

DELAWARE RIVER BASIN COMMISSION

MEETING OF JUNE 13, 2018

Minutes

Commissioners Present: Timothy D. Schaeffer, Pennsylvania, Chair
Jeffrey L. Hoffman, New Jersey, Vice Chair
Kenneth Kosinski, New York, Second Vice Chair
Bryan A. Ashby, Delaware
Lieutenant Colonel Kristen N. Dahle, United States

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

The Commission met at the West Trenton Volunteer Fire Company in Ewing, New Jersey. Chairman Timothy Schaeffer presided.

Minutes. The Minutes for the Commission's regularly scheduled Business Meeting of March 14, 2018 were unanimously approved.

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

- *DRBC Water Management Advisory Committee (WMAC).* Thursday, June 21, 2018 at 10:00 a.m. in DRBC's Goddard Conference Room. Staff contact, Dr. SeungAh Byun.
- *DRBC Water Quality Advisory Committee (WQAC).* Thursday, July 18, 2018 at 9:30 a.m. in the Commission's Goddard Conference Room. Staff contact, John Yagecic.
- *DRBC Toxics Advisory Committee (TAC).* Thursday, July 26, 2018 at 9:30 a.m. in the Commission's Goddard Conference Room. Staff contact, Dr. Ronald MacGillivray.

The Commission's website contains additional information, including contact information for the committee liaisons.

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

The average observed precipitation for the portion of the Basin above Montague, New Jersey for the period January 1 through June 10, 2018 was 19.62 inches, or 0.93 inches above normal. The observed precipitation for the Basin above Trenton for the same period was 23.10 inches, or 3.49 inches above normal and for the Basin above Wilmington, Delaware for this period was 22.38 inches or 4.03 inches above normal.

The average observed streamflow of the Delaware River at Montague, New Jersey in May 2018 was 9,137 cubic feet per second (cfs), or 158 percent of the long-term average for the month. The average observed streamflow of the Delaware River at Trenton, New Jersey for the same period was 20,587 cfs, or 176 percent of the long-term average for the month.

For June 1 through 10, the average observed streamflow at Montague was 4,195 cfs, or 133 percent of the long-term average for the month. The average streamflow at Trenton, New Jersey during the same period was 10,233 cfs, or 143 percent of the long-term average for the month.

In the Lower Basin, as of June 11, 2018, Beltzville Reservoir contained 13.55 billion gallons (bg) usable, or 100.4 percent of usable storage; Blue Marsh contained 6.69 bg usable, or 116.0 percent of winter pool usable storage; and Merrill Creek contained 15.08 bg usable, or 96.1 percent of usable storage.

In the Upper Basin, as of June 11, Pepacton Reservoir contained 137.3 bg usable or 98.5 percent of usable storage; Cannonsville contained 90.9 bg usable, or 97.2 percent of usable storage. Neversink contained 34.0 bg usable or 97.9 percent of usable storage. The total New York City Delaware Basin reservoir storage was 262.1 bg usable or 98 percent of usable storage.

The long-term median storage for the New York City Delaware Basin reservoirs for June 11 was 261.9 bg, or 97.9 percent.

During the month of May, 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) 67 at the middle of the month to downstream of RM 54 by May 31. The normal location of the salt front during May is RM 68, which is ten miles downstream of the Delaware-Pennsylvania state line.

As of June 10, the salt front was estimated to be at RM 69, which is the normal location of the salt front during June.

A Resolution to Adopt the Commission’s Annual Current Expense and Capital Budgets for the Fiscal Year Ending June 30, 2019 (July 1, 2018 through June 30, 2019). Ms. Deck asked the Commissioners to consider separately each of two resolutions relating to the DRBC fiscal year ending June 31, 2019 (FYE 2019), noting that both were subjects of a duly noticed public hearing on May 16. Staff received no oral or written comments on either resolution.

The Commission’s Current Expense and Capital Budgets for FYE 2019 are in the aggregate amount of \$6,346,200. They reflect revenues of \$4,297,500 and expenditures of \$4,000,000, as set forth in the budget document dated June 13, 2018, located on the DRBC website. In addition to funds in

the amount of \$2,648,500 to be apportioned by the signatory parties in the second of the two resolutions, the FYE 2019 Budget includes the following anticipated revenue: a transfer from the Water Supply Storage Facilities Fund to the General Fund of \$1,831,000; a transfer from the Special Projects Fund to the General Fund of \$298,800; and other income of \$1,547,900, for a total of \$3,677,700. The Commission will continue to operate the Pennsylvania Groundwater Protected Area Program in FYE 2019, at an estimated cost of \$153,800, furnished by the Commonwealth of Pennsylvania. The resolution provides that to the extent revenue received during fiscal year 2019 under any Federal or State grant-in-aid program exceeds the revenue budgeted from that source, any excess is appropriated for additional uses or programs related to the original grant.

