

DELAWARE RIVER BASIN COMMISSION

MEETING OF MARCH 16, 2016

Minutes

Commissioners Present: Kara S. Coats, Delaware, Chair
Lieutenant Colonel Michael A. Bliss, United States, Vice Chair
Kelly J. Heffner, Pennsylvania, Second Vice Chair
John Giordano, New Jersey
Angus Eaton, New York

DRBC Staff Participants: Steven J. Tambini, Executive Director and Hearing Officer
Kenneth J. Warren, Warren Glass LLP, General Counsel
Pamela M. Bush, Commission Secretary & Assistant General Counsel
Thomas J. Fikslin, Branch Manager, Modeling, Monitoring and Assessment
Richard C. Gore, Chief Administrative Officer
David Kovach, Supervisor, Project Review
William J. Muszynski, Branch Manager, Water Resources Management
Kenneth F. Najjar, Branch Manager, Planning & Information Technology
Amy L. Shallcross, Supervisor, Operations Section

The Commission met at the Washington Crossing Historic Park Visitor Center in Pennsylvania on March 16, 2016.

Minutes. The Minutes for the Commission Meeting of December 9, 2015 were approved unanimously.

Announcements. Ms. Bush announced the following meetings:

- *DRBC Regulated Flow Advisory Committee (RFAC).* The RFAC will meet on Tuesday, April 5, 2016 at the Lake Wallenpaupack Environmental Learning Center, 126 PPL Drive in Hawley, Pennsylvania from 1:00 p.m. to 4:30 p.m. Contact Hernan Quinodoz at 609-883-9500, extension 225 for more information.
- *DRBC Flood Advisory Committee (FAC).* The FAC will meet on Tuesday, May 24, 2016 in the DRBC Goddard Conference Room in West Trenton, New Jersey at 10:00 a.m. For more information, contact Amy Shallcross at extension 232.
- *DRBC Water Management Advisory Committee (WMAC).* The WMAC will meet on Thursday, June 23, 2016 at a time and location to be determined. Contact Jessica Sanchez, extension 202 or check the meetings page of the DRBC website for more information.

- *AWWRA-NJ.* The American Water Works Association of New Jersey is holding its annual conference on March 15-18, 2016 at the Borgata Casino in Atlantic City. On Thursday, March 17, DRBC Executive Director Steve Tambini and staff members Amy Shallcross, John Yagecic and Kent Barr will speak on topics relating to management of the Basin's shared water resources. Additional details are available through a link on DRBC's website.

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

The observed precipitation for the portion of the Basin above Montague, New Jersey for the period January 1 through March 14, 2016 was 6.64 inches or 0.58 inches below normal. The observed precipitation for the Basin above Trenton for the same period was 7.7 inches which is normal and for the Basin above Wilmington, Delaware for this period, 7.94 inches or 1.04 inches above normal.

The average observed streamflow of the Delaware River at Montague, New Jersey in February 2016 was 8,436 cubic feet per second (cfs), or 167 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 21,742 cfs, or 185 percent of the long-term average for the month.

For March 1-14, the average observed streamflow at Montague was 7,378 cfs, or 84 percent of the long-term average for the month. The average streamflow at Trenton during the same period was 14,986 cfs, or 82 percent of the long-term average for the month.

In the Lower Basin, as of March 15, Beltzville Reservoir contained 13.51 billion gallons (bg) usable, or 100.1 percent of usable storage; Blue Marsh contained 4.54 bg usable, or 102.5 percent of winter pool usable storage; and Merrill Creek contained 14.19 bg usable, or 90.5 percent of usable storage.

In the Upper Basin, as of March 15, Pepacton Reservoir contained 129 bg usable or 92.1 percent of usable storage. Cannonsville contained 91.4 bg usable, or 95.5 percent of usable storage. Neversink contained 32.8 bg usable or 93.9 percent of usable storage. The total New York City Delaware Basin reservoir storage was 253.2 bg usable or 93.5 percent of usable storage.

During the month of February 2016, the location of the seven-day average of the 250-parts-per-million (ppm) isochlor, also known as the "salt front," ranged from River Mile (RM) 73 to RM 66. The normal location of the salt front during February is RM 71, which is seven miles downstream of the Delaware-Pennsylvania state line. As of March 14, the salt front was located at RM 68, which is two miles downstream of the normal location of the salt front during March.

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

- *DRBC Collaborates with NOAA.* In a continuing effort to improve the Commission's hydrodynamic modeling, including for the development of nutrient criteria, the Commission has entered into a cooperative agreement with the National Oceanic Atmospheric Administration (NOAA) for the installation and maintenance of three real-time Sony monitors at existing NOAA monitoring stations at Cape May, New Jersey, Lewes, Delaware and Chesapeake City, Maryland on the C&D Canal. The capital cost of the three monitors is \$33,000 and the annual O&M cost is \$18,000, all chargeable to the

Water Supply Storage Fund. The current arrangement with NOAA provides for the monitors to collect data for a period of five years. Mr. Tambini acknowledged the roles of DRBC staff, NOAA and the Commission's Monitoring Advisory and Coordination Committee in advancing and supporting this important initiative.

- *PennEast Pipeline Company Application.* The Commission received the PennEast Pipeline application on February 8, 2016. Copies of the application and supporting materials can be downloaded from the DRBC website.
- *One Process/One Permit Program.* Implementation of the One Process/One Permit Program is proceeding. The DRBC website has been revised to include a status matrix for all projects being administered through the Program.

General Counsel's Report. Mr. Warren reported that the Commission had no pending litigation.

