

**DELAWARE RIVER BASIN COMMISSION**

**MEETING OF MAY 8, 2013**

**Minutes**

Commissioners Present: Kelly J. Heffner, Pennsylvania, Chair  
Michele N. Siekerka, New Jersey, Vice Chair  
Angus Eaton, New York, Second Vice Chair  
Kathleen M. Stiller, Delaware  
Lieutenant Colonel Chris Becking, United States

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

The Commission met at the Washington Crossing Historic Park Visitor Center in Washington Crossing, Pennsylvania for its Business Meeting on May 8, 2013.

Chairwoman Kelly J. Heffner welcomed attendees and expressed appreciation for the beautifully renovated Visitor Center. She invited site administrator Joan Hauger to welcome the group to the new facility. Ms. Hauger said the center was essentially brand new, the official opening having taken place on March 10, 2013. The renovations, "ten years in coming," were sponsored by the Commonwealth of Pennsylvania at a cost of \$4.6 million. The construction phase took two years. The Visitor Center offers guided tours of Washington Crossing Historic Park, which consists of two sections -- the lower park, in which the Visitor Center is situated, and the upper park, which includes the Bowman's Hill Tower and the Thompson-Neely House. Both sections are open Thursdays through Sundays from 10:00 a.m. to 4:00 p.m. for guided tours. Ms. Hauger explained that George Washington crossed the Delaware River at this location with his troops on Christmas night of 1776. The letter dated December 25, 1776 from General Washington to Colonel Cadwalader, written at the Mckonkey Ferry Inn on the property and describing the historic Delaware River crossing, is currently on display. Ms. Hauger said she hoped visitors would stroll through the exhibit gallery to view the letter and other items on loan from the Pennsylvania Historical Society, American Revolution Center, and Bucks County Historical Society. She thanked everyone for their attention and urged them to return for a guided tour of the Park.

Minutes. The Minutes for the Commission Meeting of March 6, 2013 were approved unanimously on a motion by Mr. Eaton, seconded by Colonel Becking.

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

- *Schuylkill Action Network (SAN).* SAN marks its 10<sup>th</sup> anniversary in 2013. To celebrate a decade of watershed achievements, SAN will hold a luncheon event with presentations, speakers, awards, and networking on Thursday, May 9, 2013 from 9:30 a.m. to 2:30 p.m. at the John James Audubon Center at Mill Grove, Audubon, Pennsylvania. To RSVP for this free event (lunch included), please visit the SAN web site. DRBC Executive Director Carol R. Collier will be offering the closing remarks.
- *New Jersey Water Environment Association (NJWEA).* NJWEA will hold its 98<sup>th</sup> Annual Conference on May 13-17, 2013 at the Bally's Atlantic City, New Jersey. Full details, including registration form, pricing, conference sessions, and more can be found on NJWEA's website. During the afternoon session entitled *Watershed Management 2013*, running from 1 p.m. to 4:00 p.m. on Wednesday, May 15, DRBC staff will moderate and offer presentations.
- *DRBC Toxics Advisory Committee (TAC) Meeting.* The TAC meeting will be held on Wednesday, June 5, 2013 at 9:00 a.m. in the Goddard Conference Room, DRBC, 25 State Police Drive, West Trenton, New Jersey. Contact Donna Barnett at 609-883-9500, extension 308 for more information.
- *DRBC Flood Advisory Committee (FAC) Meeting.* The FAC will meet on Wednesday, June 19, 2013 at 10:00 a.m. in the Goddard Conference Room, DRBC, 25 State Police Drive, West Trenton, New Jersey. This meeting had originally been announced for May 22. Contact Amy Shallcross at 609-883-9500, extension 232 for more information.

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 May 6, 2013 was 8.86 inches or 4.72 inches below normal. The observed precipitation for the Basin above Trenton for the same period was 9.70 inches or 4.73 inches below normal and for the Basin above Wilmington, Delaware for this period, 11.24 inches or 3.16 inches below normal.

The average observed streamflow of the Delaware River at Montague in April 2013 was 5,297 cubic feet per second (cfs) or 46.5 percent of the long-term average for the month. For the same period, the average observed streamflow at Trenton was 11,197 cfs, or 55.7 percent of the long-term average for the month.

For the period of May 1 through May 6, the average observed streamflow at Montague was 3,167 cfs, or 46.2 percent of the long-term average for the month. The average streamflow at Trenton during the same period was 7,618 cfs, or 55.8 percent of the long-term average for the month.

In the Lower Basin, as of May 7, 2013, Beltzville Reservoir contained 13.94 billion gallons (bg) usable, or 100.1 percent of usable storage, and Blue Marsh contained 5.64 bg usable, or 100.6 percent of summer pool usable storage. As of May 5, Merrill Creek contained 14.88 bg usable, or 94.9 percent of usable storage.