The resolution further provides that if signatory party revenue falls below the budgeted amount, the Executive Director is authorized and directed to reevaluate the annual work plan and after consultation with and concurrence by the Commission, to implement all actions deemed appropriate to maintain the financial stability of the General Fund and accomplish the Commissioners' work plan priorities. These actions may involve but are not limited to: the management of vacant staff positions, deferring maintenance and improvements on the Commission's West Trenton office building, and controlling other Commission expenses. Actual signatory party contributions have in recent history fallen short of the Commission's adopted contributions (see Attachment A of the resolution or view the information on the Commission's website).

Following the first of the budget resolutions, Ms. Deck asked the Commissioners for their favorable consideration.

Hearing no comments or questions from the Commissioners, Mr. Schaeffer requested a motion to adopt the resolution as proposed. Mr. Hoffman so moved, LTC Dahle offered a second, and Resolution No. 2018-3 to adopt the Commission's Annual Current Expense and Capital Budgets for the Fiscal Year Ending June 30, 2019 was approved by 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, 2019 (July 1, 2018 through June 30, 2019). Ms. Deck presented the second of the two budget resolutions, which in accordance with section 13.3 of the Compact, provides for the apportionment among the signatory parties of the amounts required, in addition to such other funds as are made available, for the support of the expense and capital budgets as set forth in the first resolution.

Ms. Deck noted that the respective contributions are expressly subject to the executive branch prerogatives of each member jurisdiction in formulating annual budgets, and explained that the Commission's resolution is not intended to be an endorsement of any appropriation request to the extent that it is inconsistent with the executive branch priorities or policies as set forth in the first resolution. The signatory party contributions as set forth in the resolution are as follows: State of Delaware - \$447,000; State of New Jersey - \$693,000; State of New York - \$359,500; the Commonwealth of Pennsylvania - \$434,000; and the Federal Government - \$715,000, for a total Signatory Party Contribution of \$2,648,500.

Ms. Deck requested the Commissioners' favorable consideration of the second budget resolution as presented.

Hearing no comments or questions from the Commissioners, Mr. Schaeffer requested a motion to adopt the resolution as proposed. Mr. Kosinski so moved, and Mr. Ashby seconded. By a roll call vote of the Commission's five members, Resolution No. 2018-4 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, 2019 was unanimously approved.

A Resolution to Clarify and Restate the Commission's Policy for the Replacement of Water Consumptively Used by Electric Generating or Cogenerating Facilities During Critical Hydrologic Conditions. Dr. Najjar explained that the resolution re-states a drought management policy originating in the 1970s, when it was recognized that during low flow conditions, water-intensive power generation may be high. It is designed to mitigate the depletion of fresh water flows into the Estuary and thus to manage the upstream migration of salty ocean water through the Estuary in accordance with policies established to protect vital water supply and industrial intakes in this section of the river. The policy applies to the approximately 40 electric generators and co-generators that collectively account for 35% of all consumptive use in the Basin. Specifically, it requires generators to develop sources of stored water sufficient to replace the water they consumptively use during periods of drought or low flow, and it limits their consumptive use during such periods to the quantity of water they can replace. Its purpose is to ensure generators can continue to operate during periods of low flow, without unduly disrupting or impairing other vital uses. Since it was initially implemented during the 1970s, the policy has been stated and re-stated over the years as a condition in individual docket approvals. The purpose of this resolution is to re-state and clarify the policy to facilitate its uniform application.

An initial version of this resolution was published in February 2018 and was the subject of substantive comment by five organizations and one individual, including two commenters at a public hearing on February 14. Among other things, the commenters recommended changes to the definitions of "critical hydrologic condition" and "temporary excursion," as well as to the types of water sources that qualify to be used as replacement sources for water consumptively used during low flow conditions. Modifications were also proposed to the part of the resolution that requires certain docket holders to apply for docket revisions. In the view of staff, the comments warranted reconsideration and revision of aspects of the draft policy and steps for implementing it. Staff made substantive revisions and published a revised version of the policy for comment in May, including a public hearing on May 16, 2018. The Commission received no comments on the revised draft.

Dr. Najjar explained that the policy is not a regulation or adjudication but rather a guidance document, which does not have the force of law. The resolution adopting the policy includes an adjudication, requiring some docket holders to apply for revisions during the coming months. Dr. Najjar recommended that the Commissioners adopt the resolution.

Hearing no comments or questions from the Commissioners, Mr. Schaeffer requested a motion to adopt the resolution as proposed. Mr. Hoffman so moved, LTC Dahle offered a second, and Resolution No. 2018-5 to clarify and restate the Commission's policy for the replacement of water consumptively used by electric generating or cogenerating facilities during critical hydrologic conditions was approved by unanimous vote.

