

DELAWARE RIVER BASIN COMMISSION

MEETING OF MAY 14, 2008

Minutes

The Commission met at the Independence Seaport Museum at Penn's Landing in Philadelphia, Pennsylvania.

Commissioners present: Cathy Curran Myers, Chair, Pennsylvania
Joseph A. Miri, Vice Chair, New Jersey
Mark Klotz, Second Vice Chair, New York
Harry W. Otto, Delaware
Lt. Col. Gwen E. Baker, United States (morning only)
Henry W. Gruber, P.E., United States

DRBC Staff participants: Carol R. Collier, Executive Director
Robert Tudor, Deputy Executive Director
Kenneth J. Warren, DRBC General Counsel, Hangley, Aronchick,
Segal & Pudlin
Pamela M. Bush, Commission Secretary & Assistant General Counsel
Thomas J. Fikslin, Modeling, Monitoring & Assessment Branch Manager
Richard C. Gore, Chief Administrative Officer
William J. Muszynski, Water Resources Management Branch Manager
Chad Pindar, Supervisor, Project Review Section
Amy Shallcross, Supervisor, Operations Section

Chairwoman Myers convened the business meeting at approximately 11:00 a.m., immediately following the morning conference session. The first item on the agenda was the hearing on Project Review applications.

Public Hearing: Project Review Applications. Chairwoman Myers announced that because hearing item 9 – Docket D-97-45-2 for AES Ironwood, LLC, involved a former client of hers, she would abstain from voting on that project. Hearing item 17, Docket D-2007-31 CP-1 for the City of Easton, was postponed to allow additional time for review. Chad Pindar of the DRBC staff presented the remaining 29 projects in three categories: Category A, consisting of docket renewals involving no substantial changes (items 1 and 2); Category B, consisting of renewals involving significant changes, such as an increase or decrease in an authorized withdrawal or discharge (items 3 through 9, 11 and 12); and Category C, consisting of projects not previously reviewed by the Commission (items 10, 13 through 16 and 18 through 30).

A. Renewals with No Substantive Changes (items 1 and 2).

1. Valley Township D-88-31 CP-3. An application for the renewal of a ground water withdrawal project to continue withdrawal of 4.5 million gallons per thirty days (mg/30 days) to supply the applicant's public water supply distribution system from existing

Wells Nos. V1, V2 and V4. The project is located in the Precambrian Gabbroic Gneiss Formation in the Brandywine Creek Watershed in Valley Township, Chester County, Pennsylvania.

2. Monroe Township Municipal Utilities Authority D-93-9 CP-2. An application for the renewal of a ground water withdrawal project to continue withdrawal of 25.92 mg/30 days from existing Wells Nos. 9 and 10 to supply the portion of the applicant's public water supply distribution system that is located in the Delaware River Basin. The project is located in the Kirkwood Cohansey Aquifer in the Scotland Run Watershed in Monroe Township, Gloucester County, New Jersey, in New Jersey Critical Water Supply Area 2.

Mr. Pindar recommended approval of hearing items 1 and 2. Hearing no questions or comments from the commissioners or the public, Ms. Myers requested a motion to approve the two dockets. Dr. Otto so moved, Mr. Klotz seconded, and hearing items 1 and 2 were approved by unanimous vote.

B. Renewals with Substantive Changes (items 3 through 9, 11 and 12).

3. Borough of Milford D-68-100 CP-2. An application to upgrade the applicant's wastewater treatment plant (WWTP) to provide improved nutrient removal. No increase in the approved 0.4 mgd WWTP capacity is proposed. The project is located off Carpenter Street in Milford Borough, Hunterdon County, New Jersey and discharges to Spring Mills Creek, approximately 0.1 mile upstream from its confluence with Lower Delaware River Special Protection Waters. The project is also within the Lower Delaware River Management Plan area. The WWTP will continue to serve a portion of Holland Township and Milford Borough, both in Hunterdon County, New Jersey.
4. Siemens Healthcare Diagnostics D-70-86-2. An application for the renewal of a ground water withdrawal project to increase withdrawal from 8.64 mg/30 days to 12.08 mg/30 days to supply the applicant's manufacturing facility from existing Well No. 4 and to decrease the total system allocation from 15.12 mg/30 days to 12.1 mg/30 days in the Columbia Formation. The project is located in the C & D Canal and the Red Lion Creek watersheds in the City of Newark, New Castle County, Delaware.
5. Aqua New Jersey, Inc. D-77-49-2. An application for approval of a ground water withdrawal project to supply up to 8.6 mg/30 days of water to the applicant's Warren Glen, Riegel Ridge and Fox Hollow distribution systems from new Wells Nos. 4, 5, 6 and 7, which represents an increase in the existing withdrawal 5.6 mg/30 days to 8.6 mg/30 days. The increased allocation is requested in order to meet projected increases in service area demand. The project is located in the Leithsville Formation in the Musconetcong and Delaware River Watersheds in Holland Township, Hunterdon County and Pohatcong Township, Warren County, New Jersey. This withdrawal project is located within the drainage area to the section of the non-tidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.
6. Upper Gwynedd Township D-91-88 CP-4. An application for approval of the addition of an effluent filter on the Upper Gwynedd Township WWTP. The WWTP's average annual flow of 5.7 mgd will not change. The WWTP will continue to discharge to the

Wissahickon Creek, a tributary of the Schuylkill River. The facility is located in Upper Gwynedd Township, Montgomery County, Pennsylvania.

