

**DELAWARE RIVER BASIN COMMISSION**

**MEETING OF JUNE 11, 2014**

**Minutes**

Commissioners Present: Angus Eaton, New York, Vice Chair, *Acting Chair pro tem*  
Kathleen M. Stiller, Delaware, Second Vice Chair  
Lieutenant Colonel Chris Becking, United States  
Kelly J. Heffner, Pennsylvania  
Fred Sickels, New Jersey, Chair

DRBC Staff Participants: Richard C. Gore, Acting 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  
David Kovach, Supervisor, Project Review Section  
William J. Muszynski, Branch Manager, Water Resources Management  
Amy Shallcross, Supervisor, Operations Section

The Commission met at the Washington Crossing Historic Park Visitor Center in Washington Crossing, Pennsylvania on June 11, 2014.

Minutes. The Minutes for the Commission Meeting of March 12, 2014 were approved unanimously on a motion by Ms. Heffner, seconded by Ms. Stiller.

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

- *DRBC Water Management Advisory Committee (WMAC).* The WMAC will meet on Thursday, June 19, 2014 at 10:00 a.m. in the Goddard Conference Room. Jessica Sanchez is the staff coordinator. Meeting details, including contact information for Dr. Sanchez, are posted on the DRBC website.
- *DRBC Toxics Advisory Committee (TAC).* The TAC will meet on Thursday, July 10, 2014 at 9:00 a.m. in the Goddard Conference Room. Ron MacGillivray is the staff coordinator. Meeting details, including contact information for Dr. MacGillivray, are posted on the DRBC website.
- *DRBC Flood Advisory Committee (FAC).* The FAC will meet Wednesday, August 20, 2014 at 10:00 a.m. in the Goddard Conference Room. Laura Tessieri is the staff liaison.

Meeting details, including contact information for Ms. Tessieri, are posted on the DRBC 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 June 9, 2014 was 17.44 inches or 1.10 inches below normal. The observed precipitation for the Basin above Trenton for the same period was 19.30 inches or 0.16 inches below normal and for the Basin above Wilmington, Delaware for this period, 23.18 inches or 4.96 inches above normal.

The average observed streamflow of the Delaware River at Montague, New Jersey in May 2014 was 9,921 cubic feet per second (cfs), or 171 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 24,581 cfs, or 211 percent of the long-term average for the month.

For June 1-9, the average observed streamflow at Montague was 3,323 cfs, or 105 percent of the long-term average for the month. The average streamflow at Trenton during the same period was 8,136 cfs, or 113 percent of the long-term average for the month.

In the Lower Basin, as of June 10, 2014, Beltzville Reservoir contained 13.90 billion gallons (bg) usable, or 100.2 percent of usable storage, and Blue Marsh contained 5.79 bg usable, or 100.6 percent of winter pool usable storage. As of June 9, Merrill Creek contained 14.91 bg usable, or 95.1 percent of usable storage.

In the Upper Basin, as of June 10, 2014, Pepacton Reservoir contained 138.241 bg usable or 98.6 percent of usable storage. Cannonsville contained 92.131 bg usable, or 96.3 percent of usable storage. Neversink contained 34.695 bg usable or 99.3 percent of usable storage. The total New York City Delaware Basin reservoir storage was 265.067 bg usable or 97.99 percent of usable storage.

During the month of May 2014, 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) 54 to RM 68. The normal location of the salt front during May is RM 68, which is ten miles downstream of the Delaware-Pennsylvania state line. As of June 4, the salt front was located at RM 65, which is four miles downstream of the normal location of the salt front during June.

Acting Executive Director's Report. Mr. Gore's report is summarized as follows:

*Legislation.* The Water Resources Reform and Development Act (WRRDA) (H.B. 3080) was unanimously approved by the U.S. Congress in May and signed into law by President Obama on June 10, 2014. Section 4001 of the approved law directs the Secretary of the Army to allocate funds to the Delaware River Basin Commission, Susquehanna River Basin Commission and Interstate Commission on the Potomac River Basin to fulfill the equitable funding requirements of the respective interstate compacts. WRRDA is an *authorizing* statute, not an appropriation, but it clearly sets forth the legislature's intent and is an encouraging development in DRBC's ongoing effort to restore federal funding. Mr. Gore acknowledged the support of Senator Tom

Carper of Delaware in securing the strong language in the WRRDA bill in support of funding for the three river basin commissions. Senator Carper served on the conference committee that resolved differences between the Senate and House bills. Mr. Gore also acknowledged the efforts of Colin Peppard of Senator Carper's staff and David Wagner, a member of the House Transportation and Infrastructure subcommittee staff. He thanked the four co-chairs of the Delaware River Basin Congressional Task Force – Representatives John Carney (DE), Charlie Dent (PA), Rush Holt (NJ), and Chris Gibson (NY) – and their staff who coordinated the preparation of a letter signed by 18 members, advocating use of the funding language that was ultimately included in the WRRDA.