In the Upper Basin, as of May 7, 2013, Pepacton Reservoir contained 137.145 bg usable or 97.9 percent of usable storage. Cannonsville contained 94.200 bg usable, or 98.4 percent of usable storage. Neversink contained 33.441 bg usable or 95.7 percent of usable storage. The total New York City Delaware Basin reservoir storage was 264.786 bg usable or 97.8 percent of usable storage.

During the month of April 2013, 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) 70 to RM 72. The normal location of the salt front during April is RM 61, which is 17 miles downstream of the Delaware-Pennsylvania state line. As of May 6, the salt front was located at RM 70, which is six miles upstream of the normal location of the salt front during May.

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

- *DRBC Public Outreach.* Ms. Collier announced that the DRBC now has a Twitter account, @drbc1961. Flickr and YouTube accounts also have been created. Postings highlight DRBC's monitoring activities and other events in the basin. In print media, the journal *Water Policy* published a peer-reviewed article entitled *Adaptive Management and Governance of Delaware River Water Resources*, by two Temple University professors. The piece highlights flood and drought management initiatives involving the DRBC.
- *The Pinchot Institute.* The regional premier screening of a documentary about Gifford Pinchot will take place this evening at Temple Ambler. A panel discussion will follow, focused on how Pinchot's conservation ideas are being applied today.
- *2013 Delaware River Sojourn.* The annual Delaware River Sojourn will run this year from June 22 to June 29, 2013. More information is available on the DRBC website.
- *Delaware River Watershed Coalition.* A new group called the Delaware River Watershed Coalition has been formed and will hold its kick-off meeting in mid-June.
- *Federal Funding.* DRBC still does not have its fair share of federal funding for Fiscal Years 2013 and 2014. Thanks to letters from basin residents to their congressional representatives, there is hope that DRBC will be included in President Obama’s FY 2015 budget. There is also an opportunity for language to be added to the Water Resources Development Act (WRDA) that would address DRBC’s federal funding shortfall.

General Counsel's Report. Mr. Warren reported on two items.

The first is a federal court proceeding in the District of New Jersey, which is an appeal of the docket issued to Stone Energy Corporation in 2010. In this matter the Commission received in connection with a discovery issue a decision by the magistrate judge regarding various deliberative process documents. The judge determined that some of the documents are protected and asked for additional information about others. DRBC is in the process of preparing a revised privilege log to furnish the magistrate judge and opponents with the information that is needed.

Second, a request is pending for an administrative appeal of the Susquehanna-Roseland Power Line docket. Staff is still analyzing that request to provide additional information to the Commissioners. There is no request for an action by the Commissioners at this time.

Resolutions Subject to Public Hearing. A duly noticed public hearing on the proposed resolutions was conducted on May 7, 2013.

Resolution to Adopt the Commission's Annual Budget for the Fiscal Year Ending June 30, 2014 and Apportion Among the Signatory Parties the Amounts Required for the Support of the Current Expense and Capital Budgets. Mr. Gore explained that the proposed resolution provides for the adoption of the Commission's annual budget for the fiscal year ending June 30, 2014 and apportions among the signatory parties the amount required to support the current expense and capital budgets. No comments on the budget were offered at the public hearing. Mr. Gore respectfully requested the Commissioners' favorable consideration of the resolution.

Ms. Heffner thanked the Commissioners and staff for their hard work in developing the budget and work plan for Fiscal Year 2014, noting that it had been a long process with lots of good interaction. She requested a motion to approve the resolution to adopt the Commission's annual budget for the fiscal year ending June 30, 2014 and apportion among the signatory parties the amounts required for the support of the current expense and capital budgets. Ms. Siekerka so moved, Ms. Stiller seconded her motion and Resolution No. 2013-2 was adopted unanimously on a roll call vote.

Resolution to Approve the Fiscal Year 2014-2016 Water Resources Program. Dr. Najjar explained that the proposed resolution would approve a Water Resources Program (WRP) for Fiscal Years 2014-2016, in compliance with section 13.2 of the Compact. The three-year program serves as a strategic plan for programs and activities to be undertaken by the Commission consistent with the Comprehensive Plan and the Water Resources Plan for the Delaware River Basin (or "Basin Plan"). No written comments were submitted on the program, nor were any comments offered on it during the public hearing on May 7, 2013. Dr. Najjar recommended the program's adoption.

Ms. Heffner requested a motion to adopt the resolution to approve the Water Resources Program for Fiscal Years 2014-2016. Col. Becking so moved, Ms. Siekerka seconded his motion, and Resolution No. 2013-3 was adopted by unanimous vote.

