

DELAWARE RIVER BASIN COMMISSION

MEETING OF JUNE 8, 2022

Minutes

Commissioners Present: Lieutenant Colonel Ramon Brigantti, United States, Chair
Lisa Daniels, Pennsylvania, Vice Chair
Jeffrey L. Hoffman, New Jersey, Second Vice Chair
John Carney, Governor of Delaware
Shawn M. Garvin, Delaware
Kenneth Kosinski, New York

DRBC Staff Participants: Steven J. Tambini, Executive Director
Kenneth J. Warren, DRBC General Counsel
Pamela Bush, Commission Secretary and Assistant General Counsel
Kristen B. Kavanagh, Deputy Executive Director
Elba Deck, Director of Finance and Administration
David Kovach, Manager, Project Review
Amy Shallcross, Manager, Water Resource Operations (virtually)

The meeting was conducted both in-person and remotely. The Commissioners and staff members (unless otherwise noted) met at The Chase Center on the Riverfront, 815 Justison Street, Wilmington, Delaware, in the Dravo Auditorium. Some members of the public attended in person, while others attended via Zoom or observed the proceedings on DRBC's YouTube channel. The meeting agenda was posted on the Commission's website.

Lieutenant Colonel Brigantti called the meeting to order and introduced himself as the commander of the Philadelphia District, U. S. Army Corps of Engineers, and the alternate for Brigadier General Thomas Tickner, the Commission's chair *pro tem*, representing the federal government. LTC Brigantti described the noticed means of attendance and explained that the meeting was being recorded. He explained that although remote attendees would not have access to microphones during the business meeting, during the one-hour open public comment session, the microphone would be enabled for each speaker in turn, and members of the public could also phone in using a number provided on the DRBC website.

The four alternate state commissioners introduced themselves as follows: Shawn Garvin, Secretary, Delaware Department of Natural Resources and Environmental Control (DNREC) and alternate for Governor John Carney; Jeff Hoffman, New Jersey State Geologist, representing Governor Phil Murphy; Ken Kosinski, alternate commissioner for Governor Kathy Hochul of New York; and Lisa Daniels, Acting Deputy Secretary of the Office of Water Programs, Pennsylvania Department of Environmental Protection (PADEP) and alternate for Governor Tom Wolf. DRBC's Executive Director Steve Tambini, General Counsel Ken Warren, and Commission Secretary and Assistant General Counsel Pam Bush also introduced themselves.

LTC Brigantti turned the meeting over to Secretary Garvin to introduce Delaware's forty-seventh governor, John Carney.

Governor Carney thanked Secretary Garvin, LTC Brigantti and the other commissioners. He warmly welcomed everyone to Delaware, "the first state," noting that when Secretary Garvin informed him that the first in-person meeting of DRBC since the start of the pandemic was to take place in the great State of Delaware, he saw this as an opportunity to welcome and thank everyone in person for their great work and to acknowledge the great work of the DRBC.

Governor Carney said he began his long career in public service as a low-level staff assistant for then Senator Joseph R. Biden and learned about the Commission from his then-boss Vince D'Anna, who was involved for some time in a formal way with the DRBC [as DRBC's alternate federal commissioner]. He would overhear phone conversations about the issues implicated by DRBC's activities in New Castle County and across Delaware, and he became curious about what the Commission was and did. He learned it is a different kind of governmental entity through which the members make important decisions that affect the people in each of the basin states. It is the Commission's job and responsibility, he noted, to work with all its five members, each with its unique priorities and concerns, to achieve collective benefit on important issues relating to water quality and quantity—decisions that affect the drinking water supply for millions of people, access to water-based recreation, and the environmental well-being of all four member states.

Governor Carney noted that Governor Hochul, her predecessor Governor Cuomo, Governor Wolf, and Governor Murphy had learned over the past two years how important it is to work together in responding to Covid-19, a matter on which the priorities of the four states are closely aligned. He acknowledged that is not always the case with some of the issues that DRBC faces in the broadest sense. Working together on a weekly basis through White House conference calls during the pandemic, he said, made clear that in order for the various states to respond appropriately to prevent the spread of Covid-19 they needed to coordinate, because things that were happening in one state obviously affected its neighbors. He said he believed the governors were able to respond better by working together regionally through those calls, a process that paralleled the core of the DRBC's mission.

Because Delaware is on the bottom end of the main waterway of the basin, Governor Carney noted, Delaware is affected by the things that happen upstream. And as one of the nation's lowest lying states in terms of elevation, he added, sea level rise is a major concern for Delaware. He said Steve Tambini and he had spoken about DRBC's role in managing the salt line in the Estuary. "I just can't say enough about how important the work that you do is and just to express my appreciation on behalf of the great state of Delaware," he said. "We are small, we're smaller than the other three states by a lot, and I learned in Congress Delaware only got one member in the House of Representatives. So, in order for me and for us and our current Congresswoman Lisa Blunt Rochester to be successful in getting anything done, we have to work with members in other states." Governor Carney said that one of the things he was able to achieve in cooperation with Democratic and Republican members in the basin was congressional enactment of the Delaware

River Basin Conservation Act. Beneficial activities funded by the Act are being undertaken up and down the river in each of the basin states, he noted.

Returning to Delaware's historic status as the first state to ratify the United States Constitution, Governor Carney observed that Delaware's early leaders recognized a good deal when they saw it—two United States senators and membership in the House of Representatives based on population made sense to them. He placed membership on the DRBC as part of a long tradition, beginning with ratification of the U.S. Constitution, of Delawareans understanding the value of working together across state boundaries.

In closing, Governor Carney expressed gratitude for the work of the DRBC, thanking the alternate commissioners for representing their governors and the DRBC staff for their hard work. He added, "One of the things that that I know as governor is that the governor doesn't do anything except enable staff. . . . Governors don't do a lot, but staff do all the work. And I know at the DRBC that's no doubt the case. So, thank you for your great work and we appreciate it. Welcome to Delaware."

On behalf of the DRBC, LTC Brigantti thanked Governor Carney for his warm welcome, his support for the Commission, and his recognition of the importance of the basin's water resources. He also acknowledged The Chase Center on the Riverfront and its staff, as well as the DRBC staff for planning and organizing the day's meeting.

