

DELAWARE RIVER BASIN COMMISSION

**MEETING OF MARCH 13, 2019**

**Minutes**

Commissioners Present: Michele Putnam, New Jersey, Chair  
Kenneth Kosinski, New York, Vice Chair  
Bryan A. Ashby, Delaware, Second Vice Chair  
Lieutenant Colonel Kristen N. Dahle, United States  
Aneca Y. Atkinson, Pennsylvania

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

The Commission met at the Washington Crossing Historic Park Visitor Center in Pennsylvania. Michele Putnam, Alternate Commissioner for Governor Philip D. Murphy of New Jersey, presided. Ms. Putnam thanked the managers of the host venue – the Pennsylvania Department of Conservation and Natural Resources and the Friends of Washington Crossing Park. The Commissioners and senior staff introduced themselves, and all stood for the Pledge of Allegiance.

Minutes. The Minutes for the Commission’s regularly scheduled Business Meeting of December 12, 2018 were unanimously approved.

Announcements. Ms. Bush announced the following advisory committee meetings:

- *DRBC Water Quality Advisory Committee (WQAC).* The Committee will meet on Wednesday, March 20, 2019 in the DRBC Goddard Conference Room, West Trenton, NJ. This will be a joint meeting with the Eutrophication Model Expert Panel to receive an update on their work. John Yagecic is the staff liaison. More information is available on the Commission’s website.
- *DRBC Subcommittee on Ecological Flows (SEF).* The SEF, a subcommittee of the Regulated Flow Advisory Committee, will meet on Monday, March 25, 2019 at the Lake Wallenpaupack Environmental Learning Center in Hawley, PA. The DRBC staff contact is Jake Bransky.

- *DRBC Regulated Flow Advisory Committee (RFAC)*. The RFAC will meet on Tuesday, April 9, 2019 at 10:00 a.m. in DRBC's Goddard Conference Room, West Trenton, NJ. The DRBC staff liaison is Amy Shallcross.
- *DRBC Water Quality Advisory Committee (WQAC)*. The WQAC has an additional meeting scheduled on Tuesday, May 14, 2019 at the DRBC Goddard Conference Room, West Trenton, NJ beginning at 9:30 a.m. John Yagecic is the contact.
- *DRBC Water Management Advisory Committee (WMAC)*. The WMAC will meet Thursday, June 20, 2019 at 10:00 a.m. at the DRBC Goddard Conference Room, West Trenton, NJ. SeungAh Byun is the staff liaison.

The Commission's website, at [www.drbc.gov](http://www.drbc.gov), contains additional information, including contact information for the committee liaisons.

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

The average observed precipitation for the portion of the Basin above Montague, New Jersey for the period from January 1 through March 11, 2019 was 7.79 inches, or 1.61 inches above normal. For the same period, the observed precipitation for the Basin above Trenton was 8.70 inches, or 1.50 inches above normal, and for the Basin above Wilmington, Delaware, 7.43 inches or 0.35 inches above normal.

The Upper Basin received 125-150% of normal precipitation and the Lower Basin received 150-200% of normal precipitation.

Snow-water equivalent is the amount of water that is stored in snowpack. The ratio of snow to water is usually 10:1; accordingly, for ten inches of snow the equivalent rainfall is normally one inch, although this may vary depending on the density of the snow. Calculations by the City of New York indicate that as of March 5, 18.2 billion gallons (bg) of water were stored in the snowpack above the City's three Delaware Basin reservoirs.

Amy provided an illustrated lesson on the formation of river ice. River ice forms as *frazil ice* in small crystals similar to crushed ice, because the moving water interrupts growth of the crystals and inhibits sheet formation. As the water slows down, *ice pancakes* form, and, for example at the Montague gage, *sheet ice* is created. Along the borders of the river, *border ice* forms and gradually moves toward the center of the stream. *Hummocky ice* is created when river ice breaks into bigger pieces and piles up. In January 2018, an *ice jam* occurred in Trenton, causing flooding along NJ Route 29 near the State House. *Anchor ice* forms when low flows cause ice to stick to gravel and transport the imbedded gravel downstream as water flows over it. Anchor ice fills pools within the river, causing problems for fish.

Amy also provided information about record low and high flows in the Basin. In 2018 the third highest average flow was recorded on the main stem at Trenton; higher flows were seen only in 2003 and 2011. When in 2011 the Upper Basin experienced the second highest average flow

recorded, the lack of main stem flooding was notable, and is attributed to the rain falling in multiple steady events rather than in deluges such as those of 2006.

The three lowest main stem flows occurred in 1963, 1965 and 1966; however, the salt front migrated farthest upstream in 1964, a year that is not among those with record low main stem flows. A relatively short-lived “mini” drought during 2016 resulted in the seventh lowest annual average flow at Trenton.

The lowest average main stem flows at Philadelphia during 1965-1966 were not the worst for the Schuylkill River; that low flow record occurred in 1941. During the 2016 “mini” drought, the Schuylkill experienced its fourteenth lowest flow. The highest average annual flow on the Schuylkill took place in 2018, when there was also flooding in the Schuylkill River Basin. In 2006 and again in 2011 Blue Marsh Reservoir spilled.

In the Upper Basin, as of March 11, Pepacton Reservoir contained 130.0 bg usable or 93.3 percent of usable storage; Cannonsville contained 85.1 bg usable, or 91.1 percent of usable storage. Neversink contained 34.3 bg usable or 98.8 percent of usable storage. The total New York City Delaware Basin reservoir storage was 249.4 bg usable or 93.3 percent of usable storage.

During the month of February, the location of the seven-day average of the 250-parts-per million (ppm) isochlor, also known as the “salt front,” fluctuated between River Mile (RM) 76 early in the month to downstream of RM 67 as of March 11. Above-average rainfall increased freshwater inflow into the Delaware Estuary, resulting in the downstream movement of the salt front. The normal location of the salt front during February is RM 70, which is 8.83 miles downstream of the Delaware-Pennsylvania state line.

As of March 11, the salt front continued to be located downstream of RM 67. The normal location of the salt front during March is RM 70.

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

- *Partnership for the Delaware Estuary (PDE).* During February, Mr. Tambini joined DRBC’s colleagues and partners at the Partnership for the Delaware Estuary to kick off the implementation of the revised Comprehensive Conservation and Management Plan for the Delaware River Estuary (the “CCMP”). The revised CCMP includes a new set of goals and strategies for clean water, strong communities and healthy habitats in the Estuary and areas that flow to the Estuary. It is the product of a collaborative three-year effort that engaged hundreds of local partners, including many stakeholders and experts throughout the Basin. Among the experts who participated were DRBC scientists, planners and engineers, who authored most of the clean water plan. Steve thanked PDE, its staff and the DRBC staff for completing the CCMP and assured the audience that work on the implementation of many of the clean water activities has already begun. To learn more about the CCMP, visit the website of the DRBC or the PDE.
- *DRBC Budget.* Mr. Tambini thanked Delaware Governor John Carney and Pennsylvania Governor Tom Wolf for including in the fiscal year 2020 budget advanced by each to his state legislature, the state’s full fair share of funding for the DRBC. He noted that the

governors' budgets must go through the legislative processes of the respective states, and that staff will continue to support the Commissioners in securing full funding for the Commission. At present, approximately 40 percent of DRBC's funding comes from the four state members.