A Resolution to Authorize the Executive Director to Enter into a Contract for Professional Engineering Services for Technical Evaluations and Cost Estimations for Upgrades of Wastewater Treatment Plants Discharging to the Delaware River Estuary. Dr. Suk explained that the draft resolution had been published for comment and was the subject of a duly noticed public hearing on May 16. No comments were received. Staff had thereafter made minor changes to reflect developments in the award of a contract. The resolution authorizes and directs the Executive Director and staff to conduct a study that will help to determine the attainability of higher levels of dissolved oxygen than are currently required by DRBC water quality standards in the upper zones of the Delaware River Estuary.

On February 28, 2018 DRBC published on its website a request for proposals seeking qualified firms to perform the described study. The proposals were evaluated by DRBC staff with assistance from the U.S. Environmental Protection Agency, and all reviewers assigned their highest ranking to the proposal submitted by Kleinfelder. The contract will be funded with two grants – one awarded to the DRBC by the Academy of Natural Sciences of Drexel University under the Delaware Watershed Research Fund, and the other awarded by the Pennsylvania Coastal Zone Management Program. The resolution would authorize the Executive Director to enter into an agreement with Kleinfelder for professional engineering services, and in the unlikely event that an agreement with Kleinfelder cannot be reached, to enter into an agreement with the next highest ranked, qualified bidder. The resolution provides that expenditures may not exceed the sum of \$232,750 unless additional funds are awarded expressly for this study. Dr. Suk asked for the Commissioners' favorable consideration of the resolution.

Hearing no comments or questions from the Commissioners, Mr. Schaeffer requested a motion to approve the resolution as proposed. Mr. Kosinski so moved, Mr. Hoffman seconded his motion, and Resolution No. 2018-6 authorizing the Executive Director to enter into a contract for professional engineering services for technical evaluations and cost estimations for upgrades of wastewater treatment plants discharging to the Delaware River Estuary was adopted by unanimous vote.

A Resolution for the Minutes Providing for Election of the Commission Chair, Vice Chair and Second Vice Chair for the Year Commencing July 1, 2018 and Ending June 30, 2019. Ms. Bush explained that in accordance with Commission practice, the resolution provided for the election of the Commission's officers for the fiscal year ending June 30, 2019. In accordance with the customary rotation, the Chair would be New Jersey, the Vice Chair New York and the Second Vice Chair, Delaware.

Hearing no comments or questions from the Commissioners, Chairman Schaeffer requested a motion to approve the proposed resolution. Mr. Kosinski so moved, Mr. Hoffman seconded his motion, and the Resolution for the Minutes providing for election of the Commission Chair, Vice Chair and Second Vice Chair for the year commencing July 1, 2018 and ending June 30, 2019 was adopted by unanimous vote.

The text of the resolution follows:

A Resolution for the Minutes providing for election of the Commission Chair, Vice Chair and Second Vice Chair for the year commencing July 1, 2018 and ending June 30, 2019.

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 rotation of 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 New Jersey is hereby elected to serve as Chair for the term July 1, 2018 through June 30, 2019.
2. The Governor of New York is hereby elected to serve as Vice Chair for the term July 1, 2018 through June 30, 2019.
3. The Governor of Delaware is hereby elected to serve as Second Vice Chair for the term July 1, 2018 through June 30, 2019.

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

- *Subcommittee on Ecological Flows (SEF).* The Commission is seeking applications for "non-reserved" membership on the Subcommittee on Ecological Flows (SEF), a subcommittee of the Commission's Regulated Flow Advisory Committee (RFAC). Up to six non-reserved members with expertise relevant to the SEF will be appointed from the following categories: environmental organizations; watershed organizations; fisheries organizations; business and industry; and/or academia. Applications for non-reserved membership on the SEF will be accepted through June 14, 2018. Mr. Tambini emphasized that if an applicant is not appointed to a non-reserved slot, he or she can still participate, since all meetings of DRBC advisory committees and subcommittees are open to the public.
- *Activities in the Pennsylvania Legislature.*
 - On Monday, June 11, 2018 the Pennsylvania House of Representatives State Government Committee held a hearing for the purposes of receiving testimony from individuals and entities regulated by the DRBC and of investigating concerns about the impact of DRBC policies and activities on business growth, economic vitality and the rights of property owners within the Basin. Mr. Tambini's testimony can be found on the DRBC website along with approximately 30 letters to the committee from DRBC's regulated and legislative communities. Mr. Tambini thanked those who provided letters of support for the Commission and noted that there were several other witnesses at the hearing, whose testimony focused primarily on the draft rules relating to high-volume hydraulic fracturing. A video of the hearing can be found on the website of the Pennsylvania House Republican Caucus, State Government Committee.
 - *PA HB-2222.* House Bill 2222 would place under the exclusive authority of the Pennsylvania Department of Environmental Protection (PADEP) the control of

groundwater throughout the Commonwealth. This exclusion authority would include the power to impose fees, fines and penalties and to regulate the impact that drilling may have on groundwater. Mr. Tambini said he did not know whether this bill was heading to committee. He noted that it did come up at the hearing on Monday.