7. Township of Pemberton D-92-56 CP-3. An application for the renewal of a ground water withdrawal project to increase withdrawal from 38.75 mg/30 days to 58 mg/30 days to supply the applicant's public water supply distribution system from existing Wells Nos. 4, 6, 7, 8A and 11 and new Wells Nos. 1, 2 and 13 in the Mt. Laurel/Wenonah and Englishtown Formations. The increased allocation is requested in order to meet projected increases in service area demand. The project is located in the Rancocas Creek Watershed in Pemberton Township, Burlington County, New Jersey.
8. The Premcor Refining Group, Inc. D-93-4-6. An application to replace the withdrawal of water from Wells Nos. P-3A and P-4A in the applicant's water supply system that have become unreliable sources of supply and to increase the applicant's surface water withdrawal from the Delaware River and Red Lion Creek. Premcor requests that its combined withdrawal from replacement Wells Nos. P-3B and P-4B and seven existing wells remain limited to 180 mg/30 days; that its withdrawal from the Delaware River intake remain at 13,560 mg/30 days; that the docket authorize withdrawals of 38.9 mg/30 days from the Red Lion Creek intake and up to 56.2 mg/30 days from the Dragon Run intake, and that Premcor's combined withdrawal from all sources be limited to 13,835.1 mg/30 days. The proposed allocation represents no increase in groundwater withdrawals, no increase from the Delaware River intake and the inclusion in a DRBC docket of previously un-docketed pre-Compact DNREC allocations from Dragon Run and Red Lion Creek. The project is located in the Potomac Formation in the C&D Canal East, Dragon Run Creek, Red Lion Creek and Delaware River watersheds in Delaware City, New Castle County, Delaware.
9. AES Ironwood, LLC D-97-45-2. An application for the renewal of a surface water withdrawal project to increase the applicant's withdrawal from 64.8 mg/30 days to 70.2 mg/30 days to supply the applicant's power generation facility. The withdrawal is made via the diversion of a portion of an existing quarry discharge to Tulpehocken Creek within the Schuylkill River Watershed, and the diversion of a portion of the City of Lebanon sewage treatment plant wastewater discharge to Quittapahilla Creek, which is located in the Susquehanna River Basin. The portion of the withdrawal diverted from the City of Lebanon treatment plant discharge constitutes an inter-basin transfer. The project is located in South Lebanon Township in Lebanon County, Pennsylvania.
11. Penn Estate Utilities D-99-20-2. An application for approval of the modification of a denitrification filter on the Penn Estates Utilities WWTP. The existing design flow of 0.56 mgd will not change as a result of this project. The WWTP will continue to discharge to Cranberry Creek, a tributary of the Brodhead Creek, which is a tributary of the section of the non-tidal Delaware River known as the Middle Delaware. The Middle Delaware is designated as Special Protection Waters. The facility is located in Stroud Township, Monroe County, Pennsylvania.
12. Sussex County Municipal Utilities Authority D-2006-6 CP-2. An application requesting approval for an increase in the average monthly Total Dissolved Solids (TDS) effluent limit for the docket holder's Hampton Commons WWTP. The request is to increase the

average monthly limit from 1,000 milligrams per liter (mg/l) to 1,500 mg/l. The 50,000 gallons per day (gpd) Hampton Commons WWTP discharges to Marsh's Farm Creek, a tributary to the Paulins Kill River. The facility is located in Hampton Township, Sussex County, New Jersey, within the drainage area of the non-tidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

Mr. Pindar recommended that the group of nine dockets be approved.

Hearing no questions or comments, Ms. Myers requested a motion to approve the nine dockets consisting of renewals with substantive changes – hearing items 3, 4 through 9, 11 and 12 – and repeated that she would abstain from voting on hearing item 9. Dr. Miri so moved and Lt. Col. Baker seconded his motion. The AES Ironwood docket was approved by majority vote, and the other eight dockets were approved by unanimous vote.

C. New Projects (items 10, 13 through 16 and 18 through 30). Mr. Pindar explained that this group of eighteen projects consisted of new discharges or withdrawals or were simply new to the Commission. He noted that hearing item 17 was postponed until the July hearing to allow additional time for review.

10. Milford Valley Convalescent Home D-98-51-2. An application to modify an existing 0.015 mgd WWTP with the addition of a prefabricated equalization tank. The WWTP will continue to serve the Milford Valley Convalescent Home, located in Westfall Township, Pike County, Pennsylvania. The WWTP discharges to the section of the non-tidal Delaware River known as the Middle Delaware, which is designated as Special Protection Waters.
13. Whitemarsh Township D-93-37 CP-2. An application for the approval of modifications to an existing but previously undocketed WWTP that will continue to serve a portion of Whitemarsh Township. The project involves replacing the original process equipment with new equipment. The 2.0 mgd WWTP will continue to provide secondary biological treatment via the trickling filter process and will continue to discharge to an unnamed tributary of the Schuylkill River. The facility is located in Whitemarsh Township, Montgomery County, Pennsylvania.
14. Valero Paulsboro Refinery D-2006-28-1. An application for approval of an existing surface water withdrawal project to supply up to 414 mg/30 days (~13.8 mgd) of water to the applicant's petroleum refinery from an existing surface water intake. The project is located in the Delaware Watershed in Greenwich Township, Gloucester County, New Jersey, in New Jersey Critical Water Supply Area 2.
15. Rock-Tenn Company D-2006-41-1. An application for approval of the Rock-Tenn Company's existing non-contact cooling water (NCCW) and IWTP discharge from the company's Stroudsburg paper mill. The combined discharge of 0.295 mgd of NCCW and IWTP effluent will continue to be discharged to the Brodhead Creek. The Brodhead Creek is tributary to the Middle Delaware Special Protection Waters. The facility is located in Delaware Water Gap Borough, Monroe County, Pennsylvania.

16. Skyview Golf Course, Inc. D-2007-19-1. An application for approval of a ground and surface water withdrawal project to supply less than 3.1 mg/30 days of water to the applicant's golf course irrigation system from new Wells Nos. 2 and 11 and Intake No. 1 and to limit the withdrawal from all sources to less than 3.1 mg/30 days. The project is located in the Hypersthene-Quartz-Oligoclase Gneiss Formation in the Paulins Kill Watershed in Sparta Township, Sussex County, New Jersey, within the drainage area to the section of the non-tidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters.
18. Empire Golf Management d/b/a Pine Hill Golf Club D-2007-33-1. An application for approval of a ground and surface water withdrawal project to supply up to 12 mg/30 days of water to the applicant's golf course irrigation system from new Wells TW1, PW1, PW2, PW5B and PW6B and a pond intake. The project is located in the Kirkwood-Cohansey Formation in the Big Timber Creek Watershed in Pine Hill Borough, Camden County, New Jersey.
19. East Stroudsburg Borough D-2007-39 CP-1. An application for approval of the existing East Stroudsburg Borough Water Filtration Plant's (WFP) 0.09 mgd backwash discharge. The East Stroudsburg WFP discharges filter backwash to Sambo Creek, as do the plant's sludge decanting basins. Sambo Creek is a tributary to the Brodhead Creek, which is a tributary to the section of the non-tidal Delaware River known as the Middle Delaware, which is designated as Special Protection Waters. The facility is located in Smithfield Township, Monroe County, Pennsylvania.
20. Laurel Pipe Line Company D-2007-40-1. An application for the approval of the existing Laurel Pipe Line Company's groundwater remediation discharge of 0.070 mgd. The applicant's groundwater remediation system will continue to discharge to an unnamed tributary of Green Creek, a tributary of Chester Creek. The facility is located in Bethel Township, Delaware County, Pennsylvania.
21. East Brandywine Township Municipal Authority D-2007-43 CP-1. An application for the approval of the construction of the new 61,400 gpd Hillendale WWTP and the associated pump stations, collection system, and drip irrigation disposal facility. The Hillendale WWTP will serve the 140 acre Pine Hill Subdivision. The WWTP will discharge treated effluent to approximately 9.3 acres of spray irrigation fields. The subdivision and associated facilities are located adjacent to the East Branch Brandywine Creek. The facilities will be located in East Brandywine Township, Chester County, Pennsylvania.
22. Tidewater Utilities, Inc. D-2008-3 CP-1. An application for approval of a ground water withdrawal project to supply up to 5.7 mg/30 days of water to the applicant's Chimney Hill/Hillside/Woodbury district public water supply distribution system from new Wells Nos. 159102, 190503 and 209110. The project is located in the Frederica and Federalsburg formations in the Murderkill River Watershed in Kent County, Delaware.