- *DRBC Winter 2018 Photo Contest.* The photograph entitled "Polar Vortex Beauty," by Bridget Davis from Deposit, New York was selected as the winner of the Commission's 2018 Winter Photo Contest. Enjoy Bridget's winning photograph on the DRBC website and consider entering DRBC's next seasonal photo contest.
- *Honoring Jennifer Adkins on the Occasion of Her Farewell.* Jennifer Adkins, who served as Executive Director of the Partnership for the Delaware Estuary for approximately 13 years, will be stepping down at the end of March. The Commission recognizes Jen's service with the following ceremonial resolution:

#### RESOLUTION

A RESOLUTION honoring Jennifer Adkins for her service to the Partnership for the Delaware Estuary and the Delaware River Basin.

WHEREAS, in 1988, the governors of Delaware, New Jersey and Pennsylvania created the Delaware Estuary Program (DELEP) for inclusion in the National Estuary Program established by the Clean Water Act amendments of 1987; and

WHEREAS, the Partnership for the Delaware Estuary (PDE) was established in 1996 as a non-profit organization to serve as DELEP's education, science, outreach, and fundraising organization; and

WHEREAS, for more than 20 years, PDE has worked to bring together businesses and industries, local and state governments, other NGOs and private citizens to restore and protect the Delaware Estuary and Bay through science, collaboration, innovation, and strategic investment; and

WHEREAS, as an active member of DELEP, the Delaware River Basin Commission collaborates with PDE and other partners to protect water resources, improve water quality and provide holistic, science-based water management in the Delaware Estuary and Bay; and

WHEREAS, since 2004 PDE has served as lead partner of DELEP, which is responsible for implementation of the Comprehensive Conservation and Management Plan (CCMP) for the Delaware Estuary and Bay; and

WHEREAS, Jen Adkins has served as the Executive Director of the Partnership for the Delaware Estuary since 2007; and

WHEREAS, before Jen led PDE, she supported water resource improvements in the Delaware River Basin through conservation planning with the Schuylkill Action Network, Nature Conservancy of Delaware, Land Trust Alliance, and Brandywine Conservancy; and

WHEREAS, through Jen's vision, knowledge and leadership, PDE has achieved outstanding successes, including development of the Revised CCMP, issued in 2019 after a 3-year stakeholder process, development of the Aquatic Research and Restoration Center and Mussel Hatchery at the Fairmount Water Works, and launch of the Mussels for Clean Water Initiative at Bartram's Gardens in Philadelphia, as well as a multitude of habitat restoration projects; and

WHEREAS, Jen has masterfully navigated the complexities of the Estuary and its diverse partners to meet the goals of the CCMP; and as sure as the tide, she has advanced the PDE mission of connecting people, science, and nature for a healthy Delaware River and Bay; and

WHEREAS, Jen will be stepping down as PDE's Executive Director effective March 31, 2019 and moving on to new challenges; now, therefore,

BE IT RESOLVED that the Commissioners and DRBC staff extend their sincere thanks to Jennifer Adkins for her dedication to the Delaware River Estuary while leading PDE and for her multiple contributions to the Delaware River Basin throughout her career. We thank her for her support and friendship and wish her good health and much happiness in the years ahead.

Mr. Tambini noted that Jennifer could not be present to accept the resolution. However, he assured the Commissioners that if they approved it, she would receive it.

Ms. Putnam requested a motion to approve the resolution as presented by Mr. Tambini. Mr. Kosinski so moved, LTC Dahle seconded his motion, and with no further comment, the Resolution honoring Jennifer Adkins for her service to the Partnership for the Delaware Estuary and the Delaware River Basin was unanimously approved.

- *Retirement of Dr. Kenneth F. Najjar.* Mr. Tambini announced that Dr. Najjar would be retiring from the DRBC at the end of March, and the Commission wished to honor his service with the following resolution:

#### RESOLUTION

A RESOLUTION honoring Kenneth F. Najjar for his outstanding contributions to managing and protecting the water resources of the Delaware River Basin over the course of his distinguished engineering career.

WHEREAS, in March of 2002, after 24 years of consulting as a principal, manager and project engineer within the Basin, Ken brought his talents to the Delaware River Basin Commission as its Planning and Information Technology Branch head and later as its Director of Water Resources Management; and

WHEREAS, during his 17-year career at the DRBC, Ken led or helped to advance multiple initiatives, including development of the annual Water Resources Program, improvements to DRBC's information technology and network capabilities, management of federal, state and non-governmental grants and contracts; coordination of watershed management plans; and the design and

construction of two projects that better aligned the Commission's headquarters facility with DRBC's mission – a stormwater retrofit and the Ruth Patrick River Garden; and

WHEREAS, Ken led the development and publication of DRBC's State of the Basin reports in 2008 and 2013 and its soon-to-be-released 2019 report; helped to develop and successfully implement the Commission's Water Loss Accountability (Water Audit) program launched in 2009; was a key player in the expansion of the DRBC Special Protection Waters program during the period 2005-2008 to include the 76-mile-long reach of the main stem from the Delaware Water Gap to Trenton; and helped to develop DRBC's proposed natural gas development regulations released in 2010 and in 2017; and

WHEREAS, throughout his career, including during his tenure with DRBC, Ken helped educate the region's future engineers and scientists by teaching practical and theoretical aspects of environmental science and engineering at Villanova, Penn, Temple, Rutgers, Rider, TCNJ and Mercer County; and

WHEREAS, in collaboration with other DRBC representatives, Ken contributed significantly to the Comprehensive Conservation and Management Plan (CCMP) revision led by the Partnership for the Delaware Estuary and published in 2019; and

WHEREAS, Ken brought leadership and collaboration skills to his work on the DRBC's behalf with the group Common Waters (to protect headwater regions of the Basin), the Christina Basin Clean Water Partnership, Schuylkill Action Network, New Jersey Clean Water Council, New Jersey Water Supply Advisory Council, Delaware Water Supply Coordinating Council, and Upper Delaware Council; and

WHEREAS, Ken's colleagues and collaborators at DRBC and across the Basin community appreciate the leadership, technical expertise, management skills, good judgement, depth of experience, honesty, and integrity that Ken has brought to his working relationships, and above all, recognize the light of his intellect, good humor and big heart;

WHEREAS, Ken will officially retire from the DRBC on April 1, 2019; now, therefore,

BE IT RESOLVED that the Commission members and staff extend their gratitude to Ken Najjar for his dedicated service to the Basin community and the DRBC, and for his friendship. We wish Ken and his wife Mary good health and much happiness as they embark together on a well-deserved retirement.