Resolution to Amend the Commission's Administrative Agreements with Delaware and New Jersey by the Addition to "Category F" as Defined Therein of Certain Electric Generation and Co-Generation Facilities. Mr. Muszynski explained that the proposed amendments would place into "Category F" of the current administrative agreements the class of projects consisting of electric generation and co-generation facilities that are designed to consumptively use in excess of 100,000 gallons per day of water during a 30-day period, but which do not require approval of any new or expanded withdrawal or discharge of water or otherwise trigger the Commission's review. Comments submitted on the proposal consisted of questions about the magnitude of its effect. Mr. Muszynski said that staff believes the universe of projects affected by the proposed change to be very small, because the projects covered by the amendment are those involving no direct discharge or withdrawal of water. In addition, upon notice from the host state that it is considering a project in Category F, the Commissioners have an opportunity to consider whether a Commission review should also be performed. The Project Review status page on DRBC's website also includes a list of projects for which DRBC does not conduct an independent review, pursuant to Administrative Agreements between DRBC and the states of New Jersey and Pennsylvania, respectively. Mr. Muszynski asked the Commissioners to approve the proposed amendment.

Ms. Heffner requested a motion to approve the resolution to amend the Commission's Administrative Agreements with Delaware and New Jersey by the addition to "Category F" as defined therein of certain electric generation and co-generation facilities. Ms. Stiller so moved, Colonel Becking seconded her motion and Amendment No. 1 to the Commission's Administrative Agreements with Delaware and New Jersey was adopted by unanimous vote.

Resolutions Not Subject to Public Hearing.

Resolution Providing for Election of the Commission Chair (NJ), Vice Chair (NY) and Second Vice Chair (DE). Ms. Bush explained that at the last business meeting prior to the start of a new fiscal year beginning July 1, it was the customary practice of the Commission to elect a Chair, Vice Chair, and Second Vice Chair for the next fiscal year, and in doing so, to follow a rotation among the Commission's members. She said that in accordance with the customary practice, the Governor of New Jersey would be elected Chair, the Governor of New York would become Vice Chair, and the Governor of Delaware would become Second Vice Chair.

Ms. Heffner requested a motion to approve the resolution providing for election of the Commissioner Chair, Vice Chair and a Second Vice Chair. Mr. Eaton so moved, Ms. Stiller seconded his motion and Resolution No. 2013-4 was adopted by unanimous vote.

Resolution for the Minutes Authorizing and Directing the Executive Director to Take Measures to Provide for Security at Public Meetings of the Commission. Ms. Bush explained that a resolution for the minutes was proposed to ensure that adequate security is provided at the Commission's public meetings. She read aloud portions of the proposed resolution, the entire text of which follows:

## RESOLUTION FOR THE MINUTES

A RESOLUTION for the Minutes authorizing the Executive Director to take measures to provide for security at public meetings and hearings.

WHEREAS, it is of the utmost importance that public meetings and hearings of the Commission be conducted in a manner that provides for orderly discharge of the Commission's business, allows all attendees to avail themselves of opportunities for comment, and ensures the safety of participants; and

WHEREAS, activities of some attendees at recent Commission meetings have impeded the orderly discharge of business, prevented some individuals from fully participating, and raised concerns among Commissioners, staff and those with business before the Commission about their personal safety; and

WHEREAS, the Commission is committed to putting in place the equipment, staffing and procedures necessary to ensure that our public hearings and meetings are orderly, civil and safe; now therefore,

BE IT RESOLVED that the Executive Director is authorized to take any and all actions reasonably required to accomplish these purposes.

This Resolution shall take effect immediately.

Ms. Heffner requested a motion to approve the resolution for the minutes authorizing the Executive Director to take measures to provide for security at public meetings of the Commission. Ms. Siekerka so moved, Ms. Stiller seconded her motion and the Resolution for the Minutes was adopted by unanimous vote.

Project Review Applications – Projects On Which a Public Hearing Was Held on May 7, 2013. A duly noticed public hearing on 21 project review applications (listed in the Attachment to these Minutes) was conducted on May 7, 2013. Mr. Muszynski recommended adoption of the projects in three groups, consisting of: Category A – dockets involving renewals with no substantive changes, hearing items 1 through 10; Category B – dockets involving project renewals with substantive changes, hearing items 11 through 18; and Category C – dockets involving projects new to the Commission, hearing items 19 through 21.

Mr. Muszynski reported that the Commission had received no written or oral comments on hearing items 1-10, dockets involving renewals with no substantive changes (Category A), and recommended that this group of dockets be approved. Ms. Heffner requested a motion to approve hearing items 1 through 10. Ms. Stiller so moved, Mr. Eaton offered a second, and hearing items 1-10 were approved by unanimous vote.