23. Warwick Township D-2008-4 CP-1. An application for the approval of the construction of the new 63,050 gpd St. Peters Village WWTP and the associated pump station and 12.67 acre spray irrigation disposal facility. The St. Peters Village WWTP will serve existing and proposed development within the St. Peters Village and Knauertown areas. The WWTP will discharge treated effluent to approximately 12.67 acres of spray irrigation fields. The treatment facilities are located adjacent to French Creek. The facilities will be located near Knauertown, in Warwick Township, Chester County, Pennsylvania.

The Commission received one comment on this project although it was based on the water supply aspect of the project and not the discharge component. The Commission is in the process of drafting an application letter for the water supply component of this project. The comment was from the watershed group Green Valley Association and they were satisfied with the Commission's response to their request.

24. Pleasant Valley School District D-2008-5 CP-1. An application for the approval of the expansion of the Pleasant Valley School District (PVSD) Brodheadsville Campus WWTP and spray irrigation system. The PVSD WWTP will be expanded from 10,200 gpd to 30,000 gpd and the spray irrigation system will have two new storage lagoons (Nos. 3 and 4) and 7 new spray fields equal to a combined area of approximately 16 acres. The PVSD Brodheadsville WWTP will be expanded to serve the Middle School, High School, J.C. Mills School, Chestnuthill Elementary School and Bus Transportation Facility. Previously, the High School and Chestnuthill Elementary School discharged to their own individual on-lot septic systems, and the J.C. Mills School had its own WWTP. The treatment facilities are located adjacent to an unnamed tributary to Weir Creek, a tributary to the Pohopoco Creek, which is tributary to the Lehigh River. The facilities are located near Brodheadsville, in Chestnuthill Township, Monroe County, Pennsylvania.

25. Morrisville Borough Municipal Authority D-2008-6 CP-1. An application for approval of the existing Morrisville Borough Municipal Authority's Water Filtration Plant backwash discharge. The 150,000 gpd backwash discharge is to the portion of the non-tidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters. The facilities are located in Morrisville Borough, Bucks County, Pennsylvania.

Mr. Pindar noted that the Pennsylvania model stormwater ordinance that Phase 2 communities, including Morrisville, are required to adopt, satisfies the Commission's non-point source requirements. The applicant was informed of this and intends to present the approved stormwater management plan to the Commission so that a determination can be made that the service area does indeed have a non-point source plan in place.

26. Keystone Mobile Home Park D-2008-7-1. An application for approval of the reconstruction of the Keystone Mobile Home Park (KMHP) WWTP. The KMHP WWTP will continue to discharge 40,000 gpd to the Lehigh River, which is a tributary of the section of the non-tidal Delaware River known as the Lower Delaware, which is designated Special Protection Waters. The WWTP is located near Laurys Station, North Whitehall Township, Lehigh County, Pennsylvania.

27. Green Walk Trout Hatchery, Inc. D-2008-8-1. An application for approval of a ground water withdrawal project to supply up to 13.824 mg/30 days of water to the applicant's trout hatchery facility from Wells Nos. 1 and 2. Although not previously approved by the Commission, this project has been in operation since 1971. The project is located in the Martinsburg Formation in the Jacoby Creek Watershed in Upper Mount Bethel Township, Northampton County, Pennsylvania, within the drainage area to the section of the non-tidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.
28. Joseph Wick Nurseries, Ltd. D-2008-10-1. An application for approval of a ground water withdrawal project to supply up to 11.6 mg/30 days of water to the applicant's nursery from new Wells Nos. 1 and 2. The project is located in the Federalsburg Formation in the St. Jones River Watershed in the City of Dover, Kent County, Delaware.
29. Evergreen Community Power D-2008-11-1. An application for approval of a ground water withdrawal project to supply up to 51.84 mg/30 days of water to the applicant's steam turbine power plant from new Wells Nos. PW2 and PW3. The project is located in the Cambrian Carbonate Formation in the Schuylkill River Watershed in the City of Reading, Berks County, Pennsylvania.
30. White Haven Borough D-2008-12 CP-1. An application for approval of a ground water withdrawal project to supply up to 4.189 mg/30 days of water to the applicant's bottled water operations from existing Wells Nos. 1 and 2. The project is located in the Mauch Chunk Formation in the Linesville Creek Watershed in Foster Township, Luzerne County, Pennsylvania, within the drainage area to the section of the non-tidal Delaware River known as the Lower Delaware, which is designated as Special Protection Waters.

Mr. Pindar recommended that the Commission approve the eighteen new projects.

Hearing no further comments or questions, Ms. Myers requested a motion for approval of the eighteen dockets for new projects – hearing items 10, 13 through 16 and 18 through 30. Mr. Klotz so moved, Dr. Otto seconded the motion and the eighteen dockets were approved by unanimous vote.

At the conclusion of the hearing on Project Review applications and before adjourning the morning session of the business meeting, Chairwoman Myers announced that this meeting had been the last for Lt. Col. Baker, who is being re-stationed to North Carolina, where she will re-join her family. Lt. Col. Thomas J. Tickner will replace her as an alternate to the Commission's federal representative for the next two years. Ms. Myers thanked Lt. Col. Baker for her incredible dedication in the execution of her responsibilities as the Federal Commissioner. Ms. Myers noted that Lt. Col. Baker would attend the Federal Coordination Summit on May 15, and noted the extraordinary collaboration achieved among the federal agencies during Lt. Col. Baker's tenure on the Commission. Ms. Myers observed that the Commission derives numerous benefits from the involvement of many federal agencies with interests and duties in the Delaware Basin and noted that representatives of these agencies would be convening in Philadelphia to discuss priorities and help each other get the job done. Ms. Myers thanked Lt. Col. Baker for her service, praised her as a shining example of how to do it right and wished her well in her future assignment.