Resolution Authorizing the Executive Director to Enter into a Contract with the Lowest Qualified Bidder for the Analysis of Periphyton Samples from the Non-tidal Delaware River. Dr. Fikslin said that under DRBC's Clean Water Act Section 106 grant awarded by the U.S. Environmental Protection Agency (EPA), DRBC staff in cooperation with the National Park Service are collecting biological and water quality data in the Commission's Special Protection Waters as a part of a multi-year effort to assess changes to water quality. Our preliminary analysis of data collected since 2006 indicates that periphyton are excellent indicators of water quality for the non-tidal river. The current Section 106 grant, which covers activities from 2014 through the end of 2016, includes funds for analysis of samples for periphyton. DRBC will solicit additional funds for periphyton analysis through its Section 106 grant application for the period 2017 through 2019. Accordingly, DRBC issued a request for proposal for the analysis of samples for 2015, 2017 and 2019. Four proposals were received, and the lowest qualified bidder – Rhithron Associates – was selected. The resolution authorizes the Executive Director to enter into an agreement with Rhithron Associates for the analysis of the 2015, 2017 and 2019 samples as described in Rhithron's proposal of July 8, 2015. The total cost of the agreement is not to exceed \$42,422 or the sum of this amount and additional funds expressly awarded by the Commission.

Hearing no further comments or questions concerning the proposal, Ms. Coats requested a motion to approve the resolution authorizing the Executive Director to enter into a contract with the lowest qualified bidder for the analysis of periphyton samples from the non-tidal Delaware River. LTC Bliss so moved, Ms. Heffner seconded his motion, and Resolution No. 2016-1 was adopted by unanimous vote.

Resolution Authorizing the Executive Director to Enter into an Administrative Agreement with the New York State Department of Environmental Conservation for the Review of Water Withdrawal and Wastewater Discharge Projects in the New York Portion of the Basin. Ms. Bush explained that in December the Commissioners amended the *Rules of Practice and Procedure* by the addition of a rule that creates the opportunity for agencies of the signatory parties and the Commission to coordinate and collaborate in the administration of a single process for the review and adjudication of projects. The DRBC staff has worked closely with staff of the New York State Department of Environmental Conservation (NYSDEC) to develop an administrative agreement (AA) that in form and substance is acceptable to both agencies and is consistent with the rule

approved in December. The draft AA was the subject of a duly noticed public hearing conducted by the Commission on February 10, 2016 in Washington Crossing. Staff received no written or oral comments on that draft, which with respect to wastewater discharges closely resembles the draft agreement with the New Jersey Department of Environmental Protection (NJDEP) that was approved following a hearing in 2015. By this resolution, the Commission authorizes and directs the Executive Director to enter into an AA with NYSDEC that in all material respects conforms to the draft that was duly noticed and for which a hearing was held in February, except where changes within the parameters established by the approved rule are deemed convenient or appropriate and are a logical outgrowth of the published draft. The effective date of the agreement would be as provided in the agreement when executed.

Hearing no further comments or questions, Ms. Coats requested a motion to approve the resolution authorizing the Executive Director to enter into an Administrative Agreement with the New York State Department of Environmental Conservation for the review of water withdrawal and wastewater discharge projects in the New York portion of the basin. Mr. Eaton so moved, Lieutenant Colonel Bliss seconded his motion, and Resolution No. 2016-2 was adopted by unanimous vote.

Resolution for the Adoption of the Water Resources Program 2016-2018. Dr. Najjar explained that the Water Resources Program (WRP) is an annual three-year plan, which in this instance covers fiscal years 2016 through 2018. The resolution and proposed plan were subjects of a public hearing on February 10. No comments were offered during the hearing. However, during the Open Public Comment session that followed, a spokesperson for the Delaware Riverkeeper Network commented on the inclusion of climate change in the plan. Dr. Najjar noted that climate change is addressed in sections of the plan devoted to Emergent Issues and Water Supply Planning. The organization American Rivers (AR) submitted a written comment identifying additional matters they wanted to see included in the WRP. AR emphasized that transparency should be preserved or enhanced in the Commission's implementation of the One Process/One Permit Program and that green infrastructure should be an area of greater focus. Dr. Najjar noted that the staff agree that green infrastructure is important to water resources of the Basin and that it is an important part of basin planning overall. He added, however, that green infrastructure projects typically are planned and implemented by governments at the county and municipal levels.

Hearing no further comments or questions, Ms. Coats requested a motion to approve the resolution for the adoption of the Water Resources Program 2016-2018. Ms. Heffner so moved, Mr. Eaton seconded her motion, and Resolution No. 2016-3 was adopted by unanimous vote.

Resolution for the Minutes Establishing Consistent Practices Relating to Membership, Record-keeping and "Green" Meetings for DRBC Advisory Committees. Mr. Tambini explained that the Commission has established various advisory committees and each has developed a set of unique by-laws. DRBC wishes to establish a consistent practice for membership, including defining specific types of members. The resolution provides that members appointed by specific government agencies will be known as "Reserved Members," and that all other members will be referred to as "Non-Reserved Members." Reserved Members will be selected by the specific agencies to be represented. The resolution defines limits on the terms of Non-Reserved members and the process for re-appointment or appointment of a new member at the close of a predecessor's term. The resolution also defines how committee meeting records will be kept. In the past,

advisory committee meetings were taped. The staff has determined that there is no need to tape meetings. Rather, meeting summaries will be generated and shared. Finally in an attempt to cut down on the use of paper, staff is asking participants to obtain materials from the Commission's website and bring these with them to advisory committee meetings. DRBC will provide a limited number of copies of paper agendas.

Hearing no further comments or questions, Ms. Coats requested a motion to approve the resolution for the minutes establishing consistent practices relating to membership, record-keeping and "green" meetings for DRBC advisory committees. Lieutenant Colonel Bliss so moved, Mr. Giordano seconded his motion, and the Resolution for the Minutes was adopted by unanimous vote.

The text of the resolution follows:

A RESOLUTION for the Minutes, establishing consistent practices relating to membership, record-keeping and "green" meetings for DRBC advisory committees.

