recommended actions and activities. The Phase One report reflects collective input gathered from many partners and stakeholders as part of a robust public engagement effort that will continue in future phases. Ms. Bowman Kavanagh added that the Phase One work and next steps for Phase Two would be the topics of a DRBC webinar on April 30, 2026, at 12 p.m.

  Delaware River Creel Survey. On March 1, 2026, DRBC and multiple partners kicked off the 2026 Delaware River Creel Survey, part of an effort to better understand recreational angler use and harvest for popular game fishes, with a focus on American shad and striped bass fisheries. Survey locations were to extend upstream from the Delaware Memorial Bridge near Bloomington, Delaware, to the East and West branches of the Delaware River near Hancock, New York. The Brandywine, Schuylkill, and Lehigh rivers were also to be included.

  The survey was being performed in partnership with the Delaware River Basin Fish and Wildlife Management Cooperative, whose members include the Delaware Department of Natural Resources and Environmental Control ("DNREC"), Pennsylvania Fish and Boat Commission ("PFBC"), New Jersey Division of Fish and Wildlife, New York State Department of Environmental Conservation ("NYSDEC"), United States Fish and Wildlife Service, and NOAA Fisheries. The survey was funded through a subaward by the Atlantic States Marine Fisheries Commission, supplemented by contributions from PFBC, DNREC and NYSDEC.

  The Delaware River is the longest free flowing river on the Atlantic coast and is vital for the life history of migratory fishes, including American Shad and Striped Bass, which are both prized sport fish. The Delaware River also supports popular fisheries for catfish, Large Mouth Bass, Small Mouth Bass, trout and other resident sport fish.

Additional information on all the items in Ms. Bowman Kavanagh's report is available on DRBC's website.

General Counsel's Report. The Commission's General Counsel, Ken Warren, reported on pending litigation related to the Commission's approval of an extension of the docket for the Gibbstown Logistics Center Dock 2 project, which involves construction of a deep-water berth and associated dredging in the Delaware River. Mr. Warren explained that in response to a request from project sponsor Delaware River Partners ("DRP"), the Commission on September 10, 2025 extended the Gibbstown Logistics Center Dock 2 docket through June 12, 2030. On October 10, 2025, the Delaware Riverkeeper Network and the Delaware Riverkeeper filed an action in the United States District Court for the District of New Jersey challenging the extension.

Mr. Warren explained that the case would be decided on the administrative record. He added that DRBC had received a scheduling order from the Court requiring the plaintiffs to file their Motion for Summary Judgment no later than March 6, 2026, and for the DRBC and DRP to file their responses and cross-motions no later than April 15, 2026. Thereafter, the plaintiffs would have until May 13, 2026 to file a reply brief, and DRBC and DRP would have until June 10, 2026 to file sur-replies. Mr. Warren explained that once briefing is completed, the court would decide the case based on the Motions for Summary Judgement.

A Resolution for the Minutes authorizing the Executive Director to enter into an agreement for professional services to assist DRBC staff in completing Phase 2 of the Water Resources Resilience Plan. DRBC Manager of Water Quality Assessment Sara Beganskas noted that the proposed resolution had been provided to the Commissioners in advance for their review and consideration. She explained that as directed by Resolution No. 2024-04, the staff had been developing a climate resilience plan for the basin, known as the Water Resources Resilience Plan ("WRRP"). The WRRP was to proceed in three phases. Phase 1, laying out a framework for the plan, was nearing completion and would be published before the end of March. For Phase 2, which would focus on advancing resilience of the basin's water resources to climate change, DRBC had outlined an ambitious scope of work. In the view of staff, Dr. Beganskas explained, the Commission's interest would be well served by engaging a consultant to assist the staff in completing Phase 2 in a timely manner. She noted that the Commission had already budgeted for this activity.

Dr. Beganskas noted that effective immediately upon its adoption, the proposed resolution would authorize the Executive Director to develop and issue a request for proposal for professional consulting services, and then to enter into an agreement with the most qualified bidder. The professional services agreement would end upon the completion of Phase 2 in Fiscal Year 2028. Dr. Beganskas recommended that the Commissioners approve the Resolution for the Minutes as proposed.