LTC Brigantti reminded attendees of the meeting format. He noted that the business meeting was being recorded and reiterated that those joining via Zoom webinar would not have camera or microphone access and were encouraged to use their computer connection for both audio and video. He reminded listeners that they could also dial in using a toll-free phone number provided on the DRBC website. He added that to participate in the open public comment session following the business meeting, listeners should use the Zoom app, Zoom call-in numbers or the toll-free number. He said that routine business meeting and open public comment procedures would apply and could be found on the DRBC website. He said the Commission would work through the business meeting agenda, and once the business meeting adjourned, he would ask the Executive Director, Steve Tambini, to moderate an open public comment session. He noted that Mr. Tambini would review the open public comment procedures at that time.

Minutes. The Minutes of the Commission's business meeting of March 9, 2022 were circulated in advance of the day's business meeting. Ms. Bush noted that she had received and incorporated clerical corrections to the circulated draft. She asked for approval of the Minutes as corrected. Mr. Hoffman so moved, Mr. Kosinski offered a second, and without further discussion the Minutes were approved by unanimous vote.

Announcements. Ms. Bush announced the following upcoming meetings of DRBC advisory committees, all to be held virtually. She noted that details and contacts for the meetings were available on the DRBC web site:

- The Water Quality Advisory Committee (WQAC) was to meet on Tuesday, June 14 from 9:00 a.m. until noon. The dates of subsequent meetings of the WQAC planned for July, August, September and October were also posted on the Commission's website.
- The Toxics Advisory Committee (TAC) and the Southeastern Pennsylvania Regional PFAS Discussion Group were to meet jointly on Wednesday, June 15 from 1:00 to 4:00 p.m.
- A meeting of the Water Management Advisory Committee (WMAC) was planned for June 16, from 10:00 a.m. until noon.
- A meeting of the Regulated Flow Advisory Committee (RFAC) was planned for June 29 from 1:30 to 3:30 p.m.

Hydrologic Conditions. DRBC's water resource operations manager Amy Shallcross provided a presentation on the basin hydrologic conditions. Her PowerPoint slides are available at: https://www.nj.gov/drbc/library/documents/HydrologicConditions_shallcross_060822.pdf

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

Precipitation. Ms. Shallcross described precipitation amounts and departures from normal for the year to date, previous 90 days, and previous 30 days. For the year thus far, she reported normal or above normal precipitation for nearly all of the basin, with the exceptions of southwestern New Jersey and Schuylkill County, Pennsylvania. Parts of the lower Lehigh Valley and Bucks County received up to six inches more than normal during the first part of the year. The 90-day precipitation amounts indicated a similar pattern, with above normal precipitation for much of the basin and below normal rainfall in southwestern New Jersey and Schuylkill County, Pennsylvania. The 30-day precipitation departures indicated a drying condition, with lower-than-normal precipitation across much of the upper, western, and lower basin. The precipitation forecast from June 8-10 indicated the potential for up to 1.25 inches of rain over much of the basin.

Streamflow. As of the meeting date, streamflows at many locations in the upper and middle basin were above normal to much above normal, while streamflows in southwestern New Jersey were below to much below normal, reflecting the below normal rainfall in that portion of the basin over the year-to-date, previous 90 days, and previous 30 days.

Ms. Shallcross noted that a flow objective at Montague, New Jersey assures that a minimum amount of water flows downstream, in accordance with the Supreme Court Decree of 1954 in the case of *New Jersey v. New York*, 347 U.S. 995. The Montague objective is met through releases from New York City's Delaware Basin reservoirs. Another flow objective—at Trenton, New Jersey—was established by rulemaking of the DRBC to manage low flow and drought conditions. The Trenton flow objective is used to ensure that sufficient water flows into the Estuary, which helps repel the salt front. To meet the Trenton flow objective, DRBC requests releases from storage

it owns in the Blue Marsh and Beltzville federal reservoirs, both of which are located in Pennsylvania and operated by the U.S. Army Corps of Engineers.

Ms. Shallcross presented hydrographs depicting observed, median, and average streamflows over the course of the preceding 12 months at Philadelphia, Trenton, and Montague. She pointed out spikes in the observed flow, corresponding to the three tropical storms—Fred, Henri, and Ida—the basin experienced during the late summer and early fall of 2021. Other events were also evident, including a major rain event in November of 2021, and two nor'easters—one in January, 2022 and the other in April, 2022.

Reservoirs. The basin contains three federal reservoirs—Beltzville, Blue Marsh, and F.E. Walter. F.E. Walter is used primarily for flood control and recreation. The DRBC stores water in Beltzville and Blue Mash for releases to support the Trenton flow objective when necessary. As of June 8, storage in each of the three federal reservoirs was 100 percent of normal.

Combined storage in New York City's three Delaware Basin reservoirs—Cannonsville, Pepacton, and Neversink—provides the basis for DRBC's basinwide drought management program. Storage in Cannonsville is used primarily to meet the Montague flow objective, although storage in the Neversink and Pepacton reservoirs may also be used for this purpose. Storage in the three reservoirs on June 8, 2022 was at 93.8 percent of their combined capacity.

Ms. Shallcross noted that New York City was undertaking a major infrastructure project to repair the Delaware aqueduct, which diverts water from the City's Delaware Basin reservoirs to New York City. She said the City's three Delaware system reservoirs would be used heavily before the project commenced, and she encouraged concerned attendees to attend the meeting of the Regulated Flow Advisory Committee (RFAC) scheduled for June 29, at which this project would be discussed. She noted that links on the DRBC website provide access to additional information.

Salt Front. The salt front, denoted by the seven-day average chloride concentration of 250 milligrams per liter, is the location at which the ocean saltwater meets the river fresh water. Fresh water from basin reservoirs is released when needed to keep the salt front below the confluence of the Schuylkill River with the Delaware. Ms. Shallcross noted that salt front normally migrates between river miles (RM) 67 and 76, and during June, is expected to be near RM 69. As of June 6, it was located at RM 67.2. Because water becomes unsuitable for some uses, including as drinking water, when it is too salty, the flow objective at Trenton is intended to manage salinity to ensure the salt front does not reach the Philadelphia and New Jersey drinking water intakes at RM 110.

Groundwater. Precipitation may infiltrate into the ground, where it becomes groundwater. Groundwater levels are indicative of the amount of precipitation and the amount of water pumped for different purposes. A summary of the status of reference wells in each of the basin counties and graphs of the water levels for several of these were displayed. Reference well water levels were normal or above normal for most of the basin, with several (Delaware County, New York; Schuylkill County, Pennsylvania; Cumberland and Gloucester counties, New Jersey) below normal for this time of year.