WHEREAS, Section 3.10 of the *Delaware River Basin Compact* ("the Compact") provides that the Commission "may constitute and empower advisory committees, which may be comprised of representatives of the public and of federal, state, county and municipal governments, water resources agencies, water-using industries, water-interest groups, labor and agriculture"; and

WHEREAS, the Commission has established standing advisory committees known as the: Flood Advisory Committee, Monitoring Advisory and Coordinating Committee; Regulated Flow Advisory Committee, Toxics Advisory Committee, Water Management Advisory Committee and Water Quality Advisory Committee; and

WHEREAS, the Commission values its advisory committees as important forums for inter-jurisdictional and stakeholder information-sharing, dialogue and coordination, including in the development of recommendations for the Commission's consideration; and

WHEREAS, although the composition of each committee is defined by the resolution that established it, practices with respect to the appointment of advisory committee members, membership terms, record-keeping, and "green" meetings are not consistent across committees; and

WHEREAS, in the view of the Commissioners, the Commission and basin community would best be served by the institution of standard practices in these areas; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that as a general rule the practices outlined below will be followed for all DRBC advisory committees:

A. DRBC Advisory Committee Appointments

1. Reserved and Non-Reserved ("Other") Positions

- a. Advisory committee positions assigned by a Commission resolution to a federal, state or regional government agency or a specific organization shall be referred to as "Reserved" positions.

- b. Advisory committee positions that are not “Reserved” as that term is defined in the preceding paragraph shall be referred to as “Non-reserved” or “Other” positions.

2. Terms of Appointment

- a. All advisory committee members shall serve at the pleasure of the Executive Director and Commissioners and may be removed by either without cause.
- b. Appointments to Reserved positions shall be of no prescribed duration.
- c. Non-reserved positions shall be subject to appointments of no more than five years.
- d. Members appointed to Non-reserved positions may be re-appointed to an unlimited number of consecutive terms through the appointments process set forth below.

3. Appointments Process

- a. Reserved positions will be filled through coordination with the agency or organization to which each position is assigned.
- b. Non-reserved positions will be advertised publicly on the DRBC web site at least six months before the end of the current member’s term, for a period of at least 10 business days. For purposes of transitioning to this practice, the Executive Director may extend the terms of current appointments to Non-reserved positions if and as necessary.
 - i. Candidates may include the current appointee. Members who wish to be reappointed are advised to notify the committee’s DRBC staff liaison at least six months prior to the end of the member’s term.
 - ii. All candidates, including current members seeking reappointment, will be asked to submit a resume and cover letter stating their interest and qualifications.
 - iii. After reviewing the candidate submissions, the Executive Director will appoint the individual whom the Executive Director deems best suited to serve.
- c. If a Non-reserved position becomes vacant before the end of the appointee’s term, the position may be advertised or the Executive Director may select a replacement to serve for the remainder of the term, based on recommendations by the advisory committee’s DRBC staff liaison, Commissioners or other advisers.

B. Record-keeping

- 1. Minutes of each meeting, once approved by the committee, shall be included in an official record of the meeting and archived by the Commission.
- 2. Agendas, Minutes, attendance logs, presentations and other documents used or created during DRBC advisory committee meetings are public records and may be

posted on the Commission's website or furnished upon request to interested parties. If posted on the Commission's website, presentations and other documents created for use by an advisory committee shall bear the statement "Presented to an advisory committee of the DRBC. Contents should not be published or re-posted in whole or in part without the permission of the author(s) or the committee."

3. Audio and video recordings of advisory committee meetings are neither required nor encouraged. If someone, including a DRBC staff member, is recording a meeting, all participants must be so informed at the start of the meeting. Recordings of advisory committee meetings may be used to develop Minutes or to facilitate review of a meeting by members who could not attend, but DRBC will not preserve a recording once the purpose for which it was created has been served.

C. Green Meetings

1. Meeting materials. To the extent possible, committee meeting materials will be posted on the Commission's website in advance of each meeting.
 - a. Committee members and the public are encouraged to use electronic means to access them.
 - b. As a general rule, DRBC will not print and distribute photocopies for use by advisory committee meeting participants. If participants require printed copies, they are asked to create them locally prior to the meeting.
 - c. Meeting materials not available prior to a meeting or developed or modified during a meeting will be distributed electronically via email and/or by posting to the Commission's website after the meeting.
2. Remote access. Advisory committee members are encouraged to attend meetings in person, but those with long distances to travel or other restrictions may participate via phone and/or, as available, by webcast.

D. The foregoing shall supersede and replace any conflicting practices and procedures used by DRBC advisory committees.

E. This Resolution shall take effect immediately.

Project Review Applications. The Commission held a duly noticed public hearing on February 10, 2016 on 27 draft dockets for water-related projects. Mr. Kovach reported that the Commission received substantive comments on two of the projects – hearing item 2, Pennsylvania Utility Company docket D-1975-093 CP-5; and hearing item 27, Pennsylvania Department of Conservation and Natural Resources docket D-2015-017 CP-1. Comment and response documents were produced by staff for each of these projects. Mr. Kovach described the comments and staff responses to each, in turn.

Pennsylvania Utility Company, D-1975-093 CP-5. On the day of the public hearing the Commission received a comment letter from the law firm King, Spry, Herman, Freund & Faul, LLC ("King Spry") on behalf of the Charles E. Peters Estate Trust, which owns a downstream facility known as Bushkill Falls. The commenter's first concern related to a temperature condition that DRBC staff had incorrectly included in version CP-4 of the docket and removed in the draft of version CP-5. The condition had not been present in prior dockets issued for the facility. Its

inclusion in CP-4 was determined to be an error because the temperature objectives set forth in DRBC's *Water Quality Regulations* apply only within specific interstate zones as set forth in those regulations, and the PUC discharge does not occur in any of those zones. For this reason, notwithstanding the commenter's concern, the condition has not been included.