*The 2014 Delaware River Sojourn.* The 20<sup>th</sup> Annual Delaware River Sojourn, themed *Sharing the Journey for 20 Years*, will run from Sunday, June 22 through Saturday, June 28. The sojourn will begin in the upper regions of the Delaware River and will end seven days later in the tidewaters. The Sojourn is a family-friendly guided river trip that combines paddling, camping and educational programming. Kayaks are supplied and meals are provided. Paddlers can choose to participate in one, several or all seven days, with cost ranging from \$40 to \$80 per day for those who register by June 15. Additional details are available at [www.delawareriversojourn.org](http://www.delawareriversojourn.org). DRBC is a member of the Sojourn's steering committee. Mr. Gore urged novices and long-time paddlers alike to participate, especially those who had not yet experienced this exceptional event.

General Counsel's Report. Mr. Warren reported on two matters in litigation:

*Stone Energy Corporation Water Withdrawal Docket.* The *Stone Energy* matter consists of an appeal before the United States District Court for the District of New Jersey, challenging DRBC's approval in 2010 of a water withdrawal docket for the Stone Energy Corporation. Staff were involved in briefing a dispute between the parties over certain documents with respect to which the Commission asserted the deliberative process privilege. Mr. Warren reported that the magistrate judge had upheld DRBC's assertion of the privilege. He noted that the plaintiffs could choose to appeal the decision to the federal district court judge, and whether or not they would do so was as yet uncertain. He noted that otherwise, DRBC was prepared to enter into a briefing schedule to have the case resolved.

*M&M Stone Company.* M&M Stone filed a case against the Commission and a number of individuals and entities, including the Pennsylvania Department of Environmental Protection and Teleford Borough Authority. Mr. Warren noted that those who had been involved with DRBC for several years were aware of a federal court case related to this in which all of the defendants prevailed and the claims were dismissed. He explained that meanwhile, a summons remained pending in the Court of Common Pleas of Bucks County, Pennsylvania. Under Pennsylvania law, the statute of limitations and the summons could effectively sit indefinitely unless the defendants took the initiative to resolve the matter. DRBC staff filed the appropriate papers, in essence calling upon the plaintiff to file a complaint. Since DRBC's filing, the court granted plaintiff's lawyer leave to withdraw as counsel, leaving the plaintiff, for the time being, unrepresented. Mr. Warren explained that if the plaintiffs fail to proceed within the time limits set forth in the rules, the case will be dismissed, which is staff's hope. He said there would be more information for him to report at the September meeting.

Ms. Bush thanked Mr. Warren and his partner, Brian Glass, for their expert assistance in resolving the documents dispute in the Stone Energy matter in DRBC's favor.

*Request for waiver of a late fee.* Ms. Bush related that DRBC had received requests for waivers of the late application fee from four project review applicants: Chalfont-New Britain Sewer Authority, the Lakeview Estates Homeowners Association, the Hellertown Borough Authority and Twin Ponds Golf Course. These entities filed applications for renewal of their dockets after the deadline for doing so and objected to the imposition of an incremental fee that is automatically imposed in those instances.

Ms. Heffner offered a motion to waive the late fees for the named entities and Mr. Sickels seconded her motion. However, the measure failed to garner three votes and the waiver requests were effectively denied.

Project Review Applications. A duly noticed public hearing was conducted on June 10, 2014 on draft dockets for 37 projects (numbered 1-27, 29-34 and 36-39), each of which is described in an Appendix to these Minutes. David Kovach noted that Dockets D-1992-066 CP-2 and D-2008-038 CP-2 for Exelon, listed in the public hearing notice as items 28 and 35, had been postponed to allow additional time for review. The Commission received substantive comment on just one of the 37 dockets included in the June 10 hearing, Docket D-2014-002 CP-1 for the New York City Department of Environmental Protection (hearing item 39).

Mr. Kovach recommended that the Commissioners approve the dockets corresponding to hearing items 1 through 27, 29 through 34 and 36 through 38, noting that the Commission had received no substantive comments on these items. He related that staff had received a request from an individual for confirmation that the Pennsylvania America Water Company, the applicant for Docket D-1996-009 CP-2 (hearing item 30) was not selling Delaware River Basin water to natural gas companies. After confirming this with the applicant, staff responded to the individual accordingly.