The meeting was resumed at 1:30 p.m. with consideration of the draft Minutes from the March 12, 2008 business meeting.

Minutes. Ms. Myers asked for a motion to approve the Minutes of the Commission's meeting of March 12, 2008. Mr. Klotz so moved, Dr. Otto seconded his motion, and the Minutes of the March 12, 2008 Commission Meeting were approved by unanimous vote.

Announcements. Ms. Bush announced the following meetings and events:

- *Applied Environmental Statistics Course.* An Applied Environmental Statistics course will be offered May 12-16, 2008 at the Rutgers EcoComplex in Bordentown, NJ. Further details are available on the Commission's web site.
- *National Water Quality Monitoring Council (NWQMC).* The Council will hold its 6th National Water Quality Monitoring Conference from May 18-22, 2008 at the Atlantic City Convention Center, Atlantic City, NJ. The title is *Monitoring: Key to Understanding Our Waters*. The conference will focus on seven themes highlighting the importance of monitoring and the necessity of clean water for all. Conference details, including registration, housing and travel information can be found via a link on the Commission's web site.
- *Schuylkill Center for Environmental Education Series.* The Schuylkill Center for Environmental Education has announced the spring installment of its free Citizen Science program series, which began March 13, 2008 with programs every other week on Thursday evenings through May 22, 2008. Each program begins with a poster session at 6:30 pm. Followed by the scheduled presenter at 7:00 p.m. A list of upcoming programs is available via a link on the Commission's web site.
- *Tenth Anniversary of the Delaware River Greenway Partnership (DRGP).* On Saturday, September 13, 2008 DRGP will hold a series of presentations entitled *Your River, Your Region* at the New Hope-Solebury High School in New Hope, PA. On the evening of September 13 there will be a Michener Museum Tour and a Party/Awards Ceremony at the Blue Raccoon, both also in New Hope, PA. For additional details, please check the Commission's website or phone Pam Bush at (609) 883-9500 x 203.

Hydrologic Conditions. Amy Shallcross, the Operations Supervisor, Water Resources Management Branch, reported on hydrologic conditions in the Basin.

The observed precipitation for the Delaware River Basin above Montague, New Jersey from January 1 through May 12, 2008 was 18.27 inches or 3.87 inches above normal. The observed precipitation for the Delaware River Basin above Trenton, New Jersey for the same period was 18.75 inches or 3.54 inches above normal. Also for the same period, the observed precipitation for Wilmington, Delaware was 14.48 inches or 0.73 inches below normal.

The average observed streamflow of the Delaware River at Montague, New Jersey in April 2008 was 9,720 cubic feet per second (cfs) or 85.4 percent of the long-term average for the month.

For the same period, the average observed streamflow of the Delaware River at Trenton, New Jersey was 17,171 cfs, or 85.4 percent of the long-term average for the month.

For the period from May 1 through May 12, 2008, the average observed streamflow of the Delaware River at Montague was 3,977 cfs, or 58.0 percent of the long-term average for the month. The average streamflow at Trenton during the same period was 10,448 cfs, or 76.6 percent of the long-term average for the month.

In the Lower Basin, as of May 13, 2008, Beltzville Reservoir contained 12.98 billion gallons (bg) usable, or 99.8 percent of usable storage, and Blue Marsh contained 6.47 bg usable, or 99.5 percent of summer pool usable storage. As of May 12, Merrill Creek contained 15.46 bg usable, or 98.5 percent of usable storage.

In the Upper Basin, as of May 13, 2008, Pepacton Reservoir contained 137.255 bg usable, or 97.9 percent of usable storage. Cannonsville contained 93.196 bg usable, or 97.4 percent of usable storage. Neversink contained 34.013 bg usable, or 97.3 percent of usable storage. Total New York City Delaware Basin reservoir storage was 264.464 bg usable, or 97.6 percent of usable storage.

Ms. Shallcross said that as of May 14, in accordance with the Flexible Flow Management Plan (FFMP), water was being released at the L2 level.

As of April 30, 2008 the average ground water level in eight reported USGS observation wells in the Pennsylvania portion of the Basin was slightly below the long-term average for the month. Water levels expressed as 30-day moving averages at five of those wells were within their normal range for this time of the year while water levels at the remaining three wells were below their normal range. The water levels at the Cumberland County, New Jersey coastal plain observation well were slightly below their normal range. When last observed on April 15, the water levels at the New Castle County, Delaware coastal plain observation well were within their normal range.

During the month of April 2008, the location of the seven-day average of the 250-parts per million (ppm) isochlor, also known as the "salt line", ranged from River Mile (RM) 60 to RM 68. The normal location of the salt line during April is RM 61, a location which is eight miles downstream of the Delaware Memorial Bridge. As of May 12, the salt line was located at RM 70, which is six miles upstream of the normal location for May.

There were no areas in the basin in drought status as of May 14. Governor Minner ended Delaware's declaration of drought watch on April 25, 2008.

Executive Director's Report. Ms. Collier's remarks are summarized below:

- *DRBC Staff.* Alysa Suero of the Project Review Branch received her Professional Geologist's license from the Commonwealth of Pennsylvania. The Commission has two new staff members: Steve Walsh, a Penn State graduate with his EIT joined Project Review. Steve has experience in municipal engineering in the private sector. Erin McCracken has joined the Planning and Information Technology Branch in a full-time temporary position.

Erin was a Watershed Specialist with the New Jersey Conservation and Development Council. She has also worked as an environmental planner in Ohio and for the Conservation District in Warren County, Pennsylvania. On a more somber note, Bridget Ferry, who is the assistant to Project Review, had emergency surgery. Ms. Collier reported that Bridget is doing well and hopefully will return to work within a month. The staff really miss her.