Seasonal Outlook. Based on the NOAA U.S. seasonal drought outlook released on May 31, 2022, the Delaware River Basin was unlikely to develop drought conditions.

The hurricane forecast for 2022 was similar to that for the 2021 season, which runs from June 1 to November 30. The season peaks in September. The prediction was for between 14 and 21 named storms, including 6 to 10 hurricanes and 3 to 6 major hurricanes. Ms. Shallcross noted that there had already been one named tropical storm, Alex, in the 2022 season.

The summer outlook was for a greater chance of above-normal temperatures along with above-normal precipitation in the lower portion of the basin.

Ms. Shallcross concluded her presentation by noting that the 2021 annual hydrologic conditions report is available on the DRBC website (www.drbc.gov). Ms. Shallcross also noted that many of the hydrographs used in her presentation, along with other valuable information, could be found on the DRBC web page, hydrosnap@drbc.net. She encouraged the public to visit the site.

Executive Director's Report. Mr. Tambini thanked Governor Carney for welcoming DRBC to Delaware for its first in-person meeting since March of 2020 and for his support of DRBC's mission. He also thanked Governor Carney, his administration, and Secretary Garvin for their continued support. For the record, he noted that there were 48 virtual participants at the day's meeting. His report is summarized below.

- *Program Fees and Water Charges.* In accordance with DRBC regulations, public notice was provided regarding the scheduled July 1, 2022 annual indexed inflation adjustment to the Commission's regulatory program fees and water charges. The new rates, to become effective July 1, could be accessed at: <https://www.nj.gov/drbc/about/regulations/fee-structure.html>.
- *Flood Hazard Workshops.* On May 6 and 10, the DRBC, in partnership with the Pennsylvania Emergency Management Agency (PEMA) and the Federal Emergency Management Agency (FEMA) hosted flood hazard planning and funding workshops for Pennsylvania communities. The next and final session in the workshop series was scheduled for June 16 at 1:00 p.m. Additional information, including details on how to register could be found at: https://www.nj.gov/drbc/library/documentets/PEMA_VirtualWorkshops_May-June2022.pdf.
- *Estuary Aquatic Life Uses.* DRBC's Resolution No. 2017-4 directed the DRBC to initiate rulemaking to revise the aquatic life use for portions of the Delaware Estuary. It provided that before doing so, however, the Commission would perform a series of scientific, modeling, engineering, cost, and socio-economic studies to determine the attainability of potential dissolved oxygen criteria to support an upgraded use. Mr. Tambini reported that the studies were either complete or nearing completion, and the draft analysis of attainability would be provided to the Commissioners later in the year. He said that

completing the work required by Resolution No. 2017-04 had been at the top of DRBC's work plan priorities since the resolution's adoption. Despite numerous funding challenges and unplanned demands on limited staff resources, he reported, exceptional progress had been made to complete the directives in the resolution, determine the appropriate designated aquatic life uses of the Delaware Estuary, and identify the water quality criteria necessary to protect those uses, based on technical and scientific studies and engineering expertise. Mr. Tambini directed those interested in learning more about this effort to visit: <https://www.nj.gov/drbc/programs/quality/designated-use.html>

On April 29, 2022, the Delaware Riverkeeper Network, Environment New Jersey, Penn Future and Penn Environment filed a petition with the U.S. Environmental Protection Agency to revise the water quality standards for Zones 3, 4 and the upper portion of Zone 5 of the Delaware Estuary, including revising the aquatic life use and dissolved oxygen criteria, independently of the DRBC process. Mr. Tambini stated that the DRBC would continue its work to complete the analysis of attainability directed by the Commission.

The DRBC Water Quality Advisory Committee would meet in the next week, and additional meetings scheduled throughout the year would continue to support the work defined by the resolution. Mr. Tambini emphasized that the DRBC staff would cooperate fully with the Commission's federal and state partners, including the EPA, as they prepare a response to the petition.

- *NAD Change of Command.* Command of the U.S. Army Corps of Engineers North Atlantic Division was scheduled to change on June 24, 2022. Mr. Tambini thanked the DRBC's United States commissioner, Major General Thomas J. Tickner, for his service to the Commission, to the USACE North Atlantic Division, and to the country, and wished him the best in all his future assignments.
- *Retirement of Dr. Ron MacGillivray.* Mr. Tambini announced that after twenty plus years at the DRBC, Senior Environmental Toxicologist, Dr. Ron MacGillivray ("Dr. Ron" to the staff), would retire that summer. Dr. MacGillivray's work was instrumental in characterizing the nature and extent of toxic pollutants in the Delaware River, and in finding ways to remove these pollutants through science-based policy and regulations. Dr. MacGillivray's efforts helped the basin community to address: PCBs, contaminants of emerging concern, including PFAS, and other toxic pollutants. Mr. Tambini said the DRBC staff would miss Dr. MacGillivray's technical expertise and would also miss him as a friend and colleague. On behalf of the DRBC staff, Mr. Tambini wished Dr. MacGillivray and his family all the best in his retirement.
- *Diversity, Equity, Inclusion and Justice ("DEIJ").* Mr. Tambini reported that at the Commission's June business meeting of 2020, he had remarked on the tragic events around the murder of George Floyd, which shined a light on social injustice across the nation. Since then, like many other institutions, Mr. Tambini said, DRBC had strengthened its commitment to DEIJ. As the Commission's journey continues through focused planning,

policy, and outreach, he said, DRBC is guided by the principle that the Commission's role in managing, protecting, and improving the water resources of the Delaware River Basin is stronger when diverse voices are included and heard and when all the Basin's water users share equally in the benefits and stewardship of our shared water resources. He emphasized that we all belong in the Delaware River Basin.

Mr. Tambini recognized Asian American, Native Hawaiian, and Pacific Islander (AANHPI) Heritage Month in May and Pride Month in June, taking special notice of the valued AANHPI and LGBTQIA+ members of the basin community and celebrating their influence and contributions to the history, culture, and achievements of the United States. He noted DRBC offices would be observing Juneteenth as a holiday for the first time. He said the Commission benefits in a myriad of ways from the input and learning of the basin's diverse residents, and he recognized and thanked the DRBC's state and federal partners for their leadership in developing and implementing plans for ensuring environmental justice for all communities. The DRBC continues to develop and implement a DEIJ strategic plan, with goals and actions that addresses our commitment to a safe, respectful, and inclusive workplace; environmental justice in our regulatory programs; and allyship with our diverse publics and stakeholders. To learn more, Mr. Tambini suggested attendees visit: <https://www.nj.gov/drbc/about/staff/DEIJ.html>.