- *PA SB-1189*. A Senate bill, SB-1189 proposed by Senator Baker, would designate certain activities, including a proposed prohibition on high-volume hydraulic fracturing by the Delaware River Basin Commission, as exercises of the power of eminent domain, entitling the affected property owners to just compensation for the loss of their mineral rights. The bill was sent to the Senate Environmental Resource Committee and passed through that committee on June 12.
- *PA Performance Audit of DRBC*. Finally, the Pennsylvania legislature in 2017 enacted a bill providing for an audit of the Delaware River Basin Commission and the Susquehanna River Basin Commission by the Auditor General of the Commonwealth. That audit is ongoing and is expected to be completed during the summer. Once the results are available, they will be shared with the public.
- *Partnership for the Delaware Estuary (PDE)*. Mr. Tambini announced that Jennifer Adkins, Executive Director of the Partnership for the Delaware Estuary, would give a presentation today on the new, draft Comprehensive Conservation and Management Plan (CCMP) for the Estuary and opportunities for public comment. He thanked Ms. Adkins for coming. DRBC is a partner of the PDE.

General Counsel Report. Mr. Warren reported that the Commission continues to have one case in litigation, on which he has reported at previous meetings – Wayne Land and Mineral Group against the DRBC. The suit asks the court to define the scope of the Commission’s Section 3.8 project review authority as it may apply to hydraulic fracturing. The case was argued before the Court of Appeals for the Third Circuit in the fall of 2018, and a decision is pending.

For the record, Mr. Warren noted that he had informed the staff and Commissioners that he has recused himself with respect to docket hearing item number 8, docket D-1998-014-3 for the Merck Sharp & Dohme Corporation.

Revising the Comprehensive Conservation and Management Plan for the Delaware Estuary. Ms. Jennifer Adkins, Executive Director of the Partnership for the Delaware Estuary (PDE), offered a presentation on the process and substance of an update of the Comprehensive Conservation and Management Plan (CCMP). She urged members of the public to submit public comments on the CCMP, which has been posted online. Ms. Adkins explained that she will leave the details of the CCMP to the document itself in the hope that concerned citizens will review it, noting that most of the agencies represented on the Commission have had input in the process. She added that PDE would welcome comments from these agencies at this stage as well. She thanked Steve Tambini and the Commissioners for inviting her to speak today.

Introduction and Background. The Comprehensive Conservation and Management Plan for the Delaware Estuary is the formative plan of the Partnership for the Delaware Estuary. It is also a plan of the National Estuary Program, which includes a host of partners other than PDE. The tidal

part of the Delaware River and Bay extends from Trenton to the mouth of the Bay, but the CCMP is a watershed-based program, because PDE recognizes that what happens on the land affects the water. The Delaware River Basin is the watershed for the estuary. Depending on the activities being undertaken, staff looked basin-wide, including at the State of the Estuary and State of the Basin Reports working closely with the DRBC. PDE's role in the National Estuary Program is to implement the CCMP while coordinating the activities of other partners. The core group of partners that by has worked collaboratively with PDE on the CCMP under a written agreement includes the Delaware River Basin Commission, the U.S. EPA Regions 2 and 3, the Delaware Department of Natural Resources and Environmental Control, the New Jersey Department of Environmental Protection, PADEP, and the Philadelphia Water Department. PDE also works with dozens or even hundreds of local partners to implement projects and programs in different parts of the Estuary.

The original CCMP was created in 1996, before the PDE existed, after much stakeholder input and a very robust process. It was meant to be a plan for all the partners in the region. Now 20 years later, it is time to reevaluate the plan. This will be the first time that any significant changes will be made to the plan since 1996. Staff reviewed the goals of the original plan, and the core partners agreed that although the basics of the plan should remain in place, many details needed updating. The revised plan is organized into three main sections, focusing on clean water, strong communities and healthy habitats.

The process undertaken to revise the plan began in 2016. PDE initially engaged a series of experts – scientists and others with expertise in the topics addressed by the plan. PDE gathered their input, developed an outline, and then sought additional input through a series of workshops. The first series of workshops, held in 2016-2017, engaged experts, and a second series of workshops in 2017 involved partners and stakeholders in different regions of the watershed. The updated plan is now posted online and ready for public comment. The public comment is expected to be completed by the end of 2018.