King Spry's second comment questioned why a grandfathered load wasn't calculated for the PUC facility. The DRBC staff sometimes exercises its discretion to determine a facility's "grandfathered load" and provide this information to the docket holder. This is ordinarily done in instances where an expansion of the facility is proposed or anticipated. Because no expansion of this facility is being undertaken, staff did not calculate a grandfathered load. Any future expansion would require the Commission's approval, and in the course of our review, staff would calculate the grandfathered load and state it in the draft docket. All interested parties would then have the opportunity to comment on it as well as on other aspects of the docket. The data necessary to calculate the grandfathered load are available if King Spry wishes to obtain these raw data.

King Spry's third comment was that there should be no expansion of the PUC wastewater treatment plant above its currently approved discharge of 0.25 million gallons per day and no change in the service area without appropriate applications being filed. Under standard conditions C.2.h. and C.2.t. of the draft docket, an application would be required and the Commission's approval would be needed for an expansion of the facility or change in the service area.

King Spry's fourth and last comment referred a 2005 settlement agreement among the Estate of Charles Peters, the Pennsylvania Department of Environmental Protection (PADEP) and the docket holder. King Spry requested that details of the settlement agreement be included in the docket. DRBC is not a party to the settlement agreement and has determined that the terms of the agreement do not directly affect any of the conditions or requirements of DRBC's approval. Accordingly, details of the settlement agreement are not included in the docket.

Pennsylvania Department of Conservation and Natural Resources, D-2015-017 CP-1. The Delaware Riverkeeper Network (DRN) offered oral and written comments on the draft docket approving PA DCNR's proposed Delaware Canal water augmentation project. Detailed responses to these comments are set forth in a response document that was previously provided to the Commissioners. David Kovach also summarized the comments and responses briefly before recommending to the Commissioners that they vote to approve the project.

DRN objected that at the time of their review, the record contained no calculations to support DCNR's request for up to 3.0 million gallons per day (mgd) to fill the canal. PA DCNR has since provided such calculations. DRBC staff also performed independent calculations to determine how much water would be required to fill the section of the canal from the Point Pleasant Pump Station to New Hope (a distance of approximately 9 miles) to a depth of approximately four feet. The results of the two agencies' independent calculations are similar. Both concluded that based on the canal's geometry, the channel could be filled to a depth of four feet by pumping at a rate of 3 million gallons per day for 12 days. DRBC staff believe these calculations support the allocation in the amount proposed.

DRN also raised concerns about the canal's stability and safety. The DRBC staff have confirmed that DCNR inspects the canal routinely for leaks and needed repairs and performs repairs promptly

after identifying the need for them. In response to DRN's concern, DRBC staff also have added a condition to require that prior to the initiation of DCNR's pumped water augmentation pilot program, DCNR must submit a written report describing the existing physical condition of the canal, with a particular focus on the structure's stability. The report is to identify the potential impacts of the temporary water augmentation pilot program and any potential major leaks, ruptures or weak spots in the canal between the Point Pleasant Pump Station and New Hope, and further, demonstrate that these potential problems have been or will be remediated before initiation of the pilot program. The docket also approves a number of water augmentation sources that the canal has used historically. The Point Pleasant Pump would be an additional, temporary augmentation source.

As drafted, in addition to the temporary pilot project involving use of the Point Pleasant Pump Station, the docket approves two previously existing supplemental water sources utilized by DCNR. DRN's comments state an objection to consolidating these water augmentation sources in a single docket and demand that a separate docket be prepared for the proposed pilot program. In response, staff note that the proposal is for a temporary project and involves a quantity of water that is within the current allocation of the Point Pleasant Pump Station. Because temporary approval within an existing allocation is proposed, staff are of the view that a consolidated docket is appropriate. Before the Point Pleasant Pump could become a permanent augmentation source, the draft docket states explicitly that amendments to both the Point Pleasant Pump Station docket and this DCNR docket would be required.

DRN also expressed concern about the potential for erosion at the point of discharge on the Point Pleasant Pump Station site. The water will be supplied through an existing fire plug and hose or piping located on the Forest Park Water Authority (FPWA) property to an existing storm drain that discharges via a swale into the Canal. In the course of our review, DRBC staff visited the site with FPWA staff and observed that the existing swale is lined with stone to prevent erosion. FPWA has said it plans to reinforce the stone if any evidence of erosion is observed; however erosion at this location is not expected.

DRN's comments include a request for consideration of the environmental impacts to the river and to the eddy where the Point Pleasant intake is located. Staff believe those concerns were adequately addressed when the current Pump Station allocation was approved. No increase in that allocation is currently proposed.

In response to the concerns raised by DRN and on the initiative of DRBC staff, condition C.2.e. of the draft docket has been modified to (a) require submission of a written report on the physical condition of the canal prior to initiation of the temporary pilot project; (b) require the submission of documentation to demonstrate that DCNR contacted all residents along the canal and their elected officials, in writing, to advise them of the temporary pilot program and respond to any questions or concerns they may have regarding the program; and (c) provide that pumping within the allocation approved by Docket D-1965-076 CP-8 may commence for the temporary pilot program only upon a written notice to proceed issued by the Executive Director to the Forest Park Water Authority.

In addition, the revised docket requires that during the stage of the temporary pilot program when the canal is being filled, DCNR's canal monitoring program will include daily visual inspections.

After the water level of four feet has been achieved, these inspections may be reduced to weekly and then monthly upon the written approval of the Executive Director. The docket further provides that DCNR must engage in public outreach throughout the course of the project to inform residents, businesses, emergency responders and elected officials, as well as the Forest Park Water Authority, the Executive Director, and PADEP of any potential or actual instability, major leaks or blowouts that are discovered as a result of the canal monitoring program. In addition to these safeguards, the docket continues to provide that DCNR is to promptly direct the Forest Park Water Authority to cease the discharge to the canal if DCNR becomes aware of any potential or actual instability, major leaks or blowouts. With the inclusion of the new and previously included conditions, Mr. Kovach recommended that the docket be approved.