General Counsel's Report. Mr. Warren reported on the three cases pending in which the DRBC is a defendant.

- *Yaw et al. v. DRBC*, commenced by Pennsylvania state senators Gene Yaw and Lisa Baker and certain municipalities, challenges the DRBC's regulation prohibiting high-volume hydraulic fracturing (HVHF) projects in the basin. The case was dismissed by the district court on grounds of standing. The plaintiffs appealed the dismissal, and the case was argued on March 31 before the Court of Appeals for the Third Circuit. As of the meeting date, the parties were awaiting the decision of the Third Circuit.
- *WLMG v. DRBC*, commenced by Wayne Land and Mineral Group (WLMG), challenges DRBC's authority under Section 3.8 of the Delaware River Basin Compact to review HVHF projects. By agreement of the parties, the case was stayed pending resolution of the *Yaw* case. DRBC filed a status report on May 20, informing the court that the *Yaw* case was under consideration by the Third Circuit and the stay should continue.
- *DRN v. DRBC*, commenced by the Delaware Riverkeeper Network (DRN), challenges the DRBC's docket approval issued for the Gibbstown Logistics Center Dock 2 project. Cross motions for summary judgement were filed before the District Court in the District of New Jersey. Those motions were fully briefed, and as of the meeting date, the parties were awaiting a decision by the court.

A Resolution to adopt the Fiscal Year 2023 -2025 Water Resources Program. Section 13.2 of the Delaware River Basin Compact requires the Commission to annually adopt a water resources

program. Deputy Executive Director Kristen Bowman Kavanagh said that the Commissioners had previously received the resolution and the full text of the draft Water Resources Program 2023-2025 (“Program”), which was developed by the DRBC staff in consultation with staff of the Commission’s member state and federal agencies. The draft Program also informed development of the Commission’s fiscal year 2023 current expense and capital budgets. Both the resolution and Program were posted on the DRBC website in advance of the May 11, 2022 public hearing and were subjects of that hearing. The Commission received no oral or written comments on the Program. Accordingly, Ms. Kavanagh recommended that the Commissioners vote to approve the resolution adopting the Water Resources Program 2023-2025 as presented, with no changes.

Mr. Kosinski so moved, Secretary Garvin offered a second, and without further discussion, Resolution No. 2022-1 to adopt the Fiscal Year 2023-2025 Water Resources Program was approved by unanimous vote.

A Resolution to adopt the Commission’s annual current expense and capital budgets for the fiscal year ending June 30, 2023. Director of Finance and Administration Elba Deck explained that the Commission’s proposed capital and expense budgets covered the fiscal year running from July 1, 2022, through June 30, 2023. In accordance with the Delaware River Basin Compact and the Commission’s Administrative Manual—Bylaws, Management and Personnel, the budgets were subjects of DRBC’s duly noticed public hearing on May 11, 2022. They elicited no oral or written comments.

Ms. Deck summarized that the current expense budget for the 2023 fiscal year included revenue in the aggregate of approximately \$7.3 million. She explained that the capital budget for the Water Supply Storage Facilities Fund reflected revenues of \$3.6 million and expenditures of \$4.5 million as set forth in the document dated June 8, 2022. In addition to member contributions (to be approved by separate resolution) projected revenues were as follows: transfers into the Water Supply Storage Facilities Fund – \$2.5 million; transfers in for Special Projects – \$371,000; and Other Income – \$1.2 million, for a total of \$4.4 million in budgeted revenues.

Ms. Deck highlighted additional points of the resolution to the effect that:

- should signatory party revenue fall below the budgeted amount, the Executive Director was authorized and directed to reevaluate the annual work plan and after consultation with and concurrence by the Commission, to implement any or all actions deemed appropriate to maintain the financial stability of the General Fund and accomplish the Commissioners' work plan priorities;
- the executive director would notify the Commissioners in writing of any signatory party revenue shortfalls as soon as that information was available and would implement the actions as close to the beginning of the fiscal year as possible;
- the Commission would continue to operate the Pennsylvania Groundwater Protection Area program in fiscal year 2023, which would be fully funded by the Commonwealth of Pennsylvania.

Ms. Deck recommended that the Commissioners approve the budget as proposed. Mr. Hoffman so moved, Ms. Daniels offered a second, and without further discussion, Resolution No. 2022-02 to adopt the Commission's annual current expense and capital budgets for the fiscal year ending June 30, 2023 was approved by a unanimous vote.

A resolution to apportion among the signatory parties the amounts required for the support of the current expense and capital budgets for the fiscal year ending June 30, 2023. Ms. Deck noted that in accordance with the Delaware River Compact and the Administrative Manual—Bylaws, Management and Personnel, this resolution was a subject of the Commission's duly noticed public hearing on May 11, 2022, but had received no oral or written comments.

Ms. Deck explained that subject to such review and approval as may be required by the respective budgetary processes of the signatory parties, the resolution would apportion among the parties the following amounts: State of Delaware - \$447,000, State of New Jersey - \$893,000, State of New York - \$359,500, Commonwealth of Pennsylvania - \$893,000, and Federal Government - \$715,000, for a total of \$3,307,500.

Ms. Deck asked the Commissioners to approve the resolution as presented. Ms. Daniels so moved, and Mr. Hoffman offered a second. Without further discussion, a roll call vote was conducted, and Resolution No. 2022-03 to apportion among the signatory parties the amounts required for the support of the current expense and capital budgets for the fiscal year ending June 30, 2023 was approved by unanimous vote.

A Resolution for the Minutes amending the Administrative Manual – By-Laws, Management and Personnel by updating the Commission's conflicts of interest policy. Ms. Deck explained that the proposed resolution would amend the By-laws, Management and Personnel by updating the Commission's policy on conflicts of interest to include federal procurement standards that are part of the uniform guidance of the White House Office of Management and Budget. The update was needed to align the Commission's conflict policies with the requirement of a grant agreement DRBC had received from the National Fish and Wildlife Federation; specifically, the amendments would add a new Section D – Federal Procurement Standards to existing Section 5.10 of the By-laws.