- *The Partnership for the Delaware Estuary.* Ms. Collier introduced Jennifer Adkins, the new Executive Director of the Partnership for the Delaware Estuary, who was attending her first Commission meeting in her new role. Ms. Collier also recognized Martha Maxwell-Doyle, who worked for the DRBC for a time before joining the Partnership, where she currently serves as Deputy Executive Director. Martha will be moving shortly to take on the Executive Directorship of the Barnegat Bay Estuary Program. She will be missed.
- *Federal Funding.* Ms. Collier reported that the Commission had been working with Pennsylvania Senator Arlen Specter's office on a multi-party letter of support for federal funding for DRBC. Ms. Collier noted that Pennsylvania legislators had offered some wonderful support as well. A Pennsylvania House resolution recommending full federal funding for all three Mid-Atlantic basin commissions in the Commonwealth – the Potomac, Susquehanna and Delaware – was approved by unanimous vote. That resolution will be sent to all congressional staff from the affected states, as well as to the President and the Secretary of the Army. Ms. Collier said DRBC really appreciates that kind of support.
- *Key DRBC Activities.* On May 15, 2008, the Commission and the U.S. Army Corps of Engineers will host the second Delaware Basin Federal Coordination Summit. The event brings the Commissioners together with leaders of federal agencies that participate in water management in the basin to consider how these agencies can work as a team to advance required actions. The Corps of Engineers invited Ms. Collier and her counterparts at the Potomac and Susquehanna basin commissions to speak at an internal summit in Texas for Corps planning staff and about how the interstate commissions can better interact with the Corps and how they can utilize regional and state entities.
- *Upper Delaware Council (UDC) and National Park Service (NPS) Workshop.* The Upper Delaware Council and the National Park Service will hold a workshop on May 21, 2008 on natural gas drilling activity in the Upper Basin. This event will be held at the Honesdale, PA Middle School at 9:00 p.m.
- *Other Events.*
 - The 14th Annual Delaware River Sojourn will take place the week of June 22-28, 2008.
 - At the end of the Sojourn week DRBC will co-host a session with the U.S. Environmental Protection Agency, Region 3 (USEPA). Every six months the water directors of the EPA Region 3 states and inter-states meet. This particular session will be co-hosted by the Commission in the Shawnee area of the Pocono Mountains.

General Counsel's Report. Mr. Warren reported on two matters that had been pending for some time. The first was a request for a hearing filed by the Brodhead Creek Regional Authority (BCRA) in connection with a docket issued to BCRA in 2006. Staff had previously reached an

agreement with BCRA on some of the issues. One issue left outstanding involved a docket condition referencing a water allocation permit required by Pennsylvania. Due to the good work of staff in the Pennsylvania Department of Environmental Protection, Mr. Warren reported, there is now an agreement between BCRA and the Commonwealth providing that once the state water allocation permit and state construction permit are issued, BCRA will withdraw its DRBC appeal. Because those permits have yet to be issued, it is premature to mark the appeal as withdrawn today.

The second matter is the ongoing federal court litigation that was commenced by M & M Stone involving the Telford Quarry. The defendants, including the DRBC and Pennsylvania filed a supplemental motion to dismiss on the grounds that the Environmental Hearing Board in Pennsylvania ruled that the orders PADEP issued to close the quarry were in all respects reasonable. That motion is now pending before the federal court.

Resolution Amending the Water Quality Regulations and Comprehensive Plan with Respect to Designation of the Lower Delaware River as a Special Protection Water. Chairwoman Myers explained that as she believed many in the room already were aware, she had reached out to her fellow Commissioners to request a short postponement of the vote on this matter. Thus, instead of final action on the proposed rulemaking, she said the Commission had before it a resolution that would provide for continuation of the existing interim designation. She said that in response to concerns expressed by municipalities in the Lehigh Valley, the DRBC staff had spent a day with representatives of the municipalities to discuss their concerns and had believed the issues to be resolved. Commission staff and Pennsylvania recently learned that they were not satisfactorily resolved. PADEP wishes to spend additional time with the municipalities to make certain it understands the concerns raised in written comments submitted during the comment period. Ms. Myers emphasized that the Commission was not entertaining new comments but wished to work out a thorough understanding of the issues raised previously. She explained that the comment period remained closed and there would be no opportunity for comment on the record today. Ms. Myers noted that as always there would be a public dialogue segment before the close of the meeting, during which the Commission would entertain comments on any subject, including this resolution, but such comments would not become part of the decision-making record on the regulation. Ms. Myers asked Ms. Bush for a synopsis of the rulemaking process to date.

Ms. Bush reported that the triggering event for the rulemaking was designation by Congress in 2000 of the Lower Delaware River as a Scenic and Recreational River within the national Wild and Scenic Rivers System. That system refers to a federal program established in 1968 to preserve the character of rivers deemed to possess “outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic and cultural or other similar values.” The Delaware Riverkeeper Network filed a petition in 2001 seeking Outstanding Basin Waters designation in accordance with DRBC’s regulations for all waters within the Lower Delaware that received the federal Wild and Scenic designation.

Between 2000 and 2004, the Commission conducted a monitoring program in the Lower Delaware to determine whether existing water quality in fact exceeded the criteria for water quality and merited special water quality protections. The monitoring program results were discussed following public notice in 2004 in connection with a proposal to designate the Lower Delaware River as Special Protection Waters. A comment period, a hearing and a series of public informational meetings were held in the fall of 2004, culminating in Commission action in

early 2005 in the form of Resolution No. 2005-2. That resolution provides that “the section of the non-tidal Delaware River from the Water Gap to Trenton known as the Lower Delaware is characterized by exceptionally high scenic, recreational, ecological and/or water supply values and uses within the meaning of Section 3.10.3 A.2. of the Commission’s Water Quality Regulations and requires special protection in accordance with that section.” Also by Resolution No. 2005-2 the Commission temporarily designated the Lower Delaware as Significant Resources Waters, the less protective of the two SPW classifications, pending the determination of numeric values for existing water quality and further consideration of the appropriate Special Protection Waters classification. In addition, the Commission undertook to clarify aspects of the rule to facilitate its application across all areas of the basin draining to Special Protection Waters.

To allow time for the Commissioners and staff to evaluate implementation options and develop language to clarify aspects of the rule, the Commission extended temporary designation of the Lower Delaware by a series of resolutions between 2005 and 2007, the most recent of which, last September, provided for the temporary designation to remain in place through May 15, 2008. At the time of this most recent extension last September, the Commission directed DRBC staff to publish in the *Federal Register* and the state registers a new notice of proposed rulemaking to amend the *Water Quality Regulations*, *Water Code* and *Comprehensive Plan* to classify the Lower Delaware River as Significant Resource Waters and clarify aspects of the rule. A public comment period on the proposed amendments was established to run through December 6, 2007 and informational meetings were held in Stockton, New Jersey in October and in Easton, Pennsylvania on November 1. A series of presentations on the proposed rule were made at professional conferences and meetings hosted by citizens groups, elected officials and at the request of treatment plant operators in specific municipalities. In all, eight meetings with public entities and treatment plant operators occurred following publication of the fall 2007 notice. A public hearing on the proposal took place at the Commission’s office building on December 4, 2007.