Mr. Tambini said he would miss Ken and wished him the best.

Dr. Najjar thanked Mr. Tambini. He said the past 17 years had been a great journey that made him feel deeply connected to the DRBC and the Basin, that these connections would always be a part of his life, and that it had been an honor to work on the various projects he had undertaken with the Commissioners, the states and the federal government and a

pleasure to help bring changes and new energy to the basin. Ken added that some of this work was not easy – collaboration can be difficult – but that when everyone works together and pulls together, even though the process may be challenging, the outcome is better for it. Ken said he was glad to have been able to contribute. He thanked the Commissioners for the honor and thanked his colleagues and friends.

Ms. Putnam requested a motion to approve the resolution as presented. Mr. Kosinski so moved, Ms. Atkinson seconded his motion, and without further discussion, the Resolution honoring Dr. Kenneth Najjar for his outstanding contributions to managing and protecting the water resources of the Delaware River Basin over the course of his distinguished engineering career was unanimously approved.

A photograph was taken of Dr. Najjar with the Commissioners and Mr. Tambini.

General Counsel Report. Mr. Warren reported that the Commission continues to have pending in litigation the case *Wayne Land and Mineral Group v. the DRBC*, on which he has reported at previous meetings. He explained that the Delaware Riverkeeper Network and Maya van Rossum are intervening defendants in the matter. The issue in the case is DRBC’s legal authority to review activities that involve natural gas development. Very little had happened in the case since Mr. Warren reported on it at the December meeting. A motion by the DRBC to compel discovery from the plaintiff was pending before the court.

A Resolution to Adopt the Water Resources Program for Fiscal Years 2019-2021. The *Delaware River Basin Compact* provides for the Commission to adopt a water resources program, based upon the Comprehensive Plan, which is to include “a presentation of the quantity and quality of water resources needs of the area to be served for such reasonably foreseeable period as the [C]ommission may determine ....” The Commission annually adopts a Water Resources Program (“Program”) covering a three-year period. The Program generally describes hydrologic conditions, water supply and demand, and water quality and landscape needs, and sets forth a plan for addressing these needs. The Program presented for the Commission’s consideration will guide the fiscal year 2020 annual budget that is currently being prepared. At a duly noticed public hearing on the draft Water Resources Program conducted on February 13, 2019, the Delaware Riverkeeper Network (“DRN”) offered verbal comments on the subjects of hydraulic fracturing, PFAS compounds, infrastructure and energy, and climate change. DRN’s comments are paraphrased, and staff’s responses to each provided below:

*Hydraulic fracturing.*

COMMENT – The Delaware Riverkeeper Network (DRN) recognizes that the Commission’s rulemaking on hydraulic fracturing is ongoing but has asked that DRBC move forward to get the regulations completed and to establish a complete ban on hydraulic fracturing in the Basin in the near future, in accordance with Governor Murphy’s letter supporting a full ban.

RESPONSE – The regulations on hydraulic fracturing were proposed on November 30, 2017, and a thorough review of the comments received, including the development of a comment and response document, is ongoing. When this process is complete, the Commission will adopt final rules, including any modifications to the proposed rules, at a duly noticed business meeting.

Any modifications of the proposed rules will be described in the comment and response document.

*PFAS compounds.*

COMMENT – DRN commented that PFAS was detected in drinking water wells and surface waters of the Basin and was also found in fish tissue. New Jersey has found PFAS in various locations within that state and is developing new fish consumption advisories for PFAS. The DRN supports the review underway by DRBC’s Toxics Advisory Committee (TAC) on PFAS and seventy other toxic compounds.

RESPONSE – The Commission with the assistance and guidance of its Toxics Advisory Committee, will continue to monitor and assess PFAS and other toxic compounds and will closely follow the regulatory responses that are currently underway by the U.S. EPA, New Jersey and the other states with respect to the contamination of water resources by PFAS. The DRBC staff will continue to work with those agencies regarding regulatory management of PFAS and other toxics.

*Infrastructure and energy.*

COMMENT – The DRN requested that the Commission exercise its full authority in its review of pipeline and natural gas and electric transmission line projects to protect the watershed from impacts associated with such projects.

RESPONSE – The DRBC will continue to review and evaluate linear infrastructure and energy projects that meet the Commission’s regulatory thresholds and will continue to exercise the authority granted it by the Compact and implementing regulations.

*Climate change.*

COMMENT – DRN commented that climate change may be affecting water quantity and water quality, flows, habitats and species, and that DRBC should aggressively address climate change by requiring permit applicants to assess the potential climate effects of their projects and by including docket conditions to address such effects.

RESPONSE – DRBC is actively examining the potential impacts to water resources from a changing climate and studying those impacts in the management of water supply, water quality, flows and habitats. As the Commission learns more about such potential impacts of climate change, the staff will develop and recommend appropriate management and planning strategies.

Dr. Najjar recommended that the Commissioners approve the Water Resources Program for Fiscal Years 2019-2021, including the activities, programs, initiatives, projections and proposals set forth therein, in satisfaction of Section 3.2(b) of the Compact.

Ms. Putnam requested a motion to approve the draft resolution for adoption of the Water Resources Program as proposed. Mr. Ashby so moved, Ms. Atkinson seconded his motion, and without further discussion, Resolution No. 2019-1, adopting the Water Resources Program for Fiscal Years 2019-2021, was unanimously approved.



A Resolution to Reauthorize the Monitoring Advisory and Coordination Committee (MACC). The MACC has provided valuable guidance and assistance to the Commission in the design and implementation of multiple monitoring programs and constitutes a unique forum for coordinating monitoring activities among the basin states and other partners. The proposed resolution provides for the continuation of the MACC for the next eight years, through 2027; the MACC will otherwise expire in June 2019. During a duly noticed public hearing on the draft resolution and other matters on February 13, 2019, one commenter spoke on the draft resolution, offering support for continuation of the MACC. Dr. Namsoo Suk, DRBC's Director of Science and Water Quality Management, recommended that the resolution to continue the MACC be adopted without modification.

Ms. Putnam requested a motion to approve the resolution as presented. Mr. Kosinski so moved, LTC Dahle seconded his motion, and in the absence of further discussion, Resolution No. 2019-2 reauthorizing the Monitoring Advisory and Coordination Committee was approved by unanimous vote.