With respect to items 1 through 12, dockets involving renewals with substantive changes (Category B), Mr. Muszynski explained that the Commission had received comments only on hearing item 12, Docket D-1986-011 CP-3 for the Brodhead Creek Regional Authority (BCRA). In accordance with these comments, changes to the draft docket were made to correct and clarify map references, details relating to the service area, and statements concerning the structure of the

BCRA. Mr. Muszynski noted that during the May 7 hearing, the Brodhead Watershed Association had offered comments in support of the docket and also had requested that a change be made to require that any new connections other than those associated with the particular development identified in the docket be required to purchase their water from BCRA. BCRA's Executive Director Ken Brown had explained that BCRA lacks the authority to implement such a requirement and thus did not view such a condition as appropriate. Mr. Muszynski recommended that hearing items 11 through 18 be approved without the additional change to hearing item 12 proposed by the Brodhead Watershed Association.

Ms. Heffner requested a motion to approve hearing items 11 through 18, the dockets involving project renewals with substantive changes (Category B), with only those changes proposed by Mr. Muszynski. Mr. Eaton so moved, Ms. Stiller offered a second, and hearing items 11 through 18 were approved by unanimous vote.

Mr. Muszynski reported that the Commission had received comments on one of the three draft dockets (items 19 through 21) involving projects new to the Commission (Category C). The comments related to hearing item 21, Docket D-2013-004-1 for the Transcontinental Pipeline Company, LLC ("Transco"). According to Mr. Muszynski, the comments concerned issues that had been adequately noticed, and changes to the drafts in response to these comments would not require additional notice and comment. One set of changes was made to reflect that certain land discharges originally proposed by Transco would no longer be needed because water that Transco originally had proposed to discharge to land after hydrostatic testing of a pipe segment would instead be either returned to the pond from which it had been withdrawn (50 percent) or used in lieu of new water in the direct drilling process (the other 50 percent). A second change was made to explain that 11,000 gallons of water to be used to hydrostatically test a 500-foot section of replacement pipe in the "Leidy Line" portion of the project would be stored in tanks on the project site and used in direct drilling operations. Additional changes, consisting largely of replacements of the word "will" with "shall," were made to ensure that certain docket conditions were clearly understood to be requirements.

Ms. Heffner requested a motion to approve hearing items 19 through 21, consisting of dockets involving projects new to the Commission (Category C). Ms. Siekerka so moved, Col. Becking seconded her motion, and hearing items 19 through 21 were approved by unanimous vote.

A list of the approved dockets, with descriptions, is attached hereto. A tape and transcript of the public hearing of May 7, 2013 are on file with the Commission Secretary.

Project Review Applications – Project On Which a Public Hearing Was Held on a Previous Date. Ms. Heffner reminded everyone that the public hearing for the last docket on the agenda – Docket No. D-1969-210 CP-13 for the Exelon Generation Company, LLC ("Exelon") Limerick Generating Station (LGS) – was held on August 28, 2012 at the Sunnybrook Ballroom in Pottstown, Pennsylvania, near the project site. She noted that the hearing was well-attended and that after the close of the comment period, staff prepared a comment and response document to accompany the docket under consideration today. Ms. Heffner thanked the staff for their hard work on the docket and accompanying comment and response document.

Mr. Muszynski explained that on August 28, 2012 DRBC and the Pennsylvania Department of Environmental Protection (PADEP) jointly conducted a public hearing in Pottstown, Pennsylvania on draft Docket D-1969-210 CP-13 and PADEP's draft National Pollutant Discharge Elimination System (NPDES) permit for the LGS. The draft docket was published for comment 60 days before the public hearing, and comments were accepted through a date 60 days after the public hearing. The Commission received 11 comments via email and 14 in hard copy, and heard testimony from 15 individuals. Mr. Muszynski said that the submissions touched on many different topics, and considerable time was required to fully respond to them. A complete draft comment and response document was provided to the Commissioners on April 22, 2013.

The docket consolidates twelve existing dockets and several resolutions. Upon approval of the docket, Exelon, the public and regulators will be able to reference in a single instrument all the terms and conditions placed on LGS operations by the Commission. The docket approves water withdrawals from several water sources for both consumptive and non-consumptive uses. It also approves non-contact cooling water and boiler blow-down discharges. The docket includes an Operations Plan that describes how the LGS will comply with the approval conditions. The text of the draft docket posted for public comment on June 28, 2012 included the draft Operation Plan. Contributions from Exelon to the Schuylkill Remediation Fund will continue under the new docket.

Mr. Muszynski noted as a point of clarification that the docket would not authorize an increase in total withdrawals by the facility. Rather, the peak surface water withdrawal rate is proposed to be increased slightly to provide some flexibility, while the maximum monthly withdrawal remains unchanged.