Ms. Deck noted that the section currently addressed the potential for conflicts of interest with respect to staff outside employment, affiliations, and political activities. The new provisions regarding federal procurement standards would ensure that no employee, officer, or agent of the Commission participates in the selection, award, or administration of contracts supported by a federal grant award if the employee, officer, or agent has a financial or other interest in a firm considered for the contract or would personally benefit from the contract in any tangible way. The new provision would also prohibit a staff member's participation in a procurement process if it would create the appearance of a conflict. The standard prohibits employees, officers, and agents of the Commission from receiving gratuities, favors or anything of monetary value from contractors or subcontractors.

Ms. Deck noted that the Commissioners had had an opportunity to review the resolution and the text of the proposed amendments. She recommended that they approve the resolution as presented.

Ms. Daniels so moved, Secretary Garvin offered a second, and without further discussion, the Resolution for the Minutes amending the Administrative Manual By-Laws, Management and Personnel was approved by unanimous vote. The text of the Resolution follows:

RESOLUTION FOR THE MINUTES

A Resolution for the Minutes amending the Administrative Manual – By-Laws, Management and Personnel.

WHEREAS, the Commission has been awarded a 2021 Delaware Watershed Conservation Fund grant from the National Fish and Wildlife Foundation, for which the grant agreement requires that all recipients and sub-recipients adopt a conflict of interest policy that includes the requirements of the Uniform Guidance of the White House Office of Management and Budget (“OMB Uniform Guidance”); and

WHEREAS, although the Commission’s *Administrative Manual – By-Laws, Management and Personnel* (“Bylaws”) at Section 5.10 includes policies relating to conflicts of interest, it does not currently contain the referenced requirements; and

WHEREAS, the Commission has determined that it is in the agency’s best interest to amend Sections 4.4, “Purchasing,” and 5.10, currently captioned “Other Activities” of the Bylaws by incorporating in these sections the requirements of the OMB Uniform Guidance, comprising the general procurement standards set forth at 2 C.F.R. § 200.318(c)(1); now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that:

1. Section 5-10 of the *Administrative Manual – Bylaws, Management and Personnel* is hereby amended to incorporate the revisions shown in the mark-up appended hereto as Attachment A.
2. The revised *Administrative Manual – Bylaws, Management and Personnel* shall be effective upon the date of adoption set forth below [June 8, 2022].

A Resolution for the Minutes providing for the election of the Commission Chair, Vice Chair and Second Vice Chair for the year beginning July 1, 2022 and ending June 30, 2023. The Delaware River Basin Compact provides for the election of the Commission’s officers every year. Ms. Bush said that in accordance with the customary rotation, for the fiscal year beginning July 1, 2022 and ending June 30, 2023, the Governor of Pennsylvania would serve as chair, the Governor of New Jersey as vice chair, and the Governor of New York as Second Vice Chair. She asked the Commissioners to approve these presumptive nominees.

Mr. Kosinski so moved, and Secretary Garvin offered a second. Secretary Garvin thanked LTC Brigantti for his leadership through a difficult time, and said he was glad he was able to chair an

in-person meeting while chair of the Commission. Without further discussion, the Resolution for the Minutes providing for election of the Commission chair, vice chair, and second vice chair for the year commencing July 1, 2022 and ending June 30, 2023 was approved by unanimous vote. The text of the Resolution follows:

RESOLUTION FOR THE MINUTES

A Resolution for the Minutes providing for election of the Commission Chair, Vice Chair and Second Vice Chair for the year commencing July 1, 2022 and ending June 30, 2023.

WHEREAS, Article 2, Section 2.6 of the *Delaware River Basin Compact* (Compact) states that the Commission shall provide for its own organization and procedure; and

WHEREAS, the Compact further requires the annual election of the Chair and Vice Chair, which historically has been based upon a rotation among the signatory parties; and

WHEREAS, the Commission has further determined that a Second Vice Chair, to preside in the absence of the other officers, should also be elected; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. The Governor of Pennsylvania is hereby elected to serve as Chair for the term July 1, 2022 through June 30, 2023.
2. The Governor of New Jersey is hereby elected to serve as Vice Chair for the term July 1, 2022 through June 30, 2023.
3. The Governor of New York is hereby elected to serve as Second Vice Chair for the term July 1, 2022 through June 30, 2023.

Project Review Applications. Project Review Manager David Kovach explained that at the Commission's duly noticed public hearing on May 11, 2022, he had presented 13 draft docket approvals for public comment. Six of these involved water withdrawals, five were for wastewater discharges, and two were for water supply interconnection projects. Consideration of draft docket D-1974-189 -3 for Holcim (US) Inc., involving renewal of a water withdrawal approval, was being postponed to allow additional time for review.

The Commission received substantive comments on draft Docket D-1997-029 CP-5, which would renew the approval of groundwater withdrawals for public water supply by the Portland Borough Authority (PBA) and would expand the area served by the withdrawals into additional parts of Upper Mount Bethel Township within ten years. Commenters included: the Martins-Jacoby Watershed Association; Russell Scott, a consultant for PBA; Robert Cook, a geologist and consultant for PBA; Charles Cole, a private citizen; and Judith Hankel, a private citizen. Staff

responses to the comments received on the docket were set forth in a Comment and Response document that had been shared with the Commissioners. The commenters expressed concerns that:

- the type of development expected to occur in the new service areas was ill-defined and not well enough understood to accurately predict water use requirements;
- increasing the quantity of PBA's allocation for projects to be developed 10 years in the future was premature, especially in the current volatile economy;
- the existing allocation should be reduced significantly, and the area served should not be expanded until a thorough scientific investigation backed by field data was completed to characterize the impacts that would result from increasing the current maximum pumping rate of 3 million gallons per month (mgm) to some higher rate;
- PBA's groundwater withdrawals would adversely affect streamflows in Slateford Creek, and the docket should include a streamflow monitoring requirement; and
- PBA's withdrawal allocation would be unsustainable during mild to severe drought.

Mr. Kovach said that like all applicants for water withdrawal dockets, the sponsor developed a water use estimate comprised of the sum of current water use demands, quantities allocated in response to requests for future service, estimated demand attributable to expansion into areas reasonably anticipated to be served within the next 10 years, and estimated demand attributable to future population increases. The sponsor used a reasonable number of equivalent dwelling units—both residential and commercial—which staff found acceptable for the purposes of demand projection. Draft Docket D-1997-029 CP-5 would not approve any increase to the previously approved allocation, which would remain at 12.4 million gallons per month. If the docket holder were to require more water in the future, the docket holder would need to come back to the DRBC for approval.