The Commission received no comments on any of the other draft dockets subject to hearing on February 10, 2016. Accordingly, Mr. Kovach recommended that the Commissioners approve the dockets identified as hearing items 1 through 5 (including the Pennsylvania Utility Company docket as posted), 7 through 14, and 16 through 29 (including the PA DCNR docket as amended).

Ms. Coats requested a motion to approve the 27 dockets as presented by Mr. Kovach. Mr. Eaton so moved, Ms. Heffner seconded his motion, and the dockets identified as hearing items 1 through 5, 7 through 14 and 16 through 29, all of which were the subjects of a public hearing on February 10, 2016, were adopted by unanimous vote, with the exception of hearing item 28. That item, consisting of Docket D-2015-020-1 for Eastern Shore Natural Gas Company, was approved by a vote of four in favor with an abstention by LTC Bliss on behalf of the federal government.

Chairwoman Coats thanked the DRBC staff for their work on a daily basis and in putting together the Commission's quarterly meetings. She noted that the meetings seem effortless but surely require a great deal of advance effort.

Ms. Coats moved to the final item on the agenda, a resolution for the Minutes honoring William J. Muszynski on his retirement. She remarked that DRBC was privileged to have Bill Muszynski on the staff for the last 12 years and that he would be retiring on April 1, 2016. Ms. Coats read aloud the text of the following resolution for the Minutes:

A RESOLUTION honoring William J. Muszynski for his outstanding contributions to managing and protecting the water resources of the Delaware River Basin over the course of his distinguished 12-year career with the Delaware River Basin Commission.

WHEREAS, before Bill joined the staff of DRBC, his career in public service included employment with the Federal Power Commission, the U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency; and

WHEREAS, in his more than three decades at EPA, Bill served in various capacities, including as Deputy Regional Administrator and Acting Regional Administrator, and gained a reputation for fairness, attention to detail, and hard work unmatched in Region 2; and

WHEREAS, Bill brought his many talents to the DRBC in January 2004 on a two-year temporary assignment from EPA to serve as Special Projects Coordinator and lead the Commission's Project Review Branch; and

WHEREAS, during this two-year period, Bill helped advance multiple DRBC initiatives, including systematic improvements to the Commission's project review process, initiation and leadership of the Delaware River Toxics Reduction Program (DelTRiP), and development and implementation of key elements of the Special Protection Waters Program; and

WHEREAS, Bill officially retired from the federal government in 2006 and joined the DRBC staff on a permanent basis as Manager of the Water Resource Management Branch; and

WHEREAS, as Branch Manager, Bill drew on his extensive professional skills and engineering expertise to lead the Operations and Project Review sections through challenging and complex activities, including many associated with DRBC's proposed natural gas development regulations; and

WHEREAS, among his many accomplishments, Bill played an integral role in the establishment, implementation, and expansion of the Schuylkill River Restoration Fund, which had its origin in a 2004 DRBC docket decision. The Fund continues to provide grants for on-the-ground improvement projects in the Schuylkill River Watershed; and

WHEREAS, Bill earned the respect and affection of his DRBC colleagues as a vital team player, a trusted advisor to two DRBC executive directors, a valued mentor, and an individual committed to excellence in public service; and

WHEREAS, the Commission and the basin community as a whole have benefitted from Bill's leadership, engineering expertise, management skills, good judgement, depth of experience, honesty, and integrity; and

WHEREAS, Bill will officially retire from the DRBC on April 1, 2016; now, therefore:

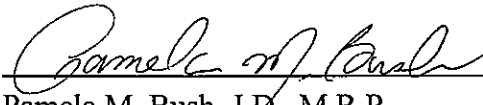
BE IT RESOLVED that the Commission members and staff extend their gratitude to Bill Muszynski for his dedicated service to the basin community and the DRBC, and for his friendship. We wish Bill and his wife Chris good health and much happiness as they embark together on a well-deserved retirement.

Executive Director Tambini presented Mr. Muszynski with a framed photograph of the Delaware River, bearing the inscription, "Presented to William J. Muszynski, in recognition of your dedicated service to DRBC and commitment to protecting our basin waters, March 2016."

Mr. Muszynski thanked the Commissioners and staff for giving him the opportunity, and added his thanks to the public as well, noting their support for many of the Commission's initiatives and efforts. He noted that although there have had differences of opinion on occasion, he leaves with the feeling that overall, support for the Commission's work has been great.

Audio Recording. An audio recording of the public hearing of February 10, 2016 is on file with the Commission Secretary. A description of each of the applications for the dockets approved during the Business Meeting of March 16, 2016 is provided as an Attachment to these Minutes.

Adjournment. Following an Open Public Comment session, the meeting was adjourned by unanimous vote at approximately 11:48 a.m.

A handwritten signature in cursive script, reading "Pamela M. Bush", written over a horizontal line.

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

Commission Secretary and Assistant General Counsel

ATTACHMENT

DESCRIPTIONS OF PROJECTS APPROVED BY THE COMMISSION DURING THE BUSINESS MEETING OF MARCH 16, 2016

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 of the projects approved by the Commission on March 16, 2016 were subjects of a duly noticed public hearing on February 10, 2016. All were for projects in Categories A (renewals) and C (new projects). Descriptions of the projects (based on initial applications, which may vary from final projects) for which the Commission issued approvals on March 16 are listed below, in the order in which the dockets were presented at the February 10 public hearing.