Ms. Stainbrook so moved, Ms. Gardner offered a second, and without further discussion, the Resolution for the Minutes authorizing the Executive Director to enter into an agreement for

professional services to assist DRBC staff in completing Phase 2 of the Water Resources Resilience Plan was approved by a vote of four in favor. The representative for the United States 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 assist DRBC staff in completing Phase 2 of the Water Resources Resilience Plan.

WHEREAS, the Delaware River Basin Compact ("Compact") provides for the Commission to manage, protect, and improve the water resources of the Delaware River Basin ("Basin") without regard for political boundaries, including by defining and advancing programs for the optimum planning, development, conservation, utilization, management, and control of the Basin's water resources to meet present and future needs; and

WHEREAS, by Resolution No. 2024-04 on June 5, 2024, the Commissioners unanimously adopted the finding that "[c]limate change has caused and will continue to produce impacts on the water cycle, including on water availability; water quality; the management and uses of Basin water for economic, recreational, ecosystem sustainability, and other purposes; and the functionality and resilience of water infrastructure and other vital projects and activities within the Delaware River Basin"; and

WHEREAS, Resolution No. 2024-04 directed DRBC staff to "develop a plan of prioritized DRBC actions for evaluating the impacts of climate change on water resources of the Basin and formulating management approaches, including recommended policies and rules, for improving resilience and adaptation to a changing climate"; and

WHEREAS, DRBC staff, in consultation with the Commissioners, advisory committees, and other stakeholders, subsequently developed a Water Resources Resilience Plan ("WRRP" or "Plan") to be completed in three distinct phases—an initial phase ("Phase 1") to develop a framework for the Plan; a second phase ("Phase 2") to evaluate the impacts of climate change on the Basin's water resources and to develop a plan of prioritized DRBC actions to address these challenges; and a third phase ("Phase 3") to examine and address additional challenges to the Basin's water resources that are not driven by climate change; and

WHEREAS, in March 2026, DRBC staff will complete Phase 1 and release a report entitled *A Framework for the Delaware River Basin Commission's Water Resources Resilience Plan,* defining the Basin's water resource assets and identifying the climate change hazards, planning horizons, future scenarios and prioritization metrics that will form the foundation of the work to be performed in Phases 2 and 3; and

WHEREAS, DRBC staff has started to plan for and assess the work required to complete Phase 2, the objective of which is to develop a list of prioritized actions and activities that DRBC could undertake to advance resilience of the Basin's water resources to climate change; and

WHEREAS, Phase 2 is expected to proceed in three steps: (1) a vulnerability assessment to characterize the impacts that each water resource asset is expected to experience due to the specific hazard(s) identified in Phase 1; (2) a gap analysis to identify potential actions and activities that DRBC and others are not yet undertaking to address the impacts identified in the vulnerability assessment; and (3) a prioritization of the potential actions and activities identified in the gap analysis that are scored according to a set of metrics; and

WHEREAS, in light of the scope of work that will be required to complete Phase 2, the Commission's interests would be well-served by engaging the services of a consultant to assist DRBC staff in efficiently completing this next phase of the WRRP; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. The Executive Director is hereby authorized to develop and issue a request for proposal ("RFP") for consulting services in accordance with the procedure set forth in section 4.4 B. of the *Administrative Manual – Bylaws, Management and Personnel* to complete the Phase 2 analysis described above.

2. The Executive Director is further authorized to enter into an agreement with the most qualified bidder to work with DRBC staff to complete Phase 2 of the WRRP. The work to be performed shall begin as soon as practicable upon execution of the agreement and shall end upon the completion of Phase 2, which is expected to occur in FY 2028.

3. This Resolution for the Minutes shall take effect immediately.

Project Review Docket Applications. DRBC's Manager of Project Review, David Kovach, reported that at the Commission's duly noticed public hearing of February 4, 2026, he had presented drafts of docket items 1 through 20 on the meeting agenda for public comment. Noting that the Commission had received no public comments opposing any of these, he asked the Commissioners to approve these 20 dockets as proposed. Ms. Whitcomb so moved, Ms. Garner offered a second, and without further discussion, docket items 1 through 20 were approved by unanimous vote.