Between September 2004 when the notice of the proposed Lower Delaware designation was first published, December of 2007, the close of the comment period associated with the October 2007 notice, the Commission received approximately 500 individual letters, approximately 3 dozen of which objected to designation, and several thousand petition letters, all of which supported designation. The majority of comments in opposition expressed concern about the economic impacts of the rule on existing facilities within the drainage area to the non-tidal Lower Delaware River.

In order to address economic concerns while achieving the protections afforded by the rule, the rulemaking proposal included a number of aspects, as follows, intended to accomplish both goals:

- The Commission proposed to apply only the Significant Resource Waters classification within the Lower Delaware rather than the more restrictive Outstanding Basin Waters classification.
- In recognition of the importance of allowing discharges approved before the effective dates of the designation to continue, the Commissioners have interpreted the rule so that its most stringent requirements, including the alternatives analyses, use of more protective treatment technologies, and the no measurable change requirement, apply

only to new facilities or to existing facilities that are otherwise undertaking substantial alterations or additions. Adoption of the rule does not compel existing facilities immediately to undertake costly improvements. Ms. Bush noted that neither the no measurable change analysis nor BDT were required for a number of the dockets approved that morning within the drainage area to SPW.

- Alterations that are limited to changes in the method of disinfection and/or the addition of treatment works for nutrient removal are explicitly excluded from the proposed definition of substantial alterations or additions. Thus such alterations alone will not trigger the most protective Special Protection Waters treatment requirements, including best demonstrable technology and the requirement for no measurable change to existing water quality. The exclusion was added to ensure that the potential for triggering more protective limits would not discourage existing dischargers from adding nutrient removal technology.
- The Commission's definition of BDT is limited to disinfection and seven specific parameters for which a variety of proven treatment technologies are available, and application of the BDT requirement is interpreted as being limited to facilities discharging directly to SPW.
- The definition of existing water quality, which forms the basis of the no measurable change requirement of the rule, is limited to a discrete set of 20 parameters.
- Localized degradation of water quality is allowed by the rule in Significant Resource Waters. The regulations governing the size and extent of mixing zones have been relaxed beyond a strict reading of the original rule, which was extremely limiting.
- Although not a feature of the rule itself, the Commission has developed or is in the process of developing water quality models for tributaries and the main stem Lower Delaware where intensive development pressure has arisen. These models will facilitate the analysis required for some facilities and spare project sponsors the need to develop a model or models on their own. In addition, language was added to explicitly permit effluent trading between point sources.

Ms. Bush explained that because many of the objections received by the Commission seemed to be based on misunderstandings, the Commission also had taken steps to clarify the rule language, and in particular, the language relating to requirements for existing facilities. These changes include:

- Clarification of the fact that existing water quality for purposes of the rule is defined for a limited set of parameters consisting of those listed in Tables 1 and 2 of the proposed rule;
- in addition to the definition of "substantial alterations or additions" included in the public notice last fall, inclusion of definitions for "load" and "incremental load" to more clearly delimit the portion of a discharge to which the no measurable change analysis, when required, is intended to apply;
- clarification of the requirements for analysis of discharge alternatives and natural treatment alternatives, respectively, which apply only to new wastewater treatment facilities and substantial alterations or additions to existing facilities;

- language to clarify that BDT applies to a new facility or substantial alterations to an existing facility only if the facility discharges directly to Special Protection Waters and not to a tributary;
- language that lists in one paragraph all of the requirements triggered by substantial alterations or additions to an existing facility; and
- language that explicitly limits the no measurable change analysis for wastewater treatment plants to a list of seven parameters.

Ms. Bush reiterated that those are the changes under consideration, and the Commissioners have decided to take some more time to more thoroughly respond to the many comments received. Thus, the resolution that is proposed for action today would extend the temporary designation that has been in place since 2005 through July 31, 2008.

Mr. Warren emphasized that the sustainable development policy that underlies the Commission's contemplated action is based on a belief that economic development and water protection can go hand in hand, and what the Commission is attempting to do is to protect existing water quality from degradation but do it in a way that minimizes the burden on existing facilities that will bear some of the brunt of protecting water quality. He said the Commission believes that this set of proposed regulations, when finalized and adopted by the Commission, will strike the appropriate balance between economic development and resource protection.

Ms. Myers requested a motion to adopt the resolution amending the *Water Quality Regulations* and *Comprehensive Plan* to extend through July 31, 2008 the designation of the Lower Delaware River as a Special Protection Water. When no motion was offered by her colleagues, Ms. Myers reiterated that she had initiated the request for this delay and had spoken with all of the Commissioners individually. She added that many of them, including herself, were disappointed that they were not yet at the end of the road in sorting out the details of implementing the regulations. She said it had been a long time but she believed everybody had been diligent in trying to move this important protection for the basin forward while getting the details right, adding that it was critical to have the implementing regulations right in order to secure the benefits of protection without, as counsel stated, jeopardizing economic development. Ms. Myers said it was necessary to have a Smart Growth approach, and because of concerns repeatedly raised, she was not confident the Commission had achieved this yet. She said they would be taking a very limited additional amount of time – she had asked for postponement only until the July meeting. Ms. Myers said her staff was already setting up meetings with the municipalities that raised the greatest concerns to enable PADEP to determine whether many of these issues would be addressed by the changes that the Commissioners were already considering. If the changes under consideration would not be sufficient, she said, PADEP would consider whether there might be another tweak or two to ask the Commissioners to evaluate. With that, she said, she was requesting the support of her colleagues in giving Pennsylvania a short period to conduct additional outreach to the major cities of the Lehigh Valley.

Ms. Bush explained that in order to have an action by the Commission, a majority – or three votes in favor – was required. Mr. Warren suggested polling the Commissioners. Ms. Bush took a roll call vote, which is recorded as follows: Pennsylvania – yes; Delaware – yes; New York – yes; New Jersey – abstains; Federal Government – yes. The vote was thus four in favor of the Chair's proposal with one abstention. Resolution No. 2008-3 was approved by majority vote.

Public Hearing: Resolution Approving the 2008-2013 Water Resources Program. Ms. Myers reported that the proposed resolution was being deferred until the July meeting. She explained that it was a very important matter that deserved more attention than could be given that day, due to the large docket agenda and other matters that were before the Commission.