- A. *Renewals with No Substantive Changes (hearing items 1 through 5, 7 through 14 and 16 through 25).*
1. Abington Township, D-1973-191 CP-5. An application to renew the approval of the applicant's existing 3.91 million gallons per day (mgd) wastewater treatment plant (WWTP) and its discharge. The WWTP will continue to discharge to Sandy Run, which is a tributary of Wissahickon Creek, which is a tributary of the Schuylkill River, at River Mile 92.47 - 12.8 - 11.2 - 4.4 (Delaware River - Schuylkill River - Wissahickon Creek - Sandy Run) in Upper Dublin Township, Montgomery County, Pennsylvania.
 2. Pennsylvania Utility Company, D-1975-093 CP-5. An application to renew the approval of the existing 0.25 mgd Tamiment WWTP and its discharges to land (via spray irrigation) and surface water. The WWTP will continue to spray irrigate treated effluent at the Tamiment Golf Course. Treated effluent that is not spray irrigated will continue to be discharged to an unnamed tributary of Little Bush Kill, which is a tributary of Bush Kill, at River Mile 226.9 - 0.8 - 1.5 - 1.85 (Delaware River - Bush Kill - Little Bush Kill - UNT Little Bush Kill), within the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters, in Lehman Township, Pike County, Pennsylvania.
 3. Aqua Pennsylvania Wastewater, Inc., D-1976-021-3. An application to renew the approval of the applicant's existing 0.1 mgd Mast Hope WWTP and its discharge. Treated effluent will continue to be discharged to an UNT of the Delaware River at River Mile 279.8 - 0.04 (Delaware River - UNT) via Outfall No. 001, 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 Lackawaxen Township, Pike County, Pennsylvania.
 4. U.S. Steel Real Estate, D-1978-068-4. An application to renew the approval of the applicant's existing 1.0 mgd WWTP (MP No. 203), 65 mgd industrial wastewater treatment plant (IWTP) (MP No. 103), and their combined discharge at Outfall No. 003. Additionally, the applicant has requested the continuation of a Total Dissolved Solids (TDS) Determination that will continue to allow TDS effluent concentrations of up to 1,100 mg/l (monthly average), 2,200 mg/l (Daily Maximum), and 2,750 mg/l (Instantaneous Maximum), as well as a discharge of non-contact cooling water (NCCW) to be monitored via MP No. 103. Treated effluent will continue to be discharged to Water Quality Zone 2 of the Delaware River at River Mile 127.0, in Falls Township, Bucks County, Pennsylvania.
 5. Reading Alloys, Inc., D-1979-044-3. An application to renew the approval of the applicant's existing discharge of up to 0.24 mgd of NCCW. Effluent will continue to be discharged to an UNT of Spring Creek at River Mile 92.47 - 76.8 - 6.65 - 5.9 - 3.9 - 1.5 (Delaware River - Schuylkill River - Tulpehocken Creek - Blue Marsh Reservoir - Spring Creek - UNT) via Outfall No. 001, in South Heidelberg Township, Berks County, Pennsylvania.
 6. *Postponed.*

7. DSM Nutritional Products, Inc., D-1985-014-4. An application to approve an existing surface water withdrawal (SWWD) and approve an allocation of up to 124 million gallons per month (mgm) to supply water to the applicant's manufacturing facility for industrial process, potable and remediation purposes from one existing surface water intake on the Delaware River. The requested allocation is not an increase from the previous allocation. The project's existing groundwater withdrawals are approved by the New Jersey Department of Environmental Protection (NJDEP) and will continue to be regulated by NJDEP in accordance with the Administrative Agreement (AA) between the Commission and the State of New Jersey. The project intake is located in the Delaware River Watershed in White Township, Warren County, New Jersey within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.
8. East Stroudsburg Borough, D-1987-015 CP-3. An application to renew the approval of the applicant's existing 2.25 mgd WWTP and its discharge. Treated effluent will continue to be discharged to Brodhead Creek at River Mile 213.0 - 3.25 (Delaware River - Brodhead Creek) via Outfall No. 001, within the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters, in the Borough of East Stroudsburg, Monroe County, Pennsylvania.
9. Waynesborough Country Club, D-1992-009-3. An application to renew the approval of an existing groundwater withdrawal (GWD) of up to 6.2 mgm to irrigate the applicant's golf course from existing Wells Nos. 1978-Blue and 15. The project wells are located in the Wissahickon and Mafic Gneiss Formation. The requested allocation is not an increase from the previous allocation. The wells are located in the Commission's designated Ground Water Protected Area (GWPA) in the Crum Creek Watershed in Easttown, Chester County, Pennsylvania.
10. Bernville Corporation, D-1992-027-3. An application to renew the approval of an existing SWWD of up to 8.3 mgm to irrigate the applicant's Heidelberg Country Club from existing Intake No. 1 on the Tulpehocken Creek. The requested allocation is not an increase from the previous allocation. The project intake is located in the Tulpehocken Creek Watershed in Jefferson Township, Berks County, Pennsylvania.
11. Washington Township (Berks County, PA), D-1994-042 CP-2. An application to renew the approval of the applicant's existing 0.25 mgd WWTP and its discharge. The WWTP will continue to discharge to the West Branch Perkiomen Creek, a tributary of Perkiomen Creek, which is a tributary of the Schuylkill River at River Mile 92.47 - 32.3 - 23.7 - 6.8 (Delaware River - Schuylkill River - Perkiomen Creek - West Branch Perkiomen Creek) in Washington Township, Berks County, Pennsylvania.
12. Meter Services Company, D-1994-049 CP-3. An application to renew the approval of an existing GWD of up to 3.72 mgm to supply the applicant's Village of Buckingham Springs public water supply distribution system from existing Wells Nos. 1 and 2. Wells Nos. 1 and 2 are completed in the Brunswick Formation. The requested allocation is not an increase from the previous allocation. The wells are located in the Commission's

designated GWPA in the Mill Creek Watershed in Buckingham Township, Bucks County, Pennsylvania.