A Resolution to Continue the Water Quality Advisory Committee (WQAC). The WQAC provides the Commission with guidance and recommendations concerning technical and policy aspects of pollution prevention, control and abatement of conventional pollutants within the Basin. The most recent authorization of the WQAC expired in January 2019. The proposed resolution would reauthorize the WQAC for the next eight years. At a duly noticed public hearing on this and other matters on February 13, 2019 one commenter spoke on the draft resolution, offering support for re-authorization of the WQAC. Dr. Suk recommended that the resolution to re-authorize the WQAC be adopted as proposed.

Ms. Putnam requested a motion to approve the resolution as presented. Mr. Kosinski so moved, Mr. Ashby seconded his motion, and without further discussion, Resolution No. 2019-3 continuing the Water Quality Advisory Committee was approved by unanimous vote.

A Resolution for the Minutes Authorizing the Executive Director to Enter into a Feasibility Cost Sharing Agreement (FCSA) with the United States Army Corps of Engineers, Philadelphia District to Fund a Scoping Study for the F.E. Walter Dam Reevaluation Study. The Francis E. Walter Dam and Reservoir ("F.E. Walter") was constructed in 1961 as a 36 billion gallon (bg) reservoir authorized for the single purpose of flood control. The Water Resources Development Act (WRDA) of 1988 added recreation as a second authorized purpose for the project. *See* P.L. 100-676 § 6 (November 17, 1988). The Commission's original Comprehensive Plan included the expansion of F.E. Walter as a potential project for increasing water storage in the Basin. Pursuant to the Water Resources Reform and Development Act of 2014 (WRRDA), DRBC submitted a proposal to the U.S. Army Corps of Engineers (the "Corps") for a study on optimizing federal reservoir storage in the Basin, including by possibly modifying F.E. Walter. Also pursuant to WRRDA 2014, the Pennsylvania Fish & Boat Commission submitted a proposal to study potential modifications to the F.E. Walter tower so that releases of water at different depths and temperatures could be made, thereby improving downstream fisheries. As a result of interest in basin reservoirs and in F.E. Walter in particular, the Corps performed an Initial Appraisal Report and concluded that a formal investigation was required to determine the feasibility of once again changing the authorized purposes of the reservoir, modifying it to better meet flood control objectives, and satisfying demands for other uses of the reservoir storage. One requirement for any project is that it cannot

impair the flood control or recreational purposes of the reservoir. Late in 2018, the Corps' Philadelphia District received an appropriation of \$1.5 million to perform the F.E. Walter Dam Reevaluation Study, provided that a local (non-federal) sponsor provides a cash and/or in-kind match equal to half the study cost. Considering the varied nature of the use reevaluation requests and the Commission's neutral and central role in managing the basin's water resources, the Commission is the most appropriate entity to coordinate the study with the Corps. At least one other entity has also expressed interest in serving as the non-federal sponsor.

The proposed resolution would authorize the Executive Director on behalf of the Commission to (a) enter into a non-federal cost-sharing agreement as the sole or co-non-federal sponsor of the study; (b) agree to contribute the sum of \$25,000 in cash to develop a project management plan and outline the scope of the study; (c) solicit additional funding from other interested parties to complete the study; and (d) assign staff to the project, solicit and coordinate input from member states, and prepare a recommendation regarding whether or not to approve the project management plan. Ms. Shallcross asked the Commissioners to give the resolution their favorable consideration.

Ms. Putnam requested a motion to approve the resolution as presented. Ms. Atkinson so moved, Mr. Ashby seconded her motion, and without further discussion, the Resolution for the Minutes authorizing the Executive Director to enter into a Feasibility Cost Sharing Agreement with the U.S. Army Corps of Engineers, Philadelphia District to fund a scoping study for the F.E. Walter Dam Reevaluation Study 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 a Feasibility Cost Sharing Agreement with the United States Army Corps of Engineers, Philadelphia District to fund a scoping study for the F.E. Walter Dam Reevaluation Study.

WHEREAS, the F.E. Walter Reservoir and Dam ("F.E. Walter"), owned by the federal government and operated by the United States Army of Corps of Engineers ("Corps"), Philadelphia District ("District"), was built in 1961 for the single purpose of flood risk management; and

WHEREAS, Congress in 1988 authorized F.E. Walter for the additional purpose of recreation; and historically, the project also has been used to store water during drought periods at the request of the DRBC, consistent with the Commission's Water Code and Comprehensive Plan; and

WHEREAS, since 2005 the Corps has coordinated with the DRBC, Pennsylvania Fish and Boat Commission (PFBC), Pennsylvania Department of Conservation and Natural Resources, and other stakeholders to develop a comprehensive understanding of the issues associated with changes in conditions and water resource priorities that have occurred since F.E. Walter's construction; and

WHEREAS, pursuant to Section 7001 of the Water Resources Reform and Development Act (WRRDA), the DRBC in 2014 submitted a proposal to the Corps for a study to optimize storage in the various federal reservoirs in the Delaware Basin to meet

and balance current and future needs, including flow management, low flow augmentation, water supply, flood loss reduction, drought management, salinity control, recreation, and aquatic life support (*see* Attachment A); and

WHEREAS, also in 2014 pursuant to Section 7001 of WRRDA, the Pennsylvania Fish and Boat Commission submitted a proposal requesting that the Corps perform a study of tower modifications and operations plans for F.E. Walter to improve cold water fisheries (*see* Attachment B); and

WHEREAS, the PFBC, Pennsylvania Department of Environmental Protection, New York City Department of Environmental Protection, New York State Department of Environmental Conservation, Delaware Geologic Survey, and New Jersey Department of Environmental Protection all have expressed interest in optimizing the use of water resources associated with the F.E. Walter Reservoir and Dam; and

WHEREAS, an Initial Appraisal Report by the District, approved in 2015 by the Corps' North Atlantic Division, determined that formal investigations are required to examine the feasibility of changing the congressionally authorized purpose of the project and/or modifying the dam to better meet flood control objectives now and in the future and to better satisfy demands for in-lake and downstream recreational use, as well as for water quality, water supply, and environmental sustainability; and

WHEREAS, the District requested and received a congressional appropriation in the amount of \$1,500,000 for the "F.E. Walter Dam Reevaluation Study, PA" ("Reevaluation Study") in its FY2019 Work Plan (*see* Attachment C); and

WHEREAS, pursuant to Section 3.8, Article 5 and Article 11 of the Delaware River Basin Compact and regulations implementing the Compact, improvements, modifications, expansion, or any other changes or additions to the F.E. Walter Reservoir and Dam that may have a substantial effect on the water resources of the Delaware River Basin require the Commission's review and approval to ensure that these changes do not impair or conflict with the Commission's Comprehensive Plan, and/or to add such changes or additions to the Comprehensive Plan; and