Public Hearing: Resolution to Amend the Composition of the Monitoring Advisory Committee by the Addition of a Representative from the Partnership for the Delaware Estuary. Dr. Fikslin explained that the Monitoring Advisory Committee was formed in the late 1990's as a joint effort to assist in implementation of the Comprehensive Conservation and Management Plan (CCMP) for the Delaware Estuary, as well as to coordinate monitoring activities performed by the states and federal agencies in the basin. The committee was reauthorized in December of 2006 for an additional period of five years, and its current membership consists of 15 individuals, representing the four basin states, five federal agencies, academia, agriculture, the Delaware River Basin Fish & Wildlife Management Cooperative (consisting of all the fish and wildlife management agencies operating within the basin), a volunteer monitoring entity, the regulated community and the land use planning community. In 2004 the Partnership for the Delaware Estuary (PDE) merged with the Delaware Estuary Program and thereby assumed responsibility for implementation of the CCMP. The CCMP identifies monitoring as one of its key components and includes several tasks that involve coordination among agencies to improve scientific understanding and evaluate progress in implementing CCMP goals. The PDE's strategic plan for 2007–2012 supports these plan components with objectives related to monitoring the health of the estuary and tracking progress in implementing CCMP tasks. PDE's expansion to include scientific staff and its role in recent years in convening estuary science conferences also serve to make PDE representation on the committee appropriate. All other provisions of Resolution No. 2006-24 would remain in effect.

Ms. Myers said she was delighted to invite a representative from the Partnership to join the Monitoring Advisory Committee and observed that the Commission and the basin would benefit from PDE's participation. Dr. Miri commented that the resolution made a lot of sense and had New Jersey's support. He noted that the Monitoring Advisory Committee has a great deal of work before it, and the addition of a PDE representative can only make the job easier.

Jennifer Adkins of the Partnership for the Delaware Estuary pointed out that since the Delaware Estuary Program had previously been a part of DRBC, the program was represented on the committee prior to its merger with PDE. Thus, adding a PDE representative today would merely facilitate the program's continued representation.

Hearing no further comments or questions, Ms. Myers requested a motion for approval of the resolution to amend the composition of the Monitoring Advisory Committee by the addition of a representative from the Partnership for the Delaware Estuary. Dr. Otto so moved, Dr. Miri seconded his motion, and Resolution No. 2008-4 was approved by unanimous vote.

Public Hearing: Resolution Authorizing the Executive Director to Enter into Contracts for the Analysis of Ambient Water Samples to Characterize the Nature and Extent of Chronic Toxicity in the Delaware Estuary. Dr. Fikslin reported that this resolution would implement aspects of Resolution No. 2000-4, in which the Commission determined that the waste assimilative capacity of the estuary for chronic toxicity had been exceeded in Water Quality Zones 2, 3, 4 and 5. These zones comprise the portion of the estuary between the head of tide at Trenton and the upper part of Delaware Bay. In Resolution No. 2000-4, the Commission directed the staff to work with the Toxics Advisory Committee to study and characterize the nature and extent of toxicants contributing to chronic toxicity in the Delaware Estuary and to develop recommendations for further controls if warranted to address chronic toxicity in the estuary “resulting from the cumulative discharge from all sources”. The Toxics Advisory Committee thereafter formed a chronic toxicity working group.

Dr. Fikslin explained that a working group, as opposed to a subcommittee, typically is created when advisory committee members desire to draw on expertise from outside the committee. In this case, although some of the basin state agencies and the Commission itself have extensive experience with effluent toxicity, the committee wished to enlist outside expertise. The work group consists of members from each of the estuary states, EPA, the City of Philadelphia and representatives of the regulated community. The group has advised the Commission since 2000 on studies for characterizing chronic toxicity in the estuary.

Tests being conducted to measure the effect of nutrient stimulation on algal communities were expanded into the tributaries as a means of identifying sources of toxicity along these waterways. All of the states require municipal and industrial point source dischargers to conduct toxicity tests on their effluent, and the proposed studies would facilitate an extension of that effort. The resolution would authorize the Executive Director to issue a Request for Proposal (RFP) and to select a contractor to perform toxicity tests on ambient samples collected by Commission and state staff. Funding is available through the Commission’s Clean Water Act Section 106 grant. The contract is proposed for an initial period of three years – 2008-2010, with optional annual extensions for two additional years. A previous resolution – No. 2003-21 – authorized a contract with similar terms, which has now expired. The value of the contract for the 2008 surveys would not exceed \$25,000 or the sum of this amount and any additional funds expressly awarded to the Commission or allocated by it for this purpose. In subsequent contract years, the Executive Director would be authorized to commit additional Section 106 grant funds or other funds expressly awarded to the Commission or allocated by it for this purpose.

Don Hamilton, a natural resource specialist with the National Park Service on the Upper Delaware Scenic and Recreational River, asked whether the EPA 106 grant funds to be committed to this study would be diverted from other efforts funded with 106 grant proceeds. Dr. Fikslin answered that allocations of 106 funds had been made for the chronic toxicity studies since 2000 and that due to competing program priorities, the allocation proposed for 2008 was considerably smaller than the sum applied to the effort in previous years. He added that although the focus had been on the estuary, ambient samples collected in the non-tidal river above Trenton had indicated some impact on the periphyton species of algae used in those tests. EPA recently awarded an additional grant for a nutrient stimulation study to focus specifically on periphyton. Thus, additional funds are supporting the work in the non-tidal river.

Hearing no further comments or questions, Ms. Myers requested a motion for approval of the resolution authorizing the executive director to enter into contracts for the analysis of ambient water samples to characterize the nature and extent of chronic toxicity in the Delaware Estuary. Mr. Klotz so moved, Dr. Otto seconded his motion, and Resolution No. 2008-5 was approved by unanimous vote.

Public Hearing: Resolution Authorizing the Executive Director to Accept Funds from the Pennsylvania Department of Environmental Protection for Development of an Integrated Water Resources Plan for the Schuylkill River Watershed. Ms. Collier explained that this resolution would support an interesting study of how the different aspects of water management can be integrated within a watershed. Pennsylvania is conducting three pilot studies across the Commonwealth – one within a 20-square-mile watershed in the Erie drainage; a second within a 200-square-mile drainage in the Susquehanna; and the third, within the 2,000-square-mile drainage of the Schuylkill River, the largest tributary to the Delaware. DRBC staff worked with Pennsylvania staff to develop a scope of work for the study, based upon the framework established by Act 167, the state’s Stormwater Planning and Management Act. The idea is to look at how stormwater management, water allocation, sewage facility planning, source water protection, municipal planning and floodplain management all can be integrated within a watershed. Because the geographic area and the objectives for the project are so broad, the first phase will be a scoping study that entails working with the eleven counties to develop the issues of concern to them, and then identifying a sub-watershed of the Schuylkill within which to conduct a pilot Integrated Water Resources Plan (IWRP). Information gathering will continue across the entire Schuylkill Watershed. Ms. Collier explained that although some staff would work on this project, the resolution would allow DRBC to engage contractors as well.