Clean Waters. In the Clean Waters section of the plan there are three main sets of strategies. One goal is aimed at reducing nutrient pollution and its impacts. The strategies range from changes in point source management to, through municipalities, promoting better land use practices and undertaking projects with property owners to reduce nutrients. The second goal and set of strategies is aimed at reducing other types of pollution, such as the legacy contaminants PCBs, and their impacts. The six different strategies range from managing point sources of pollution to promoting cleanup of contaminated sites by state partners. Where appropriate, PDE proposes to conduct and coordinate research, monitoring and communication regarding fish and shellfish consumption, with the aim of reducing the human health impacts of contaminants. The third goal of the Clean Waters section concerns sustaining flow for drinking water and ecosystems. The five strategies in this section include flow management, research and monitoring of water quality, promoting water conservation and efficiency by utilities and businesses, outreach and technical assistance for residential communities, and implementing Regional Sediment Management to ensure sediment stays out of navigation channels and intakes and gets to needed areas like wetlands.

Strong Communities. The section on Strong Communities contains two main goals and accompanying strategies. The first is to increase community resilience and access, especially in waterfront areas where people and the Estuary interact. This goal includes restoring working waterfronts, engaging new volunteers and stewards, and aiding local waterfront communities,

particularly in planning for resilience in response to storms and flooding. The second goal of Strong Communities includes a series of seven strategies aimed at improving public awareness and stakeholder engagement. This is an area where PDE takes the lead in promoting awareness of the National Estuary Program through our newsletter and website, and a host of programs to reach target audiences like teachers, schools, municipalities and farmers. Within the Strong Communities section are PDE's plans for bringing partners together and convening science and technical advisory committees and the Estuary Implementation Committee.

Healthy Habitats. Healthy Habitats includes three different goals, each with sets of strategies. The first goal is aimed at preventing loss of wetlands, one of the most critical resources for the Estuary. Some of the activities in this part of the CCMP include wetland monitoring, assessment and research to find new ways of preventing loss. New and innovative practices like living shoreline initiatives can help prevent eroding wetlands. The second goal of Healthy Habitats is stemming forest loss, a relatively new aspect of the CCMP that recognizes the importance of forests, particularly for water quality. The associated strategies include mapping forests and prioritizing those most important to water quality, connectedness and resilience, while the Estuary states advance more traditional strategies such as forest stewardship plans and forest protection. The third goal in Healthy Habitats is to increase and improve fish and shellfish habitats. Strategies include mapping the benefits of the Bay and looking for habitats for shellfish or submerged aquatic vegetation. PDE has been very involved with implementing strategies for restoring oysters through shell planting and shell recycling, including actions to protect and restore horseshoe crabs and the benefits they provide to shore birds, which are some of the iconic species in the Delaware Estuary.

Finance Strategy. The CCMP includes a Finance Strategy that examines current funding support and needs for the future. This strategy includes key activities and priorities that PDE will pursue as an organization in advancing sustainable financing, with the assistance of our partners. Every strategy includes a cost estimate, albeit a broad and general one, as PDE plans how much this work is going to cost and where the resources will come from.

Monitoring Approach. A section on Monitoring Approach looks at measuring success over time, considering output and outcomes and how to track and measure them across a broad group of partners. This can be done through an annual work plan, by compiling data collected by partners, and with the types of regional monitoring and reporting performed to compile the State of the Estuary report. The draft CCMP contains plans relating to all these aspects. PDE is considering working with the DRBC to convene a monitoring workshop this fall, during which participants would take stock of the data, inventory all Estuary monitoring that currently supports the work described in the CCMP, and seek to fill gaps with potential new strategies.

The draft CCMP is posted online at the PDE website: delawareestuary.org. The public comment period will be open through July 20, 2018. A webinar planned for June 11, which was cancelled due to technical difficulties, will be rescheduled for June 19. Ms. Adkins urged attendees to pick up the flyers she had brought, for additional information about the CCMP and how to comment, including the location of an online comment form at delawareestuary.org. She said the PDE staff would love to read comments from all who are interested and thanked listeners for their attention.

Project Review Applications. Mr. Kovach reported that 28 duly noticed draft dockets had been the subjects of a public hearing on May 16, 2018. Staff received substantive comment on one project,

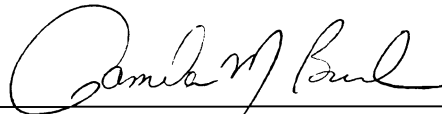
hearing item number 25 – docket D-2017-002 CP-1 for Gan Eden Estates. He noted that to allow time to consider and respond to the comments, consideration of this project was being postponed. No substantive comments were received on the balance of the projects. Mr. Kovach recommended that the Commissioners approve the dockets comprising hearing items 1 through 24 and 26 through 28 in the public hearing and meeting notice.

Hearing no questions from the other Commissioners, Mr. Schaeffer thanked Mr. Kovach and requested a motion to approve the 27 dockets other than that for Gan Eden Estates, that had been subjects of the public hearing on May 16. Mr. Hoffman so moved, and LTC Dahle seconded his motion. Without further comment, the draft dockets comprising hearing items 1 through 24 and 26 through 28 were approved by unanimous vote.