The docket restricts unaugmented water withdrawals from the Schuylkill River based upon natural flows of 560 or 530 cfs, depending on other environmental conditions. It also restricts the unaugmented withdrawal from the Perkiomen Creek to 24 mgd when the flow in the Perkiomen is above 180 cfs and 42 mgd when flow exceeds 210 cfs. The docket is complex because it includes conditions and limitations associated with the use of multiple water sources. Supplemental sources for use when natural flow restrictions are in place include a diversion of up to 46.2 mgd from the Delaware River via the Point Pleasant Pump Station and Bradshaw Reservoir; releases from the three Tamaqua Reservoirs of up to 43.3 mgd; and releases from the Wadesville Mine Pool of up to 14.4 mgd. Various restrictions and applications apply to each of these sources. The docket also approves a discharge of up to 14.2 mgd of non-contact cooling water and boiler blow-down water from Outfall No. 1.

Several modifications to the draft docket and accompanying Operation Plan were made in response to comments received on the drafts published by the Commission on June 28, 2012. Modifications also were made to properly reference a docket issued for the Tamaqua Reservoirs during the period when the LGS docket remained under review. In the view of staff, the modifications involved no substantive issues that were not adequately noticed in June of 2012, and additional public notice of the proposed modifications would not be required.

On the recommendation of Mr. Muszynski, Ms. Heffner asked the Commissioners for a motion to approve Docket No. D-1969-210 CP-13 for the Exelon Generation Company, LLC Limerick

Generating Station and surface water augmentation project, including the Operation Plan and the accompanying comment and response document.

Col. Becking so moved, Ms. Siekerka seconded his motion, and Docket No. D-1969-210 CP-13 for Exelon Generation Company LLC's Limerick Generating Station and surface water augmentation project, with the accompanying comment and response document, were approved by unanimous vote.

Ms. Siekerka announced that this was the last meeting of the Commission during Kelly Heffner's term as Chair. She acknowledged the additional work involved in chairing the Commission and thanked Ms. Heffner for her leadership over the course of the year.

On a motion by Colonel Becking seconded by Mr. Eaton, the Commission's business meeting of May 8, 2013 was adjourned at 3:00 p.m. Ms. Heffner thanked everyone for their attendance and urged all to spend a few minutes enjoying the new Washington Crossing Historical Park Visitor Center.

*/s/ Pamela M. Bush*

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

Commission Secretary/Assistant General Counsel

## ATTACHMENT

### DESCRIPTION OF APPLICATIONS FOR PROJECTS APPROVED BY THE COMMISSION DURING THE BUSINESS MEETING OF MAY 8, 2013

*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. Those 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 approved a docket with modifications.

The projects approved by the Commission on May 8, 2013 are listed below. Those for which a public hearing was conducted on May 7, 2013 are listed first in three groups: Category A, consisting of docket renewals involving no substantive changes (items 1 through 10); Category B, consisting of renewals involving significant changes, such as an increase or decrease in an authorized withdrawal or discharge (items 11 through 18); and Category C, consisting of projects not previously reviewed by the Commission (items 19 through 21). The hearing for item 22, Docket D-1969-210 CP-13 issued to the Exelon Generation Company LLC for its Limerick Generating Station, took place on August 28, 2012. This project was also a renewal involving significant changes.

*Projects for Which a Public Hearing Was Held on May 7, 2013.*

*A. Renewals with No Substantive Changes (items 1 through 10).*

1. William Henry Apartments, D-1968-092 CP-3. An application to renew the approval of an existing discharge from the 0.069 million gallons per day (mgd) William Henry Apartments wastewater treatment plant (WWTP). The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) of Ridley Creek at River Mile 84.0 - 20.75 - 0.6 (Delaware River - Ridley Creek - UNT), in East Whiteland Township, Chester County, Pennsylvania.
2. Bristol Borough Water and Sewer, D-1969-066 CP-3. An application to renew the approval of an existing discharge from the 2.7 mgd Bristol Borough Water and Sewer WWTP. The WWTP will continue to discharge treated effluent to Otter Creek, a tidal tributary of Water Quality Zone 2, at River Mile 118.6 - 0.2 (Delaware River - Otter Creek) via Outfall No. 001, in Bristol Borough, Bucks County, Pennsylvania.
3. Rockland Town, D-1985-028 CP-2. An application to renew the approval of an existing discharge from the 0.8 mgd Livingston Manor WWTP. The WWTP will continue to discharge treated effluent to Willowemoc Creek at River Mile 330.7 - 15.5 - 15.5 - 6.94 (Delaware River - East Branch Delaware River - Beaver Kill - Willowemoc Creek) via Outfall No. 001, within the drainage area of the section of the non-tidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters, in the Town of Rockland, Sullivan County, New York.
4. Robesonia -Wernersville Municipal Authority, D-1988-023 CP-2. An application to renew the approval of an existing discharge from the 1.4 mgd Robesonia-Wernersville Municipal Authority WWTP. The WWTP will continue to discharge treated wastewater effluent to the Spring Creek at River Mile 92.47 - 76.8 - 10.4 - 5.4 (Delaware River - Schuylkill River - Tulpehocken Creek - Spring Creek), in Heidelberg Township, Berks County, Pennsylvania.
5. United Corrstack, Inc., D-1993-040-3. An application to renew the approval of an existing groundwater withdrawal (GWD) of up to 17.856 million gallons per month (mgm) to supply the applicant's industrial processes from existing Well No. 1. The project well is completed in Lower Cambrian-age Carbonate Rock in the Schuylkill River Watershed in the City of Reading, Berks County, Pennsylvania.
6. Bucks County Water and Sewer Authority, D-1993-076 CP-3. An application to renew the approval of an existing discharge from the 1.10 mgd Upper Dublin WWTP. The WWTP will continue to discharge treated wastewater effluent to the Pine Run Creek at River Mile 92.47 - 12.5 - 10.6 - 1.1 - 0.7 (Delaware River - Schuylkill River - Wissahickon Creek - Sandy Run Creek - Pine Run Creek) in Upper Dublin Township, Montgomery County, Pennsylvania.
7. Beach Lake Municipal Authority, D-2001-052 CP-2. An application to renew the approval of an existing discharge from the 0.09 mgd Beach Lake WWTP. Treated effluent will continue to discharge to Beach Lake Creek at River Mile 282.5 - 6.98 - 3.1 (Delaware River - Masthope Creek - Beach Lake Creek) via Outfall No. 001, within the drainage area of the section of the non-tidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters, in Berlin Township, Wayne County, Pennsylvania.