As to the request for a “scientific investigation backed by field data,” Mr. Kovach said that such an investigation was performed on PBA's Well 4 in February of 2010 when pumping from that well was originally approved by the DRBC. A pumping test, local groundwater monitoring, and a hydrogeologic report all were conducted at that time. A docket issued in May of 2011, which increased the system withdrawal allocation, added required monitoring of local groundwater levels for a period of three years. Water use dropped during the monitoring period, and the docket holder requested that groundwater monitoring be discontinued. The executive director granted that request, as described in the draft renewal docket, since the monitoring data showed no local impacts to groundwater during either the pumping test or subsequent well operation. The draft renewal docket retains the original monitoring condition, which provides that when the docket holder's water use reaches an average of 5.89 million gallons per month (gpm), monitoring of groundwater levels must resume. Accordingly, as PBA's water use approaches the 12.4 million gallons per month (gpm) of projected demand, PBA and the DRBC will have the data required to assess local groundwater levels to ensure that no adverse impacts occur.

Mr. Kovach said that both the group of commenters and the substance of their comments echoed those made on the project when it was last subject to the Commission's review. The December 2010 docket approved Well 4 as a PBA system well with an individual allocation of 4.32 million gallons per month. A May 2011 docket increased the system withdrawal allocation from 5.7 million gallons per 30 days to 12.4 million gallons per month. The May 2011 approval included the required groundwater level monitoring program discussed above. The staff's responses to those concerns are generally the same in June of 2022 as they were then:

- No impacts to the local hydrologic system were evident as a result of withdrawals during the February 2010 Well 4 pumping test, and no declining water level trends were observed during the period of groundwater level monitoring that followed.
- The requirement that groundwater level monitoring resume when water withdrawals exceed 5.89 million gallons per month will provide sufficient information to detect water level declines caused by an increase in system withdrawals that may adversely affect the shallow aquifer in the Slateford Creek Watershed.
- Staff considered the water budget and recharge estimates when it reviewed the PBA's proposed increase in allocation from 5.7 to 12.4 million gallons per month (gpm) in 2011. Although PBA's wells are not located in in the Southeastern Pennsylvania Ground Water Protected Area (GWPA), staff used the same analysis method it uses for all GWPA sub-basins to calculate potential stress in the Slateford Creek groundwater sub-basin. That method uses the 1 in 25-year average annual base flow rate as an indicator of potential stress.
- Staff determined that the 2.4 million gallon per month allocation would constitute 41% of available recharge in the Slateford Creek sub-basin, a rural area where there is not much other use. In the GWPA, a basin is potentially stressed when net withdrawals reach 75% of the available recharge.
- Staff was confident that there is abundant available recharge in a 1 in 25-year drought scenario to sustain flow in Slateford Creek.

Mr. Kovach noted two proposed edits to the draft docket for PBA. The first, which was also mentioned at the May 11 public hearing, concerned the non-point source pollution control plan required for projects located in the drainage area of DRBC Special Protection Waters (SPW). Once DRBC sees that a host township located in the drainage area to SPW, such as Upper Mount Bethel Township, has adopted its own stormwater ordinance under the auspices of a county-wide model ordinance that meets the DRBC's non-point source pollution control plan requirements, DRBC acknowledges the plan in its docket. Upper Mount Bethel Township has passed such an ordinance, and the ordinance is being followed. Mention of fact was added to the Findings section of the docket.

Second, DRBC previously required that groundwater level monitoring data be submitted electronically to the DRBC on a quarterly basis and in an annual report tying all the data together

and explaining the water year in review. The applicant asked DRBC to revise the data submission frequency to yearly once groundwater monitoring resumes. Mr. Kovach recommended that the request be denied and the requirement for the submission of quarterly data retained. This way, DRBC will be notified when PBA reaches or exceeds an average monthly withdrawal of 5.89 mgm, resulting in initiation of the requirement for quarterly assessment of groundwater levels. With quarterly reporting, DRBC may intervene if the data indicate any adverse reduction in local groundwater levels.

Mr. Kovach recommended that the Commissioners approve the draft docket for PBA with the noted change. He related that DRBC had received no substantive comments on the other draft dockets offered for consideration. He recommended that the Commissioners approve the draft dockets identified as items 2 through 13 on the agenda.

Mr. Hoffman so moved, Mr. Kosinski offered a second, and without further discussion, the docket items numbered 2 through 13 on the agenda were approved by unanimous vote.

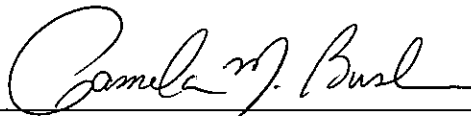
LTC Brigantti thanked the Commissioners and the public, and offered special thanks to the staff of The Chase Center on the Riverfront for making the in-person meeting successful.

Secretary Garvin departed to attend the legislative session for the State of Delaware, which was in its last month. But he said Delaware staff members would listen to the open public comment session that was to follow adjournment of the business meeting.

Adjournment. Mr. Kosinski moved for adjournment, Secretary Garvin offered a second, and the business meeting was adjourned by unanimous vote at 11:44 a.m.

Audio Recording. Audio recordings of the public hearing of May 11, 2022 and business meeting of June 8, 2022 are on file with the Commission Secretary. A description of each of the applications for dockets approved during the business meeting of June 8, 2022 is provided as Attachment B of these Minutes.

Open Public Comment. Upon adjournment of the business meeting, Mr. Tambini hosted an Open Public Comment session of approximately one hour for off-the-record comment by stakeholders on water resource issues affecting the basin.



Pamela M. Bush, Esquire
Commission Secretary and Assistant General Counsel

ATTACHMENT A

**Re the Resolution for the Minutes of June 8, 2022, amending the
*Administrative Manual – By-Laws, Management & Personnel***

**Mark-Up of Sections 4.4 and 5.10 of the
*Administrative Manual – By-Laws, Management & Personnel***

Editor's Note:

Proposed additions are shown in redline with underscore.

Proposed deletions are shown in ~~redline with strikethrough~~.