Adjournment. Mr. Schaeffer asked the Commissioners and staff whether any other matters required the Commissioners' consideration that day. Hearing none, he requested a motion to close the business meeting. Mr. Hoffman so moved, Mr. Ashby seconded his motion, and the business meeting was adjourned by unanimous vote at 11:30 a.m.

Audio Recording. Audio recordings of the public hearing of May 16, 2018 and the business meeting of June 13 are on file with the Commission Secretary. A description of each of the applications for the dockets approved during the Business Meeting of June 13, 2018 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.



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 JUNE 13, 2018

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

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

The projects are customarily considered in three categories – *Category A* – project renewals with no substantive changes; *Category B* – project renewals with substantive changes; and *Category C* – projects not previously reviewed by the Commission. All the projects approved by the Commission on June 13, 2018 were subjects of a duly noticed public hearing on May 16, 2018. Descriptions of the projects (based on the applications received, which may vary from final projects) for which the Commission issued approvals on June 13 are listed below, in the order in which the dockets were presented at the May 16 public hearing.

A. *Renewals with No Substantive Changes (hearing items 1 through 20).*

1. Global Advanced Metals USA, Inc., D-1970-072-6. An application to modify the approval of the applicant's existing 0.222 million gallons per day (mgd) industrial wastewater treatment plant (IWTP) and its discharge of treated industrial process water, noncontact

cooling water (NCCW), lagoon underdrain water, steam condensate, and reverse osmosis (RO) reject water. The requested modification is to the previously approved total dissolved solids (TDS) determination, and consists of a decrease in the average monthly TDS effluent limit for Outfall No. 001 from 9,620 milligrams per liter (mg/l) to 9,270 mg/l and an increase in the average monthly TDS effluent limit for Outfall No. 002 from 750 mg/l to 1,500 mg/l. The resultant overall allowable average monthly TDS load from the combined outfalls will be reduced from 14,590 pounds per day (lbs/day) to 14,521 lbs/day. No modifications to the IWTP facilities are proposed. Treated effluent will continue to discharge to Swamp Creek at River Mile 92.47 - 32.3 - 12.9 - 12.6 (Delaware River - Schuylkill River - Perkiomen Creek - Swamp Creek) in Douglass Township, Montgomery County and Colebrookdale Township, Berks County, Pennsylvania.

2. Roamingwood Sewer and Water Association, D-1988-014 CP-3. An application to renew the approval of the existing 1.755 mgd Roamingwood wastewater treatment plant (WWTP) and its discharge. The WWTP will continue to discharge treated effluent to Ariel Creek, upstream of Lake Wallenpaupack, at River Mile 277.7 - 15.8 - 14.2 - 3.5 (Delaware River - Lackawaxen River - Wallenpaupack Creek - Ariel Creek), within the drainage area of the section of the non-tidal Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in Salem Township, Wayne County, Pennsylvania.
3. Northeast Land Company, D-1989-010 CP-4. An application to renew the approval of a groundwater withdrawal (GWD) project to continue to supply up to 4.81 million gallons per month (mgm) of water from existing Wells Nos. 1 and 2 for use in the applicant's public water supply system. The wells are completed in the Catskill Formation in the Tunkhannock Creek Watershed, 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 Kidder Township, Carbon County, Pennsylvania.
4. Whitemarsh Township Authority, D-1993-037 CP-5. An application to renew the approval of the existing 2.0 mgd Whitemarsh Wastewater Pollution Control Center (WPCC) and its discharge. The WPCC will continue to discharge treated effluent to the Schuylkill River at River Mile 92.47 - 18.7 (Delaware River - Schuylkill River), in Whitemarsh Township, Montgomery County, Pennsylvania.
5. Commonwealth National Golf Club, D-1996-027-3. An application to renew the approval of an existing groundwater and surface water withdrawal (SWWD) of up to 5.17 mgm to irrigate the applicant's golf course from existing Well No. CW-2 and an existing intake on a pond which is located on an unnamed tributary (UNT) of Park Creek. Well No. CW-2 is completed in the Stockton Formation. 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 (GWPA) in the Park Creek Watershed in Horsham Township, Montgomery County, Pennsylvania.
6. Horsham Water and Sewer Authority, D-1997-016 CP-4. An application to renew the approval of an existing GWD of up to 86.139 mgm to supply the applicant's public water supply distribution system from fifteen (15) existing wells. The project wells are

completed in the Stockton Formation. The requested allocation is not an increase from the previous allocation. The wells are located in the Commission's designated GWPA in the Pennypack Creek, Park Creek and Little Neshaminy Creek watersheds in Horsham Township, Montgomery County, Pennsylvania.