13. Six Flags Great Adventure, D-1996-006 CP-2. An application to renew the approval of an existing importation of up to 11.59 mgm of groundwater from the Atlantic Basin to the Delaware River Basin (DRB) from existing Well No. IR-1 for irrigation purposes at the docket holder's amusement park. The importation of water occurs only when SWWD used for irrigation are not permitted because the flow in Lahaway Creek is insufficient to meet NJDEP passing flow requirements. The application also requested to renew the approval to withdrawal a combined total of up to 11.59 mgm of surface water from two intakes, groundwater from 19 existing small capacity groundwater wells (16 in the Delaware River Basin) and the importation from withdrawals at Well IR-1 described above for irrigation, animal wash-down and non-public domestic uses. The total and individual DRB well allocations correspond to the allocations in NJDEP Permit No. 2504P. The project wells located in the DRB are completed in the Red Bank Sand, Vincentown, and Mount Laurel aquifers in the Middle Crosswicks Creek Watershed in Jackson Township, Ocean County and Millstone Township, Monmouth County, New Jersey. Out-of-basin Well No. IR-1 is completed in the Englishtown aquifer in the Upper Toms River Watershed (Atlantic Basin) in Jackson Township, Ocean County, New Jersey. The SWWD are from Lahaway Creek, a tributary of Crosswicks Creek and a constructed irrigation lagoon in Jackson Township, Ocean County, New Jersey. In accordance with Section III.B.3 of the March 2015 DRBC/NJDEP Administrative Agreement, the docket holder's existing groundwater and SWWD will continue to be regulated by NJDEP in accordance with the NJDEP Water Allocation Permit No. 2504P issued on September 4, 2014 with an expiration date of September 30, 2024. Upon the permittee's submission of an application for renewal of its NJDEP water withdrawal permit, the renewal request will be administered under the One Process/One Permit Program ("One Permit") approved by the Commission on December 9, 2015.
14. Concord Township, D-1997-019 CP-4. An application to renew the approval of the applicant's existing 1.8 mgd Central WWTP and its discharge. Treated effluent will continue to be discharged to West Branch Chester Creek at River Mile 82.93 - 8.9 - 5.4 (Delaware River - Chester Creek - West Branch Chester Creek) via Outfall No. 001, in Concord Township, Delaware County, Pennsylvania.
15. *Postponed.*
16. Lower Makefield Township, D-2002-048 CP-3. An application to renew the approval of an existing GWD of up to 7.68 mgm to irrigate the applicant's golf course from existing Wells Nos. PW-1, PW-2 and PW-3 completed in the Stockton and Lockatong formations. The renewal will also approve the increase in allocation of Well No. PW-1 from 2.678 mgm to 5.357 mgm. The requested system allocation is not an increase from the previous allocation. The project wells are located in the Delaware River Watershed in Lower Makefield Township, Bucks County, Pennsylvania, within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.

17. Buckingham Township, D-2004-015 CP-3. An application to renew the approval of the existing Buckingham Village WWTP and Furlong WWTP and their seasonal discharges to land (via spray irrigation) and surface water. The Buckingham Village WWTP will continue to treat up to 0.236 mgd for discharge to Lahaska Creek or conveyance to the Furlong WWTP. The Furlong WWTP is designed to store and treat up to 0.302 mgd and permitted to seasonally land discharge up to 0.257 mgd via spray irrigation. Treated effluent from Buckingham WWTP will continue to be seasonally discharged to Lahaska Creek, which is a tributary of Mill Creek, itself a tributary of Neshaminy Creek at River Mile 115.6 - 23.7 - 5.7 - 0.4 (Delaware River - Neshaminy Creek - Mill Creek - Lahaska Creek), in Buckingham Township, Bucks County, Pennsylvania.
18. Chadds Ford Township Sewer Authority, D-2005-022 CP-3. An application to renew the approval of the applicant's existing 0.15 mgd Turner's Mill WWTP and its discharge. Treated effluent will continue to be discharged to Harvey Run at River Mile 70.73 - 1.5 - 14.6 - 0.66 (Delaware River - Christiana River - Brandywine Creek - Harvey Run) via Outfall No. 001, in Chadds Ford Township, Delaware County, Pennsylvania.
19. Alsace Township, D-2006-005 CP-3. An application to renew the approval of the existing 0.071 mgd Alsace Township WWTP and its discharge. The WWTP will continue to discharge treated wastewater effluent to an UNT of the Little Manatawny Creek at River Mile 92.47 - 54.15 - 16.7 - 4.7 - 0.23 (Delaware River - Schuylkill River - Manatawny Creek - Little Manatawny Creek - UNT of the Little Manatawny Creek), in Alsace Township, Berks County, Pennsylvania.
20. Bedminster Municipal Authority, D-2006-010 CP-3. An application to renew the approval of the applicant's existing 0.246 mgd Pennland Farms WWTP and its discharge. Treated effluent will continue to be discharged to an UNT of Deep Run Creek at River Mile 157.0 - 4.7 - 7.1 - 0.1 (Delaware River - Tohickon Creek - Deep Run Creek - UNT) via Outfall No. 001, within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Bedminster Township, Bucks County, Pennsylvania.
21. Camp Lohikan, D-2009-024-2. An application to renew the approval of the applicant's existing 0.03 mgd WWTP and its land discharge via spray irrigation. Treated effluent will continue to be spray irrigated to two spray fields located in the Equinunk Creek 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 Buckingham Township, Wayne County, Pennsylvania.
22. Town of Liberty (NY), D-1967-121 CP-2. An application to renew the approval of Wells Nos. 3 and 4 in the Stevensville Well Field and to approve existing Wells Nos. 1 and 2 in the White Sulphur Springs Well Field and the Sherwood and Roth Wells in the Sherwood-Roth Well Field to supply up to a total of 46.75 mgm of groundwater to the docket holder's public water system which serves five interconnected water districts in the Town of Liberty. The groundwater wells are completed in unconsolidated glacial outwash in the West Branch Mongaup River Watershed in the Town of Liberty, Sullivan County, New

York 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.