Mr. Eaton asked for a motion to approve hearing items 1 through 27, 29 through 34, and 36 through 38. Ms. Heffner so moved, Ms. Stiller offered a second, and the 37 dockets were approved by unanimous vote.

Mr. Muszynski said the North Delaware River Watershed Conservatory (NORDEL) had submitted comments on Docket D-2014-002 CP-1 for the New York City Department of Environmental Protection ("DEP") (hearing item number 39). The docket approves the construction and operation of hydropower facilities at the Cannonsville Dam. NORDEL said that it supports the hydropower project. However, the group is concerned about operation of the dam and project during an approximately three-month construction window when temporary siphons are to be used. Mr. Muszynski said that staff had carefully reviewed NORDEL's comments. After reexamining the DEP's submission and conferring with the applicant's representatives, staff concluded that the issues NORDEL raised must be addressed by the parties to the 1954 U.S. Supreme Court Decree in *New Jersey v. New York*, 347 U.S. 995, 74 S.Ct. 842, in the context of the parties' dialogue on the Flexible Flow Management Plan (FFMP). FFMP is the operating plan that determines the rate and timing of releases from the New York City Delaware Basin reservoirs that are required by the Decree. Mr. Muszynski noted that a condition

of the draft docket approval provides that the hydropower project approved by the docket may only utilize releases from the Cannonsville Dam's controlled release works to the West Branch Delaware River that are made in accordance with the 1954 Decree and the operating program legally in effect at the time of the project's operation. Mr. Muszynski recommended that the Commission approve the docket.

Mr. Eaton requested a motion to approve hearing item number 39 for the New York City DEP. Ms. Heffner moved that the docket be approved, and asked that the record reflect that the parties to the 1954 Decree may reconvene and work with NYC DEP to address any concerns raised by stakeholders as construction moves forward. Lieutenant Colonel Becking seconded her motion, and the docket was unanimously approved.

Resolution Approving the Commission's Capital and Operating Budgets for FY 2015. Mr. Gore reported that a public hearing on the Commission's Current Expense and Capital Budgets for the fiscal year ending June 30, 2015 (July 1, 2014 through June 30, 2015) was held on March 11, 2014. The proposed aggregate amount of the budget is \$5,457,500. Revenues of \$4,003,800 and expenditures of \$3,641,400 are projected for the the Capital Budget (Water Supply Storage Facilities Fund). Other anticipated revenues to support the budget include a transfer from the Water Supply Storage Facilities Fund; Special Projects; Other Income; and use of General Fund Equity.

The budget draft published in advance of the March 11 hearing did not include a federal contribution. However, with the adoption of the 2014 Water Resources Reform and Development Act (WRRDA) directing that the federal fair share of the Commission's operating expenses be furnished by the Corps, staff believe it would be appropriate to include a federal component. Accordingly, Mr. Gore proposed that the budget be modified to show a federal contribution in the amount of \$715,000, with a commensurate reduction in the use of General Fund Equity. This would result in no change in the aggregate budget, but would involve two changes in sources of revenue for the General Fund. In the view of staff, the inclusion of a federal share in the approved budget would be in the Commission's best interest as it attempts to ensure the WRRDA directive is realized. Mr. Gore said the staff had prepared a modified resolution, still reflecting an aggregate operating budget of \$5,457,500.

Mr. Gore noted that a unanimous vote is required for apportionment of signatory contributions to the budget, but not for approval of the budget as a whole. Accordingly, staff prepared one resolution for approval of the signatory party contributions and another for adoption of the Current Expense and Capital Budgets.

As noted above, the Current Expense and Capital Budgets provide for a budget in the aggregate amount of \$5,457,500 for the fiscal year ending June 30, 2015, and a Capital Budget reflecting revenues of \$4,380,000 and expenditures of \$3,641,400. These sums are set forth in the document dated March 11, 2014, entitled "Delaware River Basin Commission Budget." Mr. Gore noted that in addition to funds in the amount of \$2,648,000 apportioned by the signatory parties (to be approved by separate resolution), the budget includes revenues totaling \$2,809,000, consisting of: \$1,953,400 transferred from the Water Supply Storage Facilities Fund; \$133,000 from Special Project Funds; \$537,500 in Other Income; and \$185,000 of General Fund Equity.