7. Macoby Run Golf Course, Inc., D-1998-007-3. An application to renew the approval of an existing GWD of up to 3.875 mgm to irrigate the applicant's golf course from existing Well No. PW-1. Well No. PW-1 is completed in the Brunswick Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Commission's designated GWPA in the Macoby Creek Watershed in Marlborough Township, Montgomery County, Pennsylvania.
8. Merck Sharp & Dohme Corporation, D-1998-014-3. An application to renew the approval of an existing GWD of up to 46.5 mgm to supply the applicant's groundwater remediation and industrial operations from twelve (12) existing wells. The project wells are completed in the Brunswick and Locketong formations. The requested allocation is not an increase from the previous allocation. The project is located in the Commission's designated GWPA in the Skippack and Wissahickon Creek watersheds in Upper Gwynedd Township, Montgomery County, Pennsylvania.
9. Honey Brook Golf Club, D-1998-028 -3. An application to renew the approval of an existing GWD and SWWD of up to 10.37 mgm from existing Well No. PW1 and existing intakes in Pond No. 3 (main irrigation pond) and Pond No. 5 for golf course irrigation. The well is completed in felsic and intermediate gneiss in the West Branch Brandywine Creek Watershed in Honey Brook Township, Chester County, Pennsylvania.
10. Pennsylvania American Water Company, D-1999-029 CP-3. An application to renew the approval of the existing 1.25 mgd Pocono Country Place WWTP and its discharge. The WWTP will continue to discharge treated effluent to Dresser Run at River Mile 183.7 - 84.1 - 24.5 - 1.7 - 0.5 (Delaware River - Lehigh River - Tobyhanna Creek - East Branch Tobyhanna Creek - Dresser Run), 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, Monroe County, Pennsylvania.
11. East Marlborough Township, D-2000-043 CP-4. An application to renew the approval of the existing 0.44 mgd Unionville Regional WWTP and its discharge to land. The existing WWTP will continue to discharge treated effluent to land via spray irrigation in the West Branch Red Clay Creek Watershed, in the drainage area of Water Quality Zone C5, in East Marlborough Township, Chester County, Pennsylvania.
12. Upper Uwchlan Township Municipal Authority, D-2000-055 CP-4. An application to renew the approval of the existing 0.6 mgd Route 100 WWTP and its discharge to land via drip and spray irrigation. The WWTP will continue to discharge treated effluent to eight (8) drip and spray irrigation areas located in the Pickering Creek and Marsh Creek watersheds, in Upper Uwchlan Township, Chester County, Pennsylvania.

13. Avondale Borough, D-2000-066 CP-3. An application to renew the approval of the existing 0.5 mgd Avondale WWTP and its discharge. The WWTP will continue to discharge treated effluent to an UNT of East Branch White Clay Creek, at River Mile 70.7 - 10.3 - 15.7 - 7.6 - 0.6 (Delaware River - Christina River - White Clay Creek - East Branch White Clay Creek - UNT East Branch White Clay Creek), in Avondale Borough, Chester County, Pennsylvania.
14. Tidewater Utilities, Inc., D-2002-004 CP-3. An application to renew the approval of an existing export of up to 1.302 mgd of water from the Delaware River Basin (DRB) to the Atlantic Basin. The export results from the withdrawal of up to 53.791 mgm of groundwater from four existing wells in the DRB to serve the docket holder's public water system. The wastewater is conveyed to a treatment facility outside the basin. The wells are completed in the Columbia-Pocomoke and Beaverdam formations in the Canary Creek-Broadkill River Watershed in Sussex County, Delaware.
15. Bear Creek Mountain Resort and Conference Center, D-2005-016-3. An application to renew the approval of the existing Bear Creek Mountain Resort and Conference Center WWTP, its discharge to land via spray application, and reuse for snowmaking. The WWTP will continue to discharge treated effluent at a maximum daily rate of 0.035 mgd to land adjacent to Swabia Creek in the Lehigh River Watershed, 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 Longswamp Township, Berks County, Pennsylvania.
16. Coolbaugh Township, D-2006-023 CP-5. An application to renew the approval of the applicant's existing 0.052 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to Tobyhanna Creek, at River Mile 183.66 - 83.5 - 22.3 (Delaware River - Lehigh River - Tobyhanna 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 Coolbaugh Township, Monroe County, Pennsylvania.
17. East Brandywine Township Municipal Authority, D-2007-043 CP-3. An application to renew the approval to construct the new 0.0554 mgd Hillendale WWTP and its discharge to land. The WWTP will utilize a Sequencing Batch Reactor (SBR) treatment process with ultraviolet (UV) disinfection, and will discharge treated effluent to land via four drip irrigation fields to be located in the Brandywine-Christina River Watershed in East Brandywine Township, Chester County, Pennsylvania.
18. Bryn Athyn Borough, D-2008-013 CP-5. An application to renew the approval of the existing 0.065 mgd New Church WWTP and its discharge. The WWTP will continue to discharge treated effluent to an UNT of Huntingdon Valley Creek, at River Mile 109.8 - 12.0 - 1.1 - 0.2 (Delaware River - Pennypack Creek - Huntingdon Valley Creek - UNT Huntingdon Valley Creek) in Bryn Athyn Borough, Montgomery County, Pennsylvania.
19. Tobyhanna Army Depot, D-2009-041 CP-4. An application to renew the approval of the existing 0.802 mgd Tobyhanna Army WWTP and its discharge. The WWTP will continue

to discharge treated effluent into Hummler Run at River Mile 183.7 - 83.5 - 26.4 - 1.8 (Delaware River - Lehigh River - Tobyhanna Creek - Hummler Run), 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, Monroe County, Pennsylvania.