Mr. Kovach explained that docket item 21 concerning the Gan Eden project in Sullivan County, New York had been a subject of the Commission's duly noticed public hearing of November 5, 2025. DRBC had received both oral and written comments on this project, and in consultation with staff of the appropriate host state agencies, DRBC staff had developed a comment and response document addressing the commenters' concerns. Staff had shared this document with the

Commissioners in advance of the March 4, 2026 meeting. Mr. Kovach said the public's concerns related to:

- potential impacts to domestic wells in the vicinity of the project;
- whether an additional hydrologic study was needed;
- the timing of aquifer tests performed by technical consultants for the applicant;
- estimated occupancy and water demand of the proposed project;
- potential wastewater treatment plant issues;
- presence of a mapped stream on the property;
- stormwater management and flooding;
- conformity of well locations with New York State Department of Health ("NYSDOH") requirements;
- proposed use of an elevated water tank for water storage;
- adequacy of the information available as a basis for DRBC's decision; and
- whether New York's State Environmental Quality Review ("SEQR") process could adequately address impacts of the proposed project on residents of the Town of Fallsburg.

Mr. Kovach highlighted staff's responses to the issues most raised by commenters. Beginning with the concern about potential impacts on domestic wells in the vicinity of the project, and whether further hydrologic analysis was required, Mr. Kovach explained that based on the findings of the hydrogeologic evaluation and the extrapolated drawdown assessment and wetland and waterbody monitoring contained in these studies, withdrawals from the project were not expected to cause long-term progressive lowering of groundwater levels, a permanent loss of storage capacity, or substantial impact on low flows of perennial streams. Adverse impacts on domestic well levels in the vicinity of the project were not expected as a consequence of the proposed withdrawals. Mr. Kovach further advised the Commissioners that the docket included a condition requiring a long-term groundwater monitoring program to monitor the local hydrogeologic system, and the Commission's standard interference condition. That condition obligates the docket holder, at its sole expense, to investigate and remedy any interference that may occur in the future as a consequence of the docket holder's withdrawals. Mr. Kovach noted that the draft docket includes a description of adverse water quality impacts to one local well that occurred during the pumping test conducted at the project site. He noted that the docket would require the docket holder to mitigate those impacts at its sole expense, either by installing a water treatment system or by replacing the affected water supply.

Regarding the timing of aquifer testing, Mr. Kovach explained that the pumping tests were conducted in accordance with NYSDEC's recommended pumping test procedures for water withdrawal applications. DRBC regulations include no timing restrictions on such pumping tests.

With respect to concerns about the wastewater treatment plant that is proposed to receive, treat, and discharge domestic wastewater generated by the Gan Eden development, Mr. Kovach explained that in accordance with Section 401.38(b) of the Commission's *Rules of Practice and Procedure,* 18 C.F.R. § 401.38(b), and the Administrative Agreement of 2016 between NYSDEC

and the DRBC, technical review of the proposed wastewater treatment plant would be performed by the NYSDEC and New York State Department of Health ("NYSDOH"). Any DRBC effluent limits and discharge requirements applicable to the plant would be incorporated into the final state pollutant discharge elimination system ("SPDES") permit issued by NYSDEC for the project.

With respect to the projected occupancy and estimated water demands, presence of a mapped stream on the property, stormwater management, flooding, conformity of well locations with NYSDOH requirements, proposed use of an elevated water storage tank, and whether the New York State's SEQR process could adequately address impacts of the proposed projects on local residents, Mr. Kovach explained that the DRBC staff addressed the commenters' concerns to the best of the staff's ability in the comment and response document, but that the concerns largely pertained to state permitting and approval processes in which DRBC has no role. He added that Condition C.20 of the docket provides that nothing in the docket shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other state, federal, or local government agencies having jurisdiction over the project.