DRBC will continue to operate the Pennsylvania Ground Water Protected Area program for fiscal year 2015, utilizing Commonwealth funds that have been provided to the Commission and designated for this purpose, with the estimated cost of the program for fiscal year 2015 equal to \$192,800. The resolution further provides that the Executive Director will transmit certified copies of the budget to the principal budget offices of the respective signatory parties.

Mr. Eaton asked for a motion to adopt the resolution approving the Commission's annual Current Expense and Capital Budgets for the fiscal year ending June 30, 2015 (July 1, 2014 through June 30, 2015). Ms. Stiller so moved, Ms. Heffner seconded her motion, and Resolution No. 2014-2 was adopted by a vote of four to 1, with New Jersey the single "No" vote.

Resolution Approving the Apportionment among the Signatory Parties of the Amounts Required for the Support the Current Expense and Capital Budgets for the fiscal year ending June 30, 2015 (July 1, 2014 through June 30, 2015). Mr. Gore explained that this resolution would apportion among the signatories the amounts required to support the Commission's operating budget. The aggregate amount of the anticipated signatory contributions is \$2,648,500 as set forth in the resolution.

Mr. Eaton requested a motion to adopt the resolution apportioning among the signatory parties the amounts required to support the Current Expense and Capital Budgets. Ms. Heffner so moved. Lieutenant Colonel Becking seconded her motion. Ms. Bush proceeded with the customary roll call: Commissioner Kathy Stiller on behalf of Delaware Governor Jack Markel voted "Yes." Commissioner Fred Sickels on behalf of New Jersey Governor Chris Christie voted "Yes." Commissioner Angus Eaton on behalf of New York State Governor Andrew Cuomo voted "Yes." Commissioner Kelly Heffner on behalf of Pennsylvania Governor Tom Corbett voted "Yes." Lieutenant Colonel Chris Becking on behalf of the North Atlantic Division Commander, U.S. Army Corps of Engineers, Brigadier General Kent Savre voted "Yes." Accordingly, Resolution No. 2014-3 was approved by unanimous vote.

Resolution for the Minutes Approving a Cost-of-Living Adjustment (COLA) for Non-Manual Staff and Adjusting the General Salary Schedule. Mr. Gore presented a resolution for the Minutes providing for the annual salary rates of Commission employees for Fiscal Year 2015. The complete text of the resolution reads as follows:

#### RESOLUTION FOR THE MINUTES

A RESOLUTION for the Minutes, providing for annual salary rates of Commission employees for Fiscal Year 2015.

WHEREAS, the Commission wishes to adjust the salary rates of Commission employees commensurate with the budget, recognizing the high level of competence, dedication and professionalism exhibited by the Commission staff; and

WHEREAS, a 2.0% salary increase can be accommodated within the Fiscal Year of 2015 budget authority; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. All Full Time and Part Time Permanent Employees in Salary Grade N2 through E24 are to receive a 2.0% salary increase effective July 1, 2014.
2. Accordingly, the General Salary Schedule of Annual Salary Rates by Grade for Fiscal Year 2014 is hereby increased by 2.0% for Fiscal Year 2015.
3. This Resolution shall take effect immediately.

Mr. Eaton requested a motion to adopt the Resolution for the Minutes approving a COLA for non-managerial staff and adjusting the General Salary Schedule. Ms. Heffner so moved. Ms. Stiller seconded her motion, and the Resolution for the Minutes approving a COLA for FY 2015 was approved by a vote of four to 1, with New Jersey voting “No”.

Resolution Establishing the Monitoring Advisory and Coordination Committee (MACC). Dr. Fikslin explained that monitoring programs are vital for informed decision-making in water resources management and that coordination of basin state monitoring activities with those of federal agencies, including the U.S. Geological Survey, National Oceanic and Atmospheric Administration and National Park Service, is essential to ensure optimum spatial and temporal coverage and efficient resource allocation. In recognition of the value of an advisory committee not only to consider monitoring procedures but to maximize coordination and cooperation among federal agencies, state agencies and DRBC, the proposed resolution would re-cast the former Monitoring Advisory Committee (MAC) as the Monitoring Advisory and Coordination Committee (MACC). Membership would include the four signatory states, the U.S. Environmental Protection Agency, U.S. Geological Survey, U.S. Army Corps of Engineers, National Oceanic and Atmospheric Administration, and National Park Service, along with representatives from academia, agriculture, Delaware River Basin Fish & Wildlife Management Cooperative, Philadelphia Water Department, the voluntary monitoring community, the regulated community and the land-use planning community. The resolution would authorize the Executive Director to appoint members based upon recommendations of the signatory parties. The committee would be charged with reviewing and offering recommendations for the improvement of basin monitoring activities and enhancing coordination among the parties. It would select its own chairperson and establish its own meeting procedures, with the proviso that its recommendations to the Commission should reflect consensus whenever possible. The resolution provides that the committee will terminate in five years (on June 10, 2018) unless it is renewed and extended beyond that date.