8. Wayne Economic Development Corporation, D-2007-018-2. An application to renew the approval of an existing discharge from the 0.014 mgd Sterling Business Park WWTP. Treated effluent will discharge to the West Branch Wallenpaupack Creek at River Mile 277.7 - 17.5 - 11.5 - 5.0 (Delaware River - Lackawaxen River - Lake Wallenpaupack - West Branch Wallenpaupack Creek) via Outfall No. 001, within the section of the non-tidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters, in Sterling Township, Wayne County, Pennsylvania.
9. East Brandywine Township Municipal Authority, D-2007-043 CP-2. An application to renew the approval of an existing discharge from the Hillendale WWTP and drip irrigation facility. The WWTP is designed to treat 55,388 gallons per day (gpd), and will continue to discharge treated domestic sanitary effluent to four (4) on-site drip irrigation disposal areas located within the Christina River Watershed in East Brandywine Township, Chester County, Pennsylvania.
10. Naval Air Warfare Center - Warminster, D-2010-038 CP-2. An application to renew the approval of an existing discharge of treated groundwater from the Naval Facilities Engineering Command Mid-Atlantic Warminster groundwater treatment plant (GTP) located at the former Naval Air Warfare Center Warminster facility. The GTP will continue to pump and treat an average annual flow of 187,000 gpd of contaminated groundwater from 29 on-site wells for discharge to an unnamed tributary (UNT) of the Little Neshaminy Creek, a tributary of the Neshaminy Creek, at River Mile 115.6 - 23.6 - 3.3 - 1.4 (Delaware River - Neshaminy Creek - Little Neshaminy Creek - UNT to Little Neshaminy Creek). The GWTP is located in Warminster Township, Bucks County, Pennsylvania and discharges at existing Outfall 001 located approximately one mile away in Warwick Township, Bucks County, Pennsylvania.

*B. Renewals with Substantive Changes (items 11 through 18).*

11. Big Boulder Corporation, D-1985-025-3. An application to renew the approval of an existing discharge from the 0.225 mgd Big Boulder WWTP. The applicant also requested continuance of the approval by Docket No. D-1985-025-2 for expansion to a hydraulic capacity of 0.265 mgd and for utilization of absorption beds to land dispose of the first 0.04 mgd of treated effluent. The WWTP will continue to discharge treated effluent to an unnamed tributary of Tunkhannock Creek at River Mile 183.66 - 83.5 - 5.6 - 2.5 - 0.64 (Delaware River - Lehigh River - Tobyhanna Creek - Tunkhannock Creek - UNT) via Outfall No. 001, within the section of the non-tidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in Kidder Township, Carbon County, Pennsylvania.
12. Brodhead Creek Regional Authority, D-1986-011 CP-3. An application to approve the expansion of the service area of the existing Brodhead Creek Regional Authority (BCRA) Wastewater Treatment Plant (WWTP) to include two additional proposed commercial developments to be located in Tobyhanna Township: (1) a three-phased waterpark, hotel, and convention center project referred to as the Kalahari Resorts project; and (2) a commercial development by Pocono Manor Investors, LP. The expanded service area will connect to the existing Pocono Township sewer system, which conveys wastewater to the BCRA WWTP via existing and proposed infrastructure. This project description reflects modifications made to the application after it was publically noticed on January 25, 2013. BCRA no longer

proposes to include in its proposed service area expansion the Pocono Manor Village and Inn. BCRA will also provide public water supply to the proposed developments in Tobyhanna Township. No modifications to the existing treatment facilities at the 4.5 mgd BCRA WWTP are proposed. The BCRA WWTP will continue to discharge to McMichael Creek, a tributary of Brodhead Creek, at River Mile 213.0 - 4.0 - 0.2 (Delaware River - Brodhead Creek - McMichael Creek). The BCRA WWTP is located within the drainage area of the section of the non-tidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in the Borough of Stroudsburg, Monroe County, Pennsylvania. The expanded service area is located in Tobyhanna Township, Monroe County, Pennsylvania.