Mr. Kovach concluded by explaining that in the view of DRBC staff, the project as conditioned by Docket D-2017-002-1 would not substantially impair or conflict with the Commission's comprehensive plan. He recommended that the Commission approve docket item 21 with the non-substantive modifications the staff had made.

Ms. Stainbrook moved to approve the docket, and Ms. Whitcomb offered a second. In response to the Chair's invitation for discussion, Ms. Stainbrook remarked that NYSDEC retained permitting jurisdiction over several activities on the Gan Eden site, including the treatment and discharge of wastewater. She explained that NYSDEC was in the process of reviewing the applicant's SPDES permit application for the project, noting that the draft permit would be subject to public notice and an opportunity to comment. Ms. Stainbrook added that no discharge would be permitted until the SPDES permit was issued. Following her comments, and without further discussion, docket agenda item 21 was approved by unanimous vote.

Adjournment. There being no other business before the Commission, Mr. Stainbrook moved that the meeting be adjourned. Ms. Whitcomb offered a second, and the meeting was adjourned by unanimous vote at 10:52 a.m.

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Pamela M. Bush
Commission Secretary and
Assistant General Counsel

ATTACHMENT A

DESCRIPTION OF PROJECTS APROVED BY THE COMMISION DURING THE BUSINESS MEETING OF MARCH 4, 2026

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 monthly.
- 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 September 10, 2025 are presented below.

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

1. Pennsylvania American Water Company, D-1966-100 CP-3. An application to approve an existing surface water withdrawal and approve an allocation of up to 540 mgm to supply the applicant's Norristown public water supply distribution system from an existing surface water intake on the Schuylkill River. The project intake is located in the Schuylkill River Watershed in the Borough of Norristown, Montgomery County, Pennsylvania.

2. Amrize Cement Inc., D-1975-115 -4. An application to renew the approval of an existing 3.21 mgd non-contact cooling water (NCCW) discharge from the applicant's cement manufacturing facility. NCCW will continue to be discharged to the Lehigh River at River Mile 183.66 - 23.7 (Delaware River - Lehigh River) via Outfalls Nos. 001 and 002, 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 Whitehall Township, Lehigh County, Pennsylvania.

3. Philadelphia Gas Works, D-1976-055 CP-5. An application to renew the approval of an existing discharge of up to 8.64 million gallons per day (mgd) of water used to maintain pressure and cool equipment of the facility's fire suppression system via Outfall No. 004 at the PGW Richmond Plant. Outfall No. 004 will continue to discharge to Water Quality Zone 3 of the Delaware River at River Mile 103.7, in the City of Philadelphia, Philadelphia County, Pennsylvania.

4. Hawley Area Authority, D-1981-029 CP-4. An application to renew the approval of the docket holder's existing 0.20 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to the Lackawaxen River at River Mile 277.7 - 16.2 (Delaware River - Lackawaxen River) via Outfall No. 001, to the main stem Delaware River within the drainage area of the Upper Delaware Special Protection Waters in Lackawaxen Township, Pike County, Pennsylvania.

5. Reading Regional Airport Authority, D-1986-038 CP-5. An application to renew the approval for the existing 0.42 mgd Reading Regional Airport Authority (RRAA) WWTP and its discharge. The RRAA WWTP will continue to discharge treated effluent to the Schuylkill River at River Mile 92.47 - 80.3 (Delaware River - Schuylkill River) via Outfall No. 001, in Bern Township, Berks County, Pennsylvania.

6. Bristol Township, D-1990-098 CP-3. An application to renew the approval of the 3.75 mgd Bristol Township WWTP and its discharge. The WWTP will continue to discharge directly to Delaware River Water Quality Zone 2 at River Mile 116.8 in Bristol Township, Bucks County, Pennsylvania.

7. Shree Hari Golf LLC, D-1992-024 -4. An application to renew the approval of an existing surface water withdrawal of up to 11.37 mgm to irrigate the applicant's Hickory Valley Golf Club golf course from a surface water intake located on the Swamp Creek. The requested allocation is not an increase from the previous allocation. The surface water intake is located in the Swamp Creek Watershed in New Hanover Township, Montgomery County, Pennsylvania.