WHEREAS, the Reevaluation Study is to be conducted pursuant to a Feasibility Cost Sharing Agreement ("FCSA"), under which 50 percent of the expense is to be provided in the form of matching funds and/or in-kind services by the non-federal sponsor; and

WHEREAS, the Commission has expressed its willingness to serve as the non-federal sponsor for the Reevaluation Study, subject to Commission approval (*see* Attachment D); and

WHEREAS, the Commission is the most appropriate entity to coordinate with the Corps as the non-federal sponsor, considering the varied nature of the use reevaluation requests and due to the Commission's neutral and central role in the management of the Basin's water resources; and

WHEREAS, an initial contribution of \$25,000 (cash) by the non-federal sponsor is required to develop a project management plan (PMP) for the Reevaluation Study; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that:

1. The Executive Director is authorized and directed to:
  - a. Execute a Feasibility Cost Sharing Agreement (“FCSA”) with the Corps as the non-federal sponsor or co-non-federal sponsor, to provide for development of the scope and PMP (collectively, “PMP”) for the Reevaluation Study described above. A model FCSA is provided as Attachment E.
  - b. Commit the sum of no more than \$25,000 from the Commission’s Water Supply Storage Facilities Fund as the non-federal share for the development of a PMP for the Reevaluation Study;
  - c. Seek non-federal funding and in-kind support for the PMP and Reevaluation Study from interested parties, including but not limited to the Commission’s state members and New York City in its capacity as a party to the 1954 Supreme Court Decree;
  - d. Assign DRBC staff to work with the District and others to prepare a PMP for the Reevaluation Study;
  - e. Solicit scoping comments from the Commission’s member state agencies, including with respect to operational and capital improvements for other Corps reservoirs that the Commission has designated in the Comprehensive Plan and Water Code, including Prompton, Blue Marsh and Beltzville; and
  - f. Upon completion of the PMP, prepare a recommendation to the Commission for approval, conditional approval or disapproval of the PMP, and in the event of approval or conditional approval, obtain the Commission’s direction by means of a duly adopted Resolution regarding next steps concerning the Reevaluation Study and the FCSA.
2. This resolution shall take effect immediately.

A Resolution for the Minutes Authorizing the Executive Director to Accept a Grant from the William Penn Foundation to Support DRBC’s Development and Dissemination of a State of the Basin Report and an Accompanying Public Education Campaign. Mr. Eschbach explained that in 2004 the Commissioners directed the DRBC staff to compile an environmental goals and indicators report every five years. This report has become known as the State of the Basin Report. Since 2008, the Commission has produced such reports, but it has never had the resources to use the State of the Basin program as a vehicle for communicating basin needs, resources and policies to the Basin community or for promoting sound practices of watershed management as Articles 3 and 7 of the DRBC Compact direct. In 2018, the Commission submitted a proposal to the William Penn Foundation seeking support for production of the current State of the Basin Report as well as for an accompanying outreach campaign that ensures audiences receive the report’s key messages related to improving water quality, the importance of water conservation, and the need for continued stewardship of the Basin’s water resources. In part, the outreach campaign would use the DRBC’s State of the Basin Report as the foundation for a comprehensive, crowd-sourced evaluation of the Basin with input from a broad range of entities. In February 2019, the William Penn Foundation

approved the grant request in the amount of \$530,000. The proposed resolution authorizes the Executive Director to accept that grant. It also expressly authorizes the Executive Director to enter into subcontracts supported by the grant proceeds for the professional services necessary to conduct the program's scope of work. The resolution notes that in accordance with Section 14.9 of the Compact, competitive bidding is not required for the procurement of professional services from entities such as those listed in the resolution's attachment.

Ms. Putnam requested a motion to approve the resolution as presented. Mr. Kosinski so moved, Ms. Atkinson seconded his motion, and without further discussion, the Resolution for the Minutes authorizing the Executive Director to accept a grant from the William Penn Foundation to support DRBC's development and dissemination of a State of the Basin Report and an accompanying public education campaign 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 accept a grant from the William Penn Foundation to support DRBC's development of a State of Our Basin Outreach project and an accompanying public education campaign.

WHEREAS, the *Delaware River Basin Compact* provides that the Commission shall among other things, "promote uniform and coordinated policies for water conservation, control, use and management in the basin" (Art. 3, Sec. 3.1 – Purpose and Policy); that it shall "promote and aid the coordination of activities and programs" (Art. 3, Sec. 3.9 – Coordination and Cooperation); and that it shall "promote sound practices of watershed management in the basin, including projects and facilities to retard runoff and waterflow and prevent soil erosion" (Art. 7, Sec 7.1 – Watersheds Generally); and

WHEREAS, upon publication of a "Water Resources Plan for the Delaware River Basin" ("Basin Plan") in 2004, the Commissioners directed "the DRBC staff, in coordination with state and federal agencies, to compile an environmental goals and indicators report every five years, with the first report to be issued in 2006, to define the state of the Basin and describe progress towards achieving the desired results of the Basin Plan"; and

WHEREAS, DRBC published the first "State of the Delaware Basin Report" in December 2008 and subsequently published "Technical Reports" for the Delaware Estuary and Basin in 2012 and 2017, but its efforts to use these documents as springboards for public outreach and education were constrained by limited resources; and

WHEREAS, the Commission hereby reaffirms the importance of public engagement in the continued sound management of the Basin's shared water resources; and

WHEREAS, the Commission is in the process of preparing the State of the Basin Technical Report, the completion of which is not contingent upon a grant award; and

WHEREAS, one of the key focus areas for grantmaking by the William Penn Foundation is the protection of the Delaware River Watershed; and

WHEREAS, on October 31, 2018, the Commission submitted a proposal to the Foundation to support the production and distribution of a State of the Basin report prepared by the Commission staff, targeting both technical and lay audiences, and for the design and execution of an accompanying outreach campaign to ensure that these audiences receive key messages around improving water quality, the importance of water conservation, and the need for continued stewardship of the water resources of the Delaware River Basin; and

WHEREAS, DRBC's proposal also included a request for funds to support a more comprehensive "State of Our Basin" crowdsourcing project that will provide an opportunity for input by a broad range of entities with an interest in the Basin; and

WHEREAS, the Commission's application provided that any grant would be subject to the condition that "the Commission's science, analyses, evaluations, results, and messages regarding the DRBC State of the Basin Report shall be determined solely by the Commission"; and

WHEREAS, on February 7, 2019, the Foundation advised the Executive Director that it wished to make a grant in the amount of \$530,000 to the Delaware River Basin Commission for the purposes described above; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that:

1. The Executive Director is authorized to accept the grant awarded to DRBC by the William Penn Foundation for the purposes of producing and distributing a State of the Basin report and for conducting the crowdsourcing State of Our Basin project and public outreach campaigns described herein.
2. In addition to executing a grant agreement with the William Penn Foundation in accordance with the above, to complete the scope of work to be undertaken with the grant proceeds the Executive Director is hereby authorized to enter into such sub-contracts for grant-funded professional services and/or such agreements or arrangements as the Executive Director deems necessary and appropriate with any or all of the entities listed in the Attachment hereto, which have worked with the Commission to develop elements of this grant-funded project.
3. In accordance with Section 14.9 of the *Delaware River Basin Compact*, the competitive bidding requirement does not apply to purchases from or agreements with an agency or political subdivision of the federal or any state government, or to services of a specialized or professional nature such as those listed in the Attachment.