23. Fallsburg Consolidated Water District, D-1990-105 CP-4. An application to approve a total withdrawal of up to 143.94 mgm of groundwater from 14 previously approved wells and one new replacement well (Fallsburg Well No. 1B) to continue to supply water to the FCWD public water distribution system. The total groundwater allocation approved by this docket is an increase in the previously approved allocation of 129.4 mgm. Fallsburg Well No. 1 will be retained for emergency supply in the event that Fallsburg Well No. 1B is taken off-line due to electrical or mechanical problems. New Well No. 1B is screened in unconsolidated valley fill deposits in the Sheldrake Stream Watershed. With the exception of two wells which are bedrock wells completed in the Walton Formation, the existing project wells are screened in unconsolidated valley fill deposits in the Sheldrake Stream, Neversink River and Mongaup River watersheds, within the drainage areas of the section of the main stem Delaware River known as the Middle and Upper Delaware, which the Commission has classified as Special Protection Waters, in the Town of Fallsburg, Sullivan County, New York.
24. Jim Thorpe Borough, D-1996-019 CP-3. An application to renew the approval of and to approve an upgrade to the applicant's existing 1.0 mgd WWTP. The project upgrade consists of modifying the WWTP's existing contact stabilization treatment system to be a biological nutrient removal (BNR) treatment system. The WWTP capacity will remain at 1.0 mgd and will continue to discharge treated effluent to the Lehigh River at River Mile 183.7 - 47.0 (Delaware River - Lehigh River) via Outfall No. 001 within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in the Borough of Jim Thorpe, Carbon County, Pennsylvania.
25. Cott Beverages, Inc., D-2007-006-3. An application to renew the approval of and to approve an upgrade to the existing 0.07 mgd Cott Beverage IWTP. The upgrade consists of replacing existing process water-softening equipment with a reverse osmosis (RO) treatment unit. Reject wastewater from the proposed RO unit will be routed for treatment to the IWTP, which will not be modified. The IWTP will continue to discharge treated process wastewater to the West Branch Chester Creek, which is a tributary of Chester Creek, at River Mile 82.93 - 8.37 - 6.30 (Delaware River - Chester Creek - West Branch Chester Creek) via Outfall No. 001, in Concord Township, Delaware County, Pennsylvania.

C. New Projects (items 26 through 29).

26. Cochecton Town, D-2015-009 CP-1. An application to approve the applicant's existing 0.21 mgd Lake Huntington WWTP and its discharge. Treated effluent will continue to be discharged to an UNT of Ten Mile River at River Mile 284.2 - 7.6 - 1.6 (Delaware River - Ten Mile River - UNT) via Outfall No. 001, 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 the Town of Cochecton, Sullivan County, New York.

27. Pennsylvania Department of Conservation and Natural Resources, D-2015-017 CP-1. An application to approve a SWWD of up to 3.565 mgm (to supplement water into the Delaware Canal) from two existing surface water intakes on the Delaware River at Durham and Center Bridge. The water will be used to augment flow in the Delaware Canal. The two existing intakes are located in the Delaware River Watershed in Durham and Solebury townships, Bucks County, Pennsylvania within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters. This application also requests the approval of a temporary pilot project to discharge up to 3 mgd from the Point Pleasant Pump Station into the Pennsylvania-Delaware Canal to re-establish and maintain flow in the canal.
28. Eastern Shore Natural Gas Company, D-2015-020-1. An application to approve the construction of the Delaware River Basin portion of the docket holder's White Oak Mainline Expansion Project, including: two loops of 16-inch diameter natural gas pipeline in Chester County, Pennsylvania and the expansion of the docket holder's existing Dover City Compressor Station in New Castle County, Delaware. The Project is necessary to provide 45,000 dekatherms per day of Off-Peak ≤ 90 Firm Transportation service for Calpine Energy Services, L.P. ("CES"), which has executed a binding precedent agreement obligating it to execute a long-term service agreement with Eastern Shore for such service. CES will use the incremental capacity to deliver natural gas fuel to the Garrison Energy Center, a 309-megawatt (MW) state-of-the art combined cycle power plant. The docket also constitutes a special use permit in accordance with Section 6.3.4 of the Commission's Flood Plain Regulations. The Kemblesville Alternative 2 Loop crosses two designated tributaries of the White Clay Creek Natural Wild and Scenic River, which is listed as a recreation area in the Commission's Comprehensive Plan. The Daleville Loop is located in the Doe Run Watershed in Highland and Londonderry townships, Chester County, Pennsylvania and the Kemblesville Alternative 2 Loop is located in the West Branch White Clay Creek Watershed in Franklin Township, Chester County, Pennsylvania. The Delaware City Compressor Station is located in the Dragon Creek-Delaware River Watershed in New Castle County, Delaware.
29. Pennsylvania Department of Environmental Protection (PADEP), D-2015-021 CP-1. Approval of a GWD project to supply up to 45 mgm of groundwater from the proposed Quakake Mine Pool Well to support the applicant's efforts to abate the Jeanesville coal seam mine fire. The project will rely upon the Hazelton City Authority Water Department (HCAWD) Lehigh River Withdrawal for fire flow if the Quakake Mine Pool Well cannot provide sufficient demand. The applicant received an emergency approval for the project in accordance with Section 2.3.9.B. of the Commission's *Administrative Manual Part III - Rules of Practice and Procedure* on December 21, 2015. The emergency approval also includes a temporary increase in HCAWD's allowable withdrawal from the Lehigh River from 2.5 mgd to 3.5 mgd for mine firefighting purposes only, if necessary. The project is located in the Beaver Creek Watershed in Banks Township, Carbon County and Hazel Township, Luzerne County, Pennsylvania within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.