8. Doylestown Township Municipal Authority, D-1995-009 CP-4. An application to renew the approval of an existing groundwater withdrawal of up to 55.22 mgm to supply the applicant's public water supply distribution system from existing Wells NW-3, NW-4, NW-

5, CW-5, CW-7, SW-1, SW-2, SW-6 and SW-7. The requested system allocation is not an increase from the previous allocation. The project wells are completed in the Stockton Formation. The project is located in the Commission's designated Southeastern Pennsylvania Ground Water Protected Area (SEPA GWPA) in the Neshaminy Creek and Pine Run Watersheds in Doylestown Township, Bucks County, Pennsylvania.

9. Pennsylvania American Water Company, D-1999-029 CP-4. An application to renew the approval of the existing 1.25 mgd Pocono Country Place WWTP and its discharge. The WWTP will continue to discharge treated effluent to Dresser Run, which is a tributary of Tobyhanna Creek, which is a tributary of the Lehigh River at River Mile 183.7 - 84.1 - 24.5 - 2.3 (Delaware River - Lehigh River - Tobyhanna Creek - Dresser Run) within the drainage area classified as Lower Delaware Special Protection Waters, in Coolbaugh Township, Monroe County, Pennsylvania.

10. Easton Suburban Water Authority, D-1999-062 CP-3. An application to approve an existing surface water withdrawal and approve an allocation of up to 323 mgm (10.42 mgd) to supply the applicant's public water supply distribution system from an existing surface water intake on the Delaware River. The requested allocation is not an increase from the previous allocation. The surface water intake is located in the Delaware River Watershed in the City of Easton, Northampton County, Pennsylvania within the drainage area to the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.

11. Buckingham Township, D-2004-015 CP-5. An application to renew the approval of the docket holder's existing 0.236 mgd Buckingham Village WWTP and its seasonal discharge to Lahaska Creek and to land via the existing Furlong lagoon treatment system and three sets of spray irrigation fields, referred to as the Kaplan, Coles, and Lindquist Spray Fields. Treated effluent will continue to be discharged seasonally to Lahaska Creek at River Mile 115.6 - 23.7 - 5.7 - 0.4 (Delaware River - Neshaminy Creek - Mill Creek-Lahaska Creek) in Buckingham Township, Bucks County, Pennsylvania.

12. Pennsylvania Department of Conservation and Natural Resources, D-2005-008 CP-4. An application to renew the approval of the existing 0.06 mgd Hickory Run State Park WWTP and its discharge. The WWTP will continue to discharge treated effluent to Hickory Run at River Mile 183.7 - 67.3 - 1.7 (Delaware River - Lehigh River - Hickory Run) via Outfall No. 001, within the drainage area to Lower Delaware Special Protection Waters (SPW), in Kidder Township, Carbon County, Pennsylvania.

13. Coolbaugh Township, D-2006-023 CP-6. An application to renew the approval of the applicant's existing 0.052 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to Tobyhanna Creek, which is a tributary of the Lehigh River, at River Mile 183.66 - 83.5 - 22.3 (Delaware River - Lehigh River - Tobyhanna Creek), located in Coolbaugh Township, Monroe County, Pennsylvania, within the drainage area of the section of the non-tidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

14. Dorney Park and Wildwater Kingdom, D-2012-009 -3. An application to renew the approval of a groundwater withdrawal of up to 8.0 million gallons per month (mgm) of water from existing Wells 1, 4, 5, 7 and 9 used for irrigation, non-contact cooling, water rides, and water features at the docket holder's amusement park. The allocation is a

reduction from the currently approved allocation of 13.14 mgm based on revised demands. The project wells withdrawal water from the Allentown Formation and are located in the Cedar Creek Watershed within the Lower Delaware Special Protection Waters, in South Whitehall Township, Lehigh County, Pennsylvania.