A series of 4 asterisks (* * *) denotes
chapters, sections or paragraphs omitted because
no changes are proposed to them.*

Administrative Manual
BY-LAWS, MANAGEMENT AND PERSONNEL

Adopted and Effective December 13, 1961

Revised through ~~January 4~~ June 8, 2022

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CHAPTER 4
BUDGETS AND FINANCIAL PROCEDURES

* * * *

4.4. Purchasing. The Executive Director shall install and maintain a purchasing system conforming to Section 14.9 of the Compact.

4.4 A. Standing authorization exists for purchases made consistent with the expense budget approved in accordance with Section 4.2 B. of this Manual and the budget operation set forth in Section 4.3 of this Manual, respectively.

4.4 B. When sealed bids, notice and publication are not required by the Compact, the purchasing agent shall, whenever feasible, seek and obtain informally at least three bids or proposals for any purchase exceeding \$2,500. A record of all such informal bids shall be made and maintained by the purchasing agent.

4.4 C. No purchase exceeding \$50,000 shall be made without prior approval by resolution of the Commission.

4.4 D. *Conflicts of Interest.* Chapter 5—Personnel Policies, Section 5.10—Conflicts of Interest, paragraph D—Federal Procurement Standards, concerning conflicts of interest in the Commission’s selection, award, or administration of contracts supported by federal awards, is incorporated by reference in this Section 4.4.

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CHAPTER 5
PERSONNEL POLICIES

* * * *

5.10 ~~Other Activities~~ Conflicts of Interest.

5.10 A. *Civic and Community Activities.* Commission employees may participate in civic and community activities as long as they do not conflict with the employee’s duties and responsibilities to the Commission.

5.10 B. *Outside Employment and Affiliations.* Commission employees are permitted to hold other working positions and affiliations only so long as such additional positions or affiliations do not create conflicts of interest in their work for the Commission, and does not reduce the employee's efficiency and effectiveness in performing Commission work.

Within the provisions of this section, it is intended that professional employees of the Commission may accept specific teaching assignments at a recognized college or university. However, if any teaching assignments involve in any way the work day of employees, then this assignment would be subject to the approval of the Executive Director.

Employees will be required to review the Guidelines and Procedures for Preventing Conflicts of Interest in Connection with Outside Activities and complete the Conflict of Interest Questionnaire.

5.10 C. *Political Activities.*

An officer or employee of the Commission may not:

Be a candidate for nomination or election to public office where political party labels are used, and may not solicit others to become candidates.

Solicit or receive any assessment or contribution for any political purposes (but may make a voluntary contribution to any party or candidate).

5.10 D. *Federal Procurement Standards.* No Commission employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if the employee, officer, or agent has a real or apparent conflict of interest.

The foregoing standard would include the situation where the employee, officer, or agent, any member of the employee's, officer's, or agent's immediate family, any partner of the employee, officer, or agent, or an organization which employs or is about to employ any of the parties listed in this paragraph has a financial or other interest in or a tangible personal benefit from a firm considered for the contract.

Employees, officers, and agents of the Commission may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, except for items of nominal value and in accordance with procedures that may be established by the Commission.

Violations of this Section 5.10 D will result in disciplinary action, which may include termination of the employee's, officer's, or agent's position with the Commission.

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ATTACHMENT B

DESCRIPTION OF PROJECTS APPROVED BY THE COMMISSION DURING THE BUSINESS MEETING OF JUNE 8, 2022

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:

- A list of applications received is compiled and posted as a "Notice of Applications Received" (NAR) at <https://www.nj.gov/drbc/programs/project/nar.html>, approximately once per month.
- Anyone interested in receiving notices about projects under review as the notices are posted on the Commission's website, may sign up for the Commission's "Most Recent Notice of Applications Received" listserv at <https://www.nj.gov/drbc/contact/interest/index.html>.
- Members of the public seeking additional information about a project may contact the staff member reviewing the project or arrange by appointment to review the relevant Project Review file at any time that is mutually convenient for the staff and the party.
- Approximately six weeks before the Commission's scheduled public hearing date, draft dockets are circulated to the Commission's members for review and comment by the appropriate state and federal agencies.
- Ten days prior to the hearing date, the hearing notice, along with draft dockets, is posted on the Commission's website. A public hearing and meeting notice also appears in the Federal Register and certain state registers in accordance with the respective schedules of these publications. The register notice directs readers to the Commission's website for links to the draft dockets available for comment.

Written comment on hearing items is ordinarily accepted until 5 p.m. on the Monday of the week following the public hearing.

At the Commission's regularly scheduled public meetings, the Commissioners may approve, disapprove, or postpone consideration of any docket for which a hearing has been completed. Approved dockets are posted on the Commission's website as quickly as possible following the date on which the Commission acted. Delay of a few days may occur to complete clerical work, particularly in instances in which the Commissioners approve a docket with modifications.

The projects are customarily considered in three categories—Category A—project renewals with no substantive changes; Category B—project renewals with substantive changes; and Category C—projects not previously reviewed by the Commission. Descriptions of the projects (based on

the applications received, which may vary from final projects) for which the Commission issued approvals on June 8, 2022 are presented below.