Project Review Applications. Mr. Kovach reported that 26 draft dockets had been the subjects of a duly noticed public hearing on February 13, 2019 and a written comment period that closed on February 19. No substantive comments were submitted. Mr. Kovach recommended that the Commissioners approve the 26 dockets identified as hearing items 1 through 26, as proposed.

Ms. Putnam thanked Mr. Kovach and requested a motion to approve the 26 dockets that had been subjects of a public hearing in February. Mr. Ashby so moved, LTC Dahle seconded his motion,

and without further comment, the draft dockets comprising hearing items 1 through 26 on February 13, 2019 were approved by unanimous vote.

Mr. Kovach next presented draft docket D-1969-066 CP-4 for the Bristol Borough Water and Sewer Authority, which had been the subject of a duly noticed public hearing on November 14, 2018 and a written comment period that closed on November 19, 2018. The Commission had postponed consideration of the docket to allow additional time for its review.

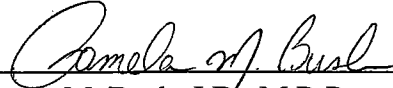
Comments on the draft docket submitted by the Delaware Riverkeeper Network (DRN) included a request that the discharger be required to perform effluent monitoring for PFOA and PFOS and that effluent limits of between one and six parts per trillion for these contaminants be added to the docket. DRN noted that both PFOA and PFOS had been detected in the water supply serving Bristol Borough and Bristol Township. A comment and response document prepared by staff in consultation with the Commissioners explains that although DRBC recognizes the importance of the contaminants, DRBC does not support the imposition of monitoring requirements and effluent limits in a piecemeal way, without first establishing how such conditions will be applied consistently and how they may complement other measures being taken by the Commission's member states and the federal government to address PFOA and PFOS contamination. State agencies are evaluating possible surface water quality criteria for these contaminants, but no criteria have yet been developed or promulgated. Mr. Kovach recommended that the Commissioners approve Docket D-1969-066 CP-4 for the Bristol Borough Water and Sewer Authority without additional monitoring conditions.

Ms. Putnam thanked Mr. Kovach and requested a motion to approve the draft docket for Bristol Borough Water and Sewer Authority that had been the subject of a public hearing on November 14, 2018. Mr. Kosinski so moved, Ms. Atkinson seconded his motion, and without further discussion, docket D-1969-066 CP-4 for the Bristol Borough Water and Sewer Authority was approved by unanimous vote.

Adjournment. Ms. Putnam asked the Commissioners and staff whether any other matters required the Commissioners' consideration that day. Hearing none, she requested a motion to adjourn the business meeting. Mr. Kosinski so moved, LTC Dahle seconded his motion, and the meeting was closed by unanimous vote.

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

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



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Pamela M. Bush, J.D., M.R.P.

Commission Secretary and Assistant General Counsel



## ATTACHMENT

### DESCRIPTIONS OF PROJECTS APPROVED BY THE COMMISSION DURING THE BUSINESS MEETING OF MARCH 13, 2019

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

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

The projects are customarily considered in three categories – *Category A* – project renewals with no substantive changes; *Category B* – project renewals with substantive changes; and *Category C* – projects not previously reviewed by the Commission. Twenty-six of the 27 projects approved by the Commission on March 13, 2019 were subjects of a duly noticed public hearing on February 13, 2019. The 27<sup>th</sup> project was the subject of a public hearing on November 14, 2018. Descriptions of the projects (based on the applications received, which may vary from final projects) for which the Commission issued approvals on March 13 are presented below.

*Renewals with No Substantive Changes (hearing items 1 through 19 and 27).*

1. GEO Specialty Chemicals, Inc., D-1965-122-2. An application to renew the approval to continue to withdraw up to 139.5 million gallons per month (mgm) of water from eight existing wells for non-contact cooling, industrial processes and potable use at the docket

holder's existing chemical manufacturing facility. The project wells are completed in the Epler and Ontelaunee formations in the Lower Jordan Creek Watershed 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 South Whitehall Township, Lehigh County, Pennsylvania.

2. Brookhaven Borough, D-1966-096 CP-5. An application to renew the approval of the existing 0.192 million gallons per day (mgd) Brookhaven Borough Wastewater Treatment Plant (WWTP) and its discharge. The WWTP will continue to discharge to Chester Creek at River Mile 82.93 - 4.3 (Delaware River - Chester Creek) in Brookhaven Borough, Delaware County, Pennsylvania.
3. Melody Lakes Management, LLC, D-1980-079 CP-6. An application to renew the approval of the applicant's existing 0.072 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) of Tohickon Creek upstream of Lake Nockamixon, at River Mile 157.0 - 11.8 - 6.4 - 9.1 - 0.1 (Delaware River - Tohickon Creek - Lake Nockamixon - Tohickon Creek - UNT Tohickon Creek) 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 Richland Township, Bucks County, Pennsylvania.
4. Kimberly-Clark Corporation, D-1984-053-3. An application to renew the approval of the discharge of up to 0.1 mgd of non-contact cooling water (NCCW) and up to 2.0 mgd of filter backwash and reverse osmosis water overflow (on an emergency basis) from the Kimberly-Clark Chester Facility. The facility will continue to discharge directly to Delaware River Water Quality Zone 4 at River Mile 82.8, in the City of Chester, Delaware County, Pennsylvania.
5. Brightsmith, LLC, D-1985-059-3. An application to renew the approval of the existing 0.05 mgd Brightsmith Industrial Wastewater Treatment Plant (IWTP) and its discharge of treated industrial wastewater and non-contact-cooling water (NCCW). The application also requests to renew approval of a Total Dissolved Solids (TDS) Determination of 2,500 milligrams/liter (mg/l) average monthly effluent concentration. The IWTP will continue to discharge to a stormwater ditch which discharges to Biles Creek, which is a tidal tributary of Delaware River Water Quality Zone 2 at River Mile 130.3 - 1.9 (Delaware River - UNT Biles Creek) in Falls Township, Bucks County, Pennsylvania.
6. Eagle Lake Community Association, Inc., D-1987-055-4. An application to renew the approval of the existing 0.5 mgd Eagle Lake Community WWTP and its discharge. The WWTP will continue to discharge treated effluent to an UNT of Tamarack Creek at River Mile 183.7 - 106.6 - 2.9 - 0.3 (Delaware River - Lehigh River - Tamarack Creek - UNT Tamarack Creek), via Outfall No. 001, located within the drainage area of the section of the non-tidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Covington Township, Lackawanna County, Pennsylvania.