13. NGK Metals Corporation, D-1989-053-3. An application to renew the approval of an existing discharge from the 0.36 mgd NGK groundwater treatment plant (GTP) and to approve modifications to the plant that will result in a new hydraulic capacity of 0.17 mgd. The applicant also requested approval to reactivate three on-site groundwater remediation wells (Wells Nos. DW-12, DW-13, and DW-32) with a total withdrawal capacity of up to 6.479 mgm. The GTP has not been in operation since 2007. The U.S. EPA has required the facility to re-open and resume operation. The existing project wells are located at NGK's former metal production site in the Allentown Formation. Treated groundwater will be discharged to Laurel Run at River Mile 92.47 - 80.4 - 2.3 (Delaware River - Schuylkill River - Laurel Run) via Outfall No. 002, in Muhlenberg Township, Berks County, Pennsylvania.
14. Gloucester County Utilities Authority (GCUA), D-1990-074 CP-4. An application to renew the approval of an existing discharge from the 27 mgd GCUA WWTP. The applicant has also requested a total dissolved solids (TDS) variance of 1,250 mg/l from the GCUA WWTP (Outfall No. DSN001A) and 1,800 mg/l at the joint outfall of GCUA and West Deptford Energy (Outfall No. DSN004A). Treated effluent will continue to discharge to Water Quality Zone 4 of the tidal Delaware River at River Mile 89.7 via Outfall No. DSN004A, in West Deptford Township, Gloucester County, New Jersey.
15. Whitemarsh Township, D-1993-037 CP-4. An application to renew the approval of an existing discharge from the 4.0 mgd Whitemarsh Township WWTP. The applicant has also requested approval to construct modifications at the WWTP without increasing the hydraulic capacity of the facility. The PADEP and DRBC have based effluent limitations from the WWTP on an annual average discharge flow of 2.0 mgd. The WWTP will continue to discharge treated effluent to the Schuylkill River at River Mile 92.47 - 18.6 (Delaware River - Schuylkill River) via Outfall No. 002. The WWTP is located within the Commission's designated Groundwater Protected Area in Whitemarsh Township, Montgomery County, Pennsylvania.
16. Pocono Manor, D-2006-026 CP-3. An application to approve a modification to the service area of the existing Pocono Manor Investors, LP ("Pocono Manor") WWTP by removing a portion of the service area previously approved by DRBC. The area to be removed ("affected area"), located in Tobyhanna Township, Monroe County, Pennsylvania, will be served instead by the existing Brodhead Creek Regional Authority (BCRA) WWTP located in the Borough of Stroudsburg. The affected area consists of two proposed commercial developments, including: (1) a three-phased waterpark, hotel, and convention center project referred to as the Kalahari Resorts project; and (2) a commercial development by Pocono Manor Investors, LP. The affected area will connect to the existing Pocono Township sewer

conveyance system, which conveys wastewater to the BCRA WWTP via existing and proposed infrastructure. BCRA will also provide public water supply to the affected area. Public water for the balance of the Pocono Manor WWTP service area will continue to be supplied by Pocono Manor. No modifications to the existing treatment facilities at the 0.14 mgd Pocono Manor WWTP are proposed. The Pocono Manor WWTP will continue to discharge to the Sweetwater Creek, which is tributary of Paradise Creek, which is tributary of Brodhead Creek, at River Mile 213.0 – 11.4 – 4.4 – 5.3 (Delaware River - Brodhead Creek - Paradise Creek – Swiftwater Creek) and is located within the drainage area of the section of the non-tidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in Pocono Township, Monroe County, Pennsylvania.