20. Pocono Waterworks Company, Inc., D-2013-009 CP-2. An application to renew the approval of the existing 0.021 mgd Pine Grove Estates WWTP and its discharge. The WWTP will continue to discharge treated effluent to an UNT of the Delaware River, at River Mile 289.5 - 1.8 (Delaware River - UNT Delaware River), within the drainage area of the section of the non-tidal Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in Damascus Township, Wayne County, Pennsylvania.

B. Renewals with Substantive Changes (hearing items 21 through 24).

21. SPI Pharma, D-1969-006-2. An application to renew the approval of the applicant's existing 2.64 mgd IWTP and its discharge. The IWTP will continue to discharge treated effluent to Water Quality Zone 6 of the Delaware Bay at River Mile 0.74, in the City of Lewes, Sussex County, Delaware.
22. Aqua Pennsylvania, Inc., D-1975-078 CP-5. An application to renew the approval of an existing GWD of up to 22.28 mgm for the applicant's public water supply system from existing Wells Nos. 2, 3, 4, 5, 6 and a spring. The application will also renew the approval of an existing importation of 0.494 mgd of groundwater from the Susquehanna River Basin. The applicant is also requesting an increased allocation in Well No. 3 from 2.676 mgm to 3.5 mgm. The total public water supply system allocation will remain the same as the previous allocation. Wells Nos. 2, 3, 4, 5 and 6 are completed in the Duncannon, Polar Gap and Packerton members of the Catskill Formation and are located in the Van Auken Watershed within the drainage area of the section of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in Waymart Borough and Canaan Township, Wayne County, Pennsylvania.
23. SPI Pharma, D-1978-085-2. An application to renew the approval of an existing GWD to supply water to the applicant's industrial facility for magnesium extraction. The renewal will also approve an increase in allocation from 18 million gallons per thirty days (mg/30 days) to 23.76 mgm from 17 existing wells. The wells are located beneath the Cape Henlopen State Park fishing pier in Delaware Bay in Water Quality Zone 6. The project is located in the Delaware Bay Watershed, City of Lewes, Sussex County, Delaware.
24. Hilltown Township Water & Sewer Authority, D-1992-020 CP-4. An application to renew the approval of an existing GWD and to increase the allocation from 16.0 mg/30 days to 21.52 mgm from existing Wells Nos. 1A, 2 and 5. Wells Nos. 1A and 2 are completed in the Brunswick Formation and Well No. 5 is completed in the Lockatong Formation. The wells are located in the Commission's designated GWPA in the Pleasant Spring Creek Watershed, Hilltown Township, Bucks County, Pennsylvania.

C. *New Projects (projects not previously reviewed by the Commission) (hearing items 25 – 28).*

25. Gan Eden Estates, D-2017-002 CP-1. *Consideration of this docket was postponed to allow additional time for review.*
 26. Camp Starlight, With You, LLC, D-2017-005-1. An application to approve the existing 0.027 mgd Camp Starlight WWTP and its discharge. The WWTP will continue to discharge treated effluent to an UNT of Shehawken Creek, at River Mile 330.5 - 0.5 - 5.0 - 0.3 (Delaware River - West Branch Delaware River - Shehawken Creek - UNT Shehawken Creek), within the drainage area of the section of the non-tidal Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in Preston Township, Wayne County, Pennsylvania.
 27. Glencrest Mobile Home Park, D-2017-007-1. An application to approve the existing 0.035 mgd Glencrest Mobile Home Park WWTP and its discharge. The WWTP will continue to discharge treated effluent to an UNT of Coplay Creek at River Mile 183.7 - 21.1 - 12.6 - 0.47 (Delaware River - Lehigh River - Coplay Creek - UNT Coplay 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 Washington Township, Lehigh County, Pennsylvania.
 28. Merion Golf Club, D-2017-013-1. An application to approve a SWWD of up to 12.416 mgm to irrigate the docket holder's East and West golf courses from existing surface water Intakes Nos. 11 Fairway and 13 Fairway, and an impounded spring known as Intake West, which feeds into an UNT of Darby Creek. The approval will also include construction of new surface water Intake No. 10 Fairway on an UNT of Cobbs Creek to replace Intake No. 13 Fairway. The project is located in the Cobbs Creek Watershed, Haverford Township, Delaware County, Pennsylvania.
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