Ms. Myers added that PADEP and the Commission are excited about this program because the Schuylkill Watershed already has been the subject of some wonderful integrative work, largely as a result of the leadership of the Philadelphia Water Department in connection with the Schuylkill Action Network (SAN). SAN has engendered collaboration among watershed groups, municipalities, and utilities, and created an environment receptive to an integrated water resources planning effort. Pennsylvania is sponsoring the study because it is interested in using the approach state-wide. Ms. Myers said the state believes that more highly developed tools and more municipalities attuned to water resource management needs exist within the Delaware Basin than elsewhere in the Commonwealth, and for this reason, PADEP chose to partner with DRBC in this integrated planning effort. She said she believes the Commonwealth and DRBC have an opportunity to do some groundbreaking work with this project, and she is excited about the possibilities.

Hearing no further comments or questions, Ms. Myers requested a motion for approval of the resolution authorizing the executive director to accept funds from the Pennsylvania Department of Environmental Protection for development of an Integrated Water Resources Plan for the Schuylkill River Watershed. Dr. Miri so moved, Dr. Otto seconded his motion, and Resolution No. 2008-6 was approved by unanimous vote.

Public Hearing: Resolution Authorizing the Executive Director to Accept Funds from NOAA-NWS for Flood Warning Improvements and Flood Warning Outreach Initiatives Recommended by the Interstate Flood Mitigation Task Force Report of July 2007. Mr. Tudor explained that in July 2007 the Delaware Basin Interstate Flood Mitigation Task Force Report was released to the basin state governors. The report contained 45 recommendations within six focus areas, one of which was enhancing the basin's flood warning system. Mr. Tudor said that the Commission has been seeking ways to implement all 45 recommendations. Staff has established a relationship with the NOAA – National Weather Service to explore how we might enhance the Advanced Hydrologic Prediction Service (AHPS). Staff also has been working with elected officials. The basin is fortunate that the Congressional Delaware River Basin Task Force was able to appropriate \$235,000 as part of the federal fiscal year 2008 budget to advance the flood mitigation agenda. The appropriation will flow to NOAA, and a piece of it, indirectly, to the DRBC. DRBC expects to accept approximately \$10,000 of this funding to convene a workshop for environmental emergency managers late in the year. Other allocations of the \$235,000 will be used to establish additional forecasts, harden U.S.G.S. flood gauges, and integrate flood inundation maps under development by the U.S. Army Corps of Engineers into the AHPS framework. Mr. Tudor explained that the most important aspect of the resolution is authorization for DRBC to establish a memorandum of understanding with NOAA-NWS to create a vehicle for accepting additional funds for flood mitigation work on an ongoing basis. The resolution authorizes the Executive Director to accept funds this year so that DRBC can conduct the education and outreach component of the initiative.

Mr. Klotz commented that he thought it was important that DRBC continue to implement as many of the recommendations of the task force as possible and as a result, he said New York fully supports this resolution.

Mr. Tudor added that as co-chairs of the Congressional Delaware River Basin Task Force, Congressman Dent of Pennsylvania and Congressman Holt of New Jersey had carried the water on this appropriation.

Ms. Myers reiterated that the individual states also were moving forward with some of the recommendations of the interstate flood mitigation task force, while advisory committees are developing implementation approaches for other recommendations, which will be presented to the Commission as a whole. She said that the public could expect many resolutions like this as we find ways to implement recommendations, where appropriate, by the Commission as a whole and sometimes by individual states.

Hearing no further comments or questions, Ms. Myers requested a motion for approval of the resolution authorizing the executive director to accept funds from NOAA-NWS for flood warning improvements and outreach initiatives recommended by the Interstate Flood Mitigation Task Force Report of July 2007. Dr. Miri so moved, Mr. Klotz seconded, and Resolution No. 2008-7 was approved by unanimous vote.

Public Hearing: Resolution Providing for Election of the Commission Chair, Vice Chair and Second Vice Chair for the Year 2008-2009, Commencing July 1, 2008. Ms. Bush explained that the custom of the Commission is for the offices of chair, vice chair and second vice chair to rotate among the members. She said that Governor Rendell's term as chair would end on June 30 and the chairmanship would pass to Governor Corzine of New Jersey, commencing on July 1.

In the customary order, the Governor of New York would serve as Vice Chair and the Governor of Delaware would serve as Second Vice Chair if approved by vote of the Commission.

Hearing no comments or questions from the commissioners or the public, Ms. Myers requested a motion for approval of the resolution providing for election of the Commission Chair, Vice Chair and Second Vice Chair for the year 2008-2009 commencing July 1, 2008 and concluding on June 30, 2009. Mr. Klotz so moved, Dr. Miri offered a second, and Resolution No. 2008-8 was approved by unanimous vote.

Public Dialogue. Chairwoman Myers opened the floor to the audience for comment on any matter relating to the water resources of the basin.

Speakers on the subject of the Special Protection Waters rulemaking included Richard McNutt, President of the Tidewaters Gateway Partnership; Danawa Buchanan, representing the National Congress of American Indians and the International Indigenous Alliance; Dennis Palmer, Chair of the Water Resources Association of the Delaware River Basin; John Hall, an environmental engineer and attorney representing a number of wastewater facilities discharging to the Lehigh River, the Association of Environmental Authorities of New Jersey, and the towns of Phillipsburg and Frenchtown; Robert Cavett of the Pennsylvania Chamber of Business and Industry; and Maya van Rossum, the Delaware Riverkeeper.

Elaine Reichart of Aquatic Conservation Unlimited addressed the Commission on the subject of flood mitigation in the Delaware Basin.

A rough transcript of comments offered during the Public Dialogue section of the meeting can be obtained by contacting the Commission Secretary, Pamela Bush, at Pamela.Bush@drbc.state.nj.us.

Hearing no further requests for comment, Ms. Myers asked for a motion to adjourn. Dr. Miri so moved, Mr. Klotz offered a second, and the motion to adjourn the Commission's business meeting was unanimously approved at 3:10 p.m.

/s/ Pamela M. Bush
Pamela M. Bush, Esquire, Commission Secretary