A. Renewals with No Substantive Changes (Items 1 through 13).

1. Holcim (US) Inc., D-1974-189 -3. An application to renew the approval of an existing groundwater and surface water withdrawal of up to 70.68 mgm from Wells 1 and 2 and a surface water intake on the Lehigh River for use at the applicant's cement manufacturing plant. The project wells are completed in the Jacksonburg Formation and are located in the Coplay Creek and Lehigh River Watersheds in Whitehall Township, Lehigh County, Pennsylvania within the drainage area to the section of the non-tidal Delaware River known as the Lower Delaware, which the Commission has designated as Special Protection Waters.
This docket was postponed to allow additional time for review.
2. Lower Moreland Township Authority, D-1987-052 CP-5. An application to renew the approval of the applicant's existing 0.279 mgd Chapel Hill WWTP and its discharge. Treated effluent will continue to be discharged to an UNT of Southampton Creek at River Mile 109.75 - 16.1 - 0.71 - 0.5 (Delaware River - Pennypack Creek - Southampton Creek - UNT) via Outfall No. 001, in Lower Moreland Township, Montgomery County, Pennsylvania.
3. Concord Township, D-1997-019 CP-5. An application to renew the approval of the applicant's existing 1.8 mgd WWTP and its discharge. Treated effluent will continue to be discharged to West Branch Creek at River Mile 82.93 - 8.9 - 5.4 (Delaware River - Chester Creek - West Branch Chester Creek) via Outfall No. 001, in Concord Township, Delaware County, Pennsylvania.
4. Portland Borough Authority, D-1997-029 CP-5. An application to renew the approval of a total combined groundwater allocation of 12.4 million gallons per month (mgm) from existing Wells 1, 2, 3, and 4 for public water supply. The application also requests approval of new area served that is anticipated to expand into additional parts of Upper Mount Bethel Township within the next ten years. Wells 1, 2 and 4 are completed in the Martinsburg Formation and Well 3 is screened in Pleistocene Stratified Drift in the Slateford Creek Watershed in Upper Mount Bethel Township, Northampton County, Pennsylvania Monroe County, Pennsylvania within the drainage area of the section of the main stem Delaware River, known as the as the Middle Delaware, which the Commission has classified as Special Protection Waters.
5. Delaware Water Gap Borough, D-1997-032 CP-3. An application to renew the approval of an existing groundwater withdrawal of up to 8.5 mgm to supply the applicant's public water supply system from existing Wells Nos. 4, 6, and 7 completed in the Poxono Island and Bloomsburg Formations. The allocation is a decrease from the previous allocation of 11.0 mgm and is based on projected peak demands. The wells are located in the Delaware River and Cherry Creek Watersheds within the drainage area to the section of the non-tidal Delaware River known as the Middle Delaware, which the Commission has designated as Special Protection Waters, in Delaware Water Gap Borough, Monroe County, Pennsylvania.

6. Warwick Township Water & Sewer Authority, D-1998-019 CP-3. An application to renew the approval of a water supply interconnection to receive up to 24.8 mgm of potable water from Aqua Pennsylvania and up to 24.8 mgm from North Wales Water Authority, for a total of up to 49.6 mgm. The requested allocation is not an increase from the previous allocation. The project is located in the Commission's designated Southeastern Pennsylvania Ground Water Protected Area (SEPA GWPA) in Warwick Township, Bucks County, Pennsylvania.
7. Beach Lake Municipal Authority, D-2001-052 CP-4. An application to renew the approval of the 0.09 mgd Beach Lake WWTP and its discharge. No modifications are proposed to the WWTP. Treated effluent will continue to discharge to Beach Lake Creek, a tributary of Masthope Creek, at River Mile 282.5 - 6.98 - 3.1 (Delaware River - Masthope Creek - Beach Lake Creek) via Outfall No. 001, located within the drainage area of the section of the non-tidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters, in Berlin Township, Wayne County, Pennsylvania.
8. Buck Hill Falls Water Company, D-2009-001 CP-4. An application to renew the approval of the 0.2 mgd WWTP and its discharge. Treated effluent will continue to discharge to Buck Hill Creek, a tributary of Brodhead Creek, at River Mile 213.00 - 21.11 - 0.50 (Delaware River - Brodhead Creek - Buck Hill Creek) via Outfall No. 001, located within the drainage area of the Middle Delaware, which is classified as Special Protection Waters, in Barrett Township, Monroe County, Pennsylvania.
9. Green Top Management, LLC, D-2010-002 -5. An application to renew the approval of the 0.018 mgd WWTP and its discharge. Treated effluent will continue to discharge an unnamed Tributary to Tohickon Creek, upstream of Nockamixon Lake at River Mile 157.0 - 10.8 - 6.5 - 3.1 - 4.1 (Delaware River - Tohickon Creek - Lake Nockamixon - Tohickon Creek - UNT Tohickon Creek)) via Outfall No. 001, located within the drainage area of the Lower Delaware, which is classified as Special Protection Waters, in West Rockhill Township, Bucks County, Pennsylvania.
10. Biddle Air National Guard Base, D-2010-020 CP-2. An application to renew the approval of an existing groundwater withdrawal of up to 3.2 mgm to supply the applicant's public water supply distribution system from Well Nos. 1 and 2. The project wells are completed in the Stockton Formation. The requested system allocation is not an increase from the previous allocation. The project is located in the Commission's designated Southeastern Pennsylvania Ground Water Protected Area (SEPA GWPA) in the Park Creek Watershed in Horsham Township, Montgomery County, Pennsylvania.
11. Reading Alloys, Inc. (Kymera International), D-2011-023 -2. An application to renew the approval of an existing groundwater and surface water withdrawal of up to 0.57 mgm of groundwater from existing Well Nos. 3 and 4 and 14.5 mgm of surface water from existing Intake No. 1 to supply water to the applicant's manufacturing plant. Groundwater withdrawals are used for potable and domestic water and surface water withdrawals are used for industrial

cooling purposes. The project wells are completed in the Richland Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Spring Creek Watershed, a tributary to the Tulpehocken Creek in Heidelberg and South Heidelberg Townships, Berks County, Pennsylvania.

12. Bucks County Water and Sewer Authority, D-2012-021 CP-2. An application to renew the approval of a water supply interconnection to receive up to 10 mgd of potable water from the Forest Park Water Treatment Facility to supply the applicant's Southwest Region Water system. The North Penn and North Wales Water Authorities, which jointly own the Forest Park Water Treatment Facility have agreed to each make 5 mgd capacity available to the BCWSA for a total of 10 mgd. The service area includes Hulmeville Borough, Langhorne Borough, Langhorne Manor Borough, Lower Southampton Township, Middletown Township, Pennel Borough, Bensalem Township and portions of Northampton Township and Upper Southampton Township which are all located in Lower Bucks County, Pennsylvania. The water will also serve portions of Lower Moreland Township, Montgomery County, Pennsylvania. The project is located primarily in the Neshaminy Creek Watershed, within the Commission's designated Southeastern Pennsylvania Ground Water Protected Area (SEPA GWPA).
13. Philadelphia Gas Works, D-2012-017 CP-2. An application to renew the approval of a surface water withdrawal of up to 229.648 mgm from the Delaware River at the applicant's Philadelphia Gas Works - Richmond Plant. The application requested an increase in the approved maximum pumping rate from 5,145 gpm to 6,000 gpm to account for the use of the largest capacity pump. The water is used in the fire suppression system, emergency generator heat exchangers and plant winterization. The project intake is located approximately 4,500 feet downstream of the Frankford Creek confluence in the tidal portion of the Delaware River in the City of Philadelphia, Philadelphia County, Pennsylvania.

B. Renewals with Substantive Changes.

There were no items in this category.

C. Projects Not Previously Reviewed by the Commission.

There were no items in this category.