17. Pocono Manor, D-2006-043 CP-2. An application to approve a service area modification for the applicant's existing GWD of up to 15.984 million gallons per 30 days (mg/30 days) from existing Wells Nos. 1, 2, and 3. The modification consists of the removal of a portion of the applicant's DRBC-approved service area for the water withdrawal. The area to be removed ("affected area") is located in Tobyhanna Township, Monroe County, Pennsylvania, and will be served by the existing ground and surface water withdrawal owned and operated by Brodhead Creek Regional Authority (BCRA). The affected area consists of two proposed commercial developments, including: (1) a three-phased waterpark, hotel, and convention center project referred to as the Kalahari Resorts project; and (2) a commercial development by Pocono Manor Investors, LP. Sanitary sewer service for the affected area will be provided by BCRA's existing wastewater treatment plant (WWTP) located in the Borough of Stroudsburg. Sewer service for the balance of the existing Pocono Manor service area will continue to be via the existing Pocono Manor WWTP. No modifications to the existing groundwater wells are proposed. The project wells are located in the Brodhead/Swiftwater Creek Watersheds, in the Catskill Formation, in Pocono Township, Monroe County, Pennsylvania within the drainage area of the section of the non-tidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters.
18. West Deptford Energy, D-2008-027 CP-2. An application to renew the approval to construct the West Deptford Energy Station (WDES) and to incorporate the WDES into the Comprehensive Plan. The applicant has requested an increase in the proposed withdrawal of treated effluent from 297.92 mgm to up to 374.914 mgm of water from the Gloucester County Utilities Authority (GCUA) effluent pipeline for industrial cooling and process needs at the WDES. The applicant has also requested approval to discharge up to 4.051 mgd of concentrated effluent water back to the GCUA effluent pipeline at Monitoring Point DSN002A, the combined flow from which will discharge to Water Quality Zone 4 of the tidal Delaware River at River Mile 89.7 via GCUA's Outfall No. DSN004A in West Deptford Township, Gloucester County, New Jersey. The applicant also has requested a variance to allow up to 5,000 mg/l of TDS at Monitoring Point No. DSN002A. The withdrawal, discharge, and TDS variance represent increases from the values approved in Docket No. D-2008-27-1 and are requested in connection with a projected change to the composition of GCUA's effluent.

*C. New Projects (items 19 through 21).* These projects comprise new discharges or withdrawals or constitute projects new to the Commission.

19. Schuylkill Valley Sewer Authority, D-2012-029 CP-1. An application to approve an existing discharge from the 0.55 mgd SVSA WWTP. The WWTP will continue to discharge to the

Schuylkill River at River Mile 92.47 - 121.0 (Delaware River - Schuylkill River) via Outfall No. 001, in Blythe Township, Schuylkill County, Pennsylvania.

20. Artesian Water Company, Inc., D-2012-030 CP-1. An application for approval of a GWD of up to 3.0 million gallons per 30 days to supply the Augustine Creek Subdivision's public water supply from existing Wells Nos. 1, 2, and 3. The wells are completed in the Potomac and Mount Laurel Aquifers in the Augustine Creek Watershed in New Castle County, Delaware. The project will be incorporated into the Comprehensive Plan. Future activities for the project will be regulated by DNREC in accordance with Administrative Agreement, Section IV.C.4.
21. Transcontinental Pipeline Company, LLC, D-2013-004-1. An application to approve the installation of 3.17 miles of new, 42-inch diameter steel natural gas transmission pipeline (the "Northeast Supply Link (NSL) - Palmerton Loop") parallel to the docket holder's existing Leidy Gas Line to provide additional capacity and to discharge up to 1.418 million gallons (mg) of water used for pipe cleaning and hydrostatic testing at one surface water discharge location and up to two land surface discharge locations. No additives will be added to the wash or fill water, and the pipe will be new. The water will be withdrawn from a private pond located adjacent to Buckwha Creek, a tributary of Aquashicola Creek. The project also entails a temporary surface water withdrawal totaling up to 1.774 mg of water (below DRBC's review threshold) for direct pipe operations (0.356 mg), internal pipe cleaning (0.072 mg) and hydrostatic testing (up to 1.346 mg); stream crossings; and the installation of a new 16,000-hp gas turbine compressor unit at existing Compressor Station 515 in Buck Township, Luzerne County, Pennsylvania. The pipeline loop itself is located in Ross Township, Monroe County, Pennsylvania, within the drainage area of the section of the non-tidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.

*Project for Which the Public Hearing Was Held on August 28, 2012.*

22. Exelon Generation Company, LLC, D-1969-210 CP-13. An application to increase the maximum daily withdrawal from the Schuylkill River and establish a maximum monthly withdrawal limit, while maintaining monthly water withdrawals from the previous docket; to continue the use of water from Wadesville Mine Pool operations to augment natural flows in the Schuylkill River based upon experience gained from multi-year demonstration projects; and also to continue to meet consumptive cooling water needs by augmenting Schuylkill River flows through releases from the Tamaqua Reservoirs and/or by diversions to the Perkiomen Creek from the Delaware River. The renewal docket will consolidate within a single approval all conditions relating to the surface water withdrawals required to meet consumptive (evaporative) and non-consumptive needs at LGS and the facility's surface water discharge to the Schuylkill River. The applicant proposes to continue the Restoration and Monitoring Fund, which was first approved by the Commission in October 2004, as well as river and stream monitoring requirements.