7. Delaware City Refining Company, LLC, D-1993-004-7. An application to renew the approval of an existing groundwater withdrawal of up to 186 mgm and a surface water withdrawal of up to 452 mgd to supply the applicant's Delaware City refinery and electric generating station from nine wells and surface water intakes on the Delaware River, Red Lion Creek and Dragon Run. The Delaware River intake is limited to a 303-mgd average over a year period. The requested allocation is not an increase from the previous allocation. The project's existing groundwater withdrawals and surface water withdrawals from the Red Lion Creek and Dragon Run intakes are approved by the Delaware Department of Natural Resources and Environmental Control (DNREC) and will continue to be regulated in accordance with the Administrative Agreement (AA) entered on July 2010 and modified on May 8, 2013 by the Commission and the State of Delaware. The project wells are completed in the Upper, Middle and Lower Potomac formations. The project is in Delaware River Water Quality Zone 5, C&D Canal East, Dragon Run and Red Lion Creek watersheds in Delaware City, New Castle County, Delaware.
8. NRG REMA, LLC, D-1993-060-2. An application to renew the approval of a surface water withdrawal of up to 67.1 mgm from the Delaware River and a consumptive use of up to 12.8 mgm for industrial purposes at the existing Portland Generating Station. The requested total allocation is a reduction from the previously approved allocation of 9,580 million gallons per 30 days (mg/30 days) due to deactivation of two coal-fired units and the associated non-contact cooling requirements. The consumptive use is an increase from the previously approved consumptive use of 3.3 mg/30 days to allow flexibility to operate the facility continuously at full load. The existing withdrawal is in Zone 1-D within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Upper Mount Bethel Township, Northampton County, Pennsylvania.
9. Georgetown Town, D-1994-037 CP-3. An application to renew the approval of an existing export project of up to 1.15 mgd to the Atlantic Basin from existing Wells Nos. 1, 1A and 2R located in the Delaware River Basin to supply water to the applicant's public water supply distribution system. The applicant also requests to renew the approval to withdraw up to 43.2 mgm of groundwater from three groundwater sources. The requested allocation is not an increase from the previous allocation. The project's existing groundwater withdrawals are approved by DNREC and will continue to be regulated by DNREC in accordance with the AA between the Commission and the State of Delaware. The wells are in the Broadkill River Watershed in the Town of Georgetown, Sussex County, Delaware.
10. Lehigh Township Municipal Authority, D-1994-053 CP-3. An application to renew the existing 0.3 mgd Danielsville WWTP and its related discharge. The WWTP will continue to discharge treated effluent to Bertsch Creek at River Mile 183.7 - 31.0 - 4.2 (Delaware River - Lehigh River - Bertsch Creek) via Outfall No. 001, located within the drainage area of the section of the non-tidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Lehigh Township, Northampton County, Pennsylvania.

11. Lehigh Township Municipal Authority, D-1994-054 CP-3. An application to renew the approval of the existing 0.06 mgd Pennsville WWTP and its related discharge. Treated effluent will continue to discharge to Indian Creek at River Mile 183.7 - 22.6 - 4.2 - 2.1 (Delaware River - Lehigh River - Hokendauqua Creek - Indian Creek), via Outfall No. 001, within the drainage area of the section of the non-tidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Lehigh Township, Northampton County, Pennsylvania.
12. Richland Township Water Authority, D-1996-044 CP-4. An application to renew the approval of an existing groundwater withdrawal of up to 46.55 mgm to supply the applicant's public water supply distribution system from existing Wells Nos. RC-1, RTW-1, RTW-2, WB-2, WB-3 and QCS-1. The approval will also remove Wells Nos. ML-2, ML-3 and ML-4 from the docket. The project wells are completed in the Brunswick Formation. The requested allocation is not an increase from the previous approval. The project is in the Tohickon Creek Watershed in Richland Township, Bucks County, Pennsylvania, within the drainage area of the section of the non-tidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.
13. Central Carbon Municipal Authority, D-1999-048 CP-3. An application to renew the approval of the existing 1.6 mgd Central Carbon Municipal Authority WWTP and its related discharge. The existing WWTP will continue to discharge treated effluent to the Lehigh River at River Mile 183.7 - 42.3 (Delaware River - Lehigh River), via Outfall No. 001, within the drainage area of the section of the non-tidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Mahoning Township, Carbon County, Pennsylvania.
14. Westfall Township Municipal Authority, D-2002-023 CP-6. An application to renew the approval of the existing 0.374 mgd Westfall Township Municipal Authority WWTP and its discharge. The WWTP will continue to discharge treated effluent directly to the section of the non-tidal Delaware River known as the Middle Delaware, in Water Quality Zone 1C at River Mile 252.5, via Outfall No. 001, which the Commission has classified as Special Protection Waters, in Westfall Township, Pike County, Pennsylvania.
15. Maxatawny Township Municipal Authority, D-2007-001 CP-3. An application to renew the approval of the existing 0.14 mgd Maxatawny WWTP and its discharge. The WWTP will continue to discharge to Sacony Creek at River Mile 92.5 - 86.2 - 2.9 - 5.4 - 2.1 - 6.6 (Delaware River - Schuylkill River - Maiden Creek - Lake Ontelaunee - Maiden Creek - Sacony Creek) in Maxatawny Township, Berks County, Pennsylvania.
16. UMH Properties, Inc., D-2007-022 CP-2. An application to include this project into the DRBC Comprehensive Plan. The application also requests approval of a withdrawal of up to 6.0 mgm of groundwater from Wells Nos. 1 and 2 which are located within the Delaware River Basin. The project's existing groundwater withdrawals are approved by the New Jersey Department of Environmental Protection (NJDEP) and will continue to be regulated by NJDEP in accordance with the Administrative Agreement (AA) between the

Commission and the State of New Jersey. The Fairview Manor Mobile Home Park water supply system and wells are in Vineland City, Cumberland County, New Jersey.