15. Schuylkill Valley Sewer Authority, D-2012-029 CP-4. An application to renew approval of the applicant's existing 0.55 mgd Schuylkill Valley Sewer Authority WWTP and its discharge. The WWTP will continue to discharge treated effluent to the Schuylkill River at River Mile 92.47 - 127.6 (Delaware River - Schuylkill River) in Blythe Township, Schuylkill County, Pennsylvania.

16. Pennsylvania Department of Conservation and Natural Resources, D-2015-007 CP-3. An application to renew the approval of the applicant's existing 0.025 mgd Washington Crossing Historic Park Upper WWTP and its discharge. The WWTP will continue to discharge treated effluent to Delaware River Water Quality Zone 1E at River Mile 146.63, within the drainage area of the section of the non-tidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Solebury Township, Bucks County, Pennsylvania.

17. Pennsylvania American Water Company, D-2015-015 CP-3. An application to renew the approval of the docket holder's existing 18.0 mgd Norristown Water Treatment Plant (WTP) and its discharge of up to 1.93 mgd of clarifier supernatant wastewater. The supernatant wastewater will continue to be infrequently discharged to the Schuylkill River at River Mile 92.47 - 24.5 (Delaware River - Schuylkill River) via Outfall No. 001, in Norristown Borough, Montgomery County, Pennsylvania.

B. Project Renewals with Substantive Changes (Items 18 through 20)

18. Escape Property Owners Association, D-1972-125 -2. An application to approve the proposed replacement of the docket holder's existing WWTP. The proposed WWTP facility will utilize an activated sludge treatment process with chlorine disinfection. The WWTP will continue to discharge up to 0.098 MGD of treated effluent to UNT of Lake Wallenpaupack at River Mile 277.7 - 15.7 - 0.08 (Delaware River - Lackawaxen River - Wallenpaupack Creek) via Outfall 001, located in Palmyra Towship, Pike County, Pennsylvania, within the drainage area classified as the Upper Delaware Special Protection Waters (SPW).

19. Downingtown Area Regional Authority, D-1998-033 CP-6. An application to upgrade the existing 10.88 mgd WWTP and its discharge. The existing WWTP is reaching end of life and the upgrades will include construction of new facilities and installation of new pumps, and rehabilitation of existing tanks and pumps. The WWTP will continue to discharge treated effluent to the East Branch Brandywine Creek at River 70.73 – 1.5 – 20.0 – 7.65 (Delaware River - Christina River - Brandywine Creek - East Branch Brandywine Creek) via Outfall No. 001, in East Cain Township, Chester County, Pennsylvania.

20. Kinsley Group Family LP, D-2010-005 -4. An application to renew the approval of the applicant's existing 0.0163 mgd Kinsley Shopping Center (KSC) WWTP and its discharge. Previously, the WWTP's Design Hydraulic Capacity was 0.0177 mgd. However, the docket holder has requested to eliminate the previously approved Primary Bed E and its reserve replacement Bed from the permit, which reduced the design capacity to 0.0163 mgd.

Treated effluent will continue to be land-discharged to grade seepage beds in the Weir Creek Watershed near River Mile 183.66 - 40.88 - 6.30 - 6.51 - 7.40 - 2.40 (Delaware River - Lehigh River - Pohopoco Creek - Beltzville Reservoir - Pohopoco Creek - Weir Creek), within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Chestnuthill Township, Monroe County, Pennsylvania.

C. Projects Not Previously Reviewed by the Commission (Item 21)

21. Gan Eden Estates, D-2017-002 -1. An approval to withdraw up to 5.7 million gallons per month (mgm) of groundwater from wells TW-5 and TW-6 for potable water supply and limited irrigation for a proposed development that is expected to consist of 534 residential rental units, a clubhouse, and an outdoor swimming pool at full build out. The project wells are completed in the Upper Walton Formation and are located in the East Mongaup River Watershed upstream from the Mongaup System Reservoirs in the Town of Fallsburg, Sullivan County, New York. The proposed subdivision is located in the Towns of Thompson and Fallsburg, Sullivan County, New York. The wells and service area are located within the drainage area to the section of the non-tidal Delaware River known as the Upper Delaware, which the Commission has designated as Special Protection Waters (SPW).