17. UMH Properties, Inc., D-2009-021 CP-3. An application to renew the approval of the existing 0.08325 mgd Highland Estates Mobile Home Park WWTP and its discharge. The WWTP will continue to discharge treated effluent to an UNT of Mill Creek at River Mile 92.5 - 86.2 - 2.9 - 5.4 - 2.1 - 5.6 - 5.1 - 1.0 (Delaware River - Schuylkill River - Maiden Creek - Lake Ontelaunee - Maiden Creek - Sacony Creek - Mill Creek - UNT Mill Creek) in Greenwich Township, Berks County, Pennsylvania.
18. Pocono Plateau Christian Association, D-2013-011 CP-2. An application to renew the approval of the existing 0.015 mgd Pocono Plateau Camp WWTP and its discharge. The WWTP will continue to discharge treated effluent to an UNT of Taylor Creek at River Mile 277.7 - 15.8 - 30.6 - 2.3 - 0.83 (Delaware River - Lackawaxen River - Wallenpaupack Creek - Taylor Creek - UNT Taylor Creek) via Outfall No. 001, within the drainage area of the section of the non-tidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Coolbaugh Township. The WWTP is in Barrett Township. Both townships are in Monroe County, Pennsylvania.
19. Maple Lane Estates c/o PMI, D-2014-004 CP-2. An application to renew the approval of the applicant's existing 0.035 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to Pond Creek at River Mile 183.7 - 66.8 - 1.9 - 5.2 (Delaware River - Lehigh River - Sandy Run - Pond Creek) 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 Foster Township, Luzerne County, Pennsylvania.
27. Bristol Borough Water and Sewer, D-1969-066 CP-4. An application to renew the approval of the applicant's existing 2.7 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to Otter Creek, a tidal tributary of Delaware River Water Quality Zone 2, at River Mile 118.9 - 0.3 (Delaware River - Otter Creek) in Bristol Borough, Bucks County, Pennsylvania.

*B. Renewals with Substantive Changes (hearing items 20 through 23).*

20. Glenn Springs Holdings, Inc., D-1976-017-4. An application to renew the approval of a groundwater withdrawal, treatment and discharge with a decrease in allocation from 15.5 mgm to 9.22 mgm from the docket holder's existing groundwater remediation system. Groundwater is withdrawn from eleven existing recovery wells and one new recovery well all completed in the Brunswick Formation. Groundwater is treated by carbon absorption and air stripping before it is discharged via existing Outfall No. 5 to the Schuylkill River at River Mile 92.47 - 50.9 (Delaware River - Schuylkill River), in Lower Pottsgrove Township, Montgomery County, Pennsylvania. No increase in the previously approved groundwater allocation or treatment capacity is proposed. The groundwater remediation project is located within the Commission's designated Southeastern Pennsylvania Ground Water Protected Area (GWPA) in Lower Pottsgrove Township, Montgomery County, Pennsylvania.

21. Knights Bridge Corporation, D-1990-054-2. An application to approve an upgrade and expansion to the docket holder's existing 0.045 mgd WWTP and its discharge. The proposed upgrade and expansion will consist of increasing the facility's discharge to 0.090 mgd, abandoning the existing treatment facilities, replacing the treatment process with a new Membrane Bioreactor (MBR) system, new headworks facilities, including new grit removal and screening systems, replacing chlorine contact units with ultraviolet (UV) disinfection and appurtenant upgrades. The 0.090 mgd WWTP will continue to discharge to an UNT of Harvey Run at River Mile 70.7 - 1.5 - 14.7 - 2.0 - 0.9 (Delaware River - Christina River - Brandywine Creek - Harvey Run - UNT Harvey Run), via existing Outfall No. 001, within the drainage area of Delaware River Zone C7, in Chadds Ford Township, Delaware County, Pennsylvania.
  22. Delaware County Regional Water Quality Control Authority - DELCORA, D-1992-018 CP-4. An application to renew and modify the approval of the docket holder's Western Regional WWTP and its discharge including a re-rate of the WWTP from 44 mgd to 50 mgd, which is conditioned upon the construction of a new outfall at the existing WWTP. The proposed outfall construction project and re-rate was approved by DRBC Docket No. D-1992-018 CP-3 on June 15, 2016, however, the project has yet to be constructed. The requested modification to the DRBC approval consists of an increase in the CBOD20 allocation for the WWTP from 10,500 pounds per day (lbs./day) to 13,761 lbs./day (under 44 mgd operation) and to 15,638 lbs./day (under 50 mgd operation). The WWTP will continue to discharge to Delaware River Water Quality Zone 4 at River Mile 80.7 in the City of Chester, Delaware County, Pennsylvania.
  23. Village of Buckingham Springs, D-2009-040 CP-3. An application to renew the approval of the docket holder's existing 0.1 mgd WWTP and its discharge and a modification of a TDS determination increasing the average monthly TDS effluent limit from 1,000 mg/l to 1,500 mg/l. Treated effluent will continue to be discharged to Mill Creek, a tributary of Neshaminy Creek, at River Mile 115.6 - 23.4 - 5.0 (Delaware River - Neshaminy Creek - Mill Creek), in Buckingham Township, Bucks County, Pennsylvania.
- C. *New Projects (projects not previously reviewed by the Commission) (hearing items 24 through 26).*
24. Gessner Products Company, Inc., D-2017-014-1. An application to approve the existing 0.100 mgd Gessner Products Ambler Facility and its discharge. The facility will continue to discharge non-processed NCCW to an UNT of Wissahickon Creek, referred to as Rose Valley Creek, at River Mile 92.47 - 12.6 - 13.8 - 0.5 (Delaware River - Schuylkill River - Wissahickon Creek - UNT Wissahickon Creek/Rose Valley Creek) via Outfall No. 001, in Ambler Borough, Montgomery County, Pennsylvania.
  25. Brookmont Health Care Center, D-2018-004-1. An application to approve the existing 0.040 mgd Brookmont Health Care Center WWTP and its discharge. The WWTP will continue to discharge treated effluent to the Pohopoco Creek at River Mile 183.7 - 41.4 - 26.5 (Delaware River - Lehigh River - Pohopoco Creek), via Outfall No. 001, upstream of the Beltzville Reservoir and 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 Chestnuthill Township, Monroe County, Pennsylvania.

26. Bangor Area School District, D-2018-007 CP-1. An application to approve the existing 0.023 mgd WWTP and its discharge, and to approve an upgrade replacing the existing WWTP with a new WWTP to be constructed adjacent to the existing WWTP. The upgrade consists of a headworks facility with a fine screen, a new extended aeration package plant, a tertiary filter, and a UV light disinfection system. The proposed WWTP will remain designed for 0.023 mgd and will continue to discharge to an UNT of Jacoby Creek, at River Mile 207.5 - 2.3 - 2.4 (Delaware River - Jacoby Creek - UNT Jacoby 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 Upper Mount Bethel Township, Northampton County, Pennsylvania.
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