Mr. Eaton asked for a motion to approve the resolution. Ms. Heffner so moved, Ms. Stiller seconded her motion, and Resolution No. 2014-4 establishing the Monitoring Advisory and Coordination Committee (MACC) was adopted by unanimous vote.

Resolution Authoring the Executive Director to Enter into a Contract for Laboratory Analysis of Ambient Main Stem and Tributary Samples for Chronic Toxicity. In order to maintain DRBC stream quality objectives for chronic toxicity in the Delaware River Estuary, the Commission in January of 2000 determined that the assimilative capacity of Water Quality Management Zones 2 through 5 (the Delaware Estuary) for chronic toxicity must be allocated among dischargers. The Commissioners also directed the staff to work with the Toxics Advisory Committee (TAC) to characterize chronic toxicity in the Estuary and to develop recommendations, if warranted, for such further controls as might be needed to address chronic toxicity resulting from the

cumulative contributions of multiple sources. Since 2000, the Commission staff, the TAC and an ad hoc Chronic Toxicity Working Group within the TAC, have worked together to better understand toxicity in Estuary waters. DRBC's Section 106 Grant for 2014 includes funds to further investigate chronic toxicity in tributaries to the tidal Delaware River. Accordingly, DRBC staff issued a Request for Proposal and Quotation (RFPQ) for the analysis of water samples for chronic toxicity for the period 2014 through 2018, the anticipated duration of this study. DRBC received two proposals that satisfied the technical criteria set forth in the RFPQ. Of the two qualified proposals, that submitted by American Aquatic Testing, Inc. (AATI) included the most competitive cost proposal and a proposed cost within the available budget. Dr. Fiksin explained that the resolution would authorize the Executive Director to enter into a contract with AATI for an initial period of three years with optional annual extensions for two additional years for the analysis of samples for chronic toxicity.

The resolution provides that for calendar year 2014, the value of the contract may not exceed \$18,000, or the total of this sum plus any additional funds expressly awarded to the Commission or allocated by it for this purpose. For contract years 2015 and 2016 and optional years 2017 and 2018, the Executive Director is authorized to commit additional Section 106 funds or other funds expressly awarded to the Commission or allocated by it for this purpose.

Mr. Eaton asked for a motion to approve the resolution. Ms. Stiller so moved. Lieutenant Colonel Becking offered a second, and Resolution No. 2014-5, authorizing the Executive Director to enter into a contract for water quality sampling and analysis to characterize the nature and extent of chronic toxicity in the Delaware River, was adopted by unanimous vote.

Resolution Authorizing the Executive Director to Enter into Agreements with the U.S. Army Corps of Engineers for Repairs and Improvements at Blue Marsh Dam. Mr. Muszynski explained that this resolution would authorize the Executive Director to enter into an agreement with the U.S. Army Corps of Engineers, Philadelphia District, for funding and repairs related to water supply storage in Blue Marsh Reservoir. The specific facilities ("water supply features") requiring repair consist of outlet works, appurtenances and metering devices constructed pursuant to a contract dated May 14, 1971 to allow the Western Berks Water Authority ("Authority") to directly withdraw and use water stored in the reservoir. For the more than four decades since the contract was signed, the Authority has not connected to the reservoir, instead withdrawing water from Tulpehocken Creek. The Authority has over this period reimbursed DRBC for the amortization costs, operation and maintenance and repair costs of the water supply features in the amount of \$210,000. The Authority recently advised DRBC and the Corps that it wishes to tie in directly to the reservoir during or after January 2015. However, the stem valve that operates the gate structure in the outlet works has been damaged and is no longer operable. DRBC wishes to have the Corps of Engineers repair it, so that when the Authority connects to the structure it will be operational and functional.

This resolution requests approval for the Executive Director to: (1) enter into an agreement or agreements with the U.S. Army Corps of Engineers, by amendment of the 1971 contract or otherwise, (a) to provide for repair of the damaged valve stem at the Blue Marsh Reservoir, utilizing monies furnished by the Authority that are currently in the Commission's possession; and (b) at such time as a new agreement between the Commission and the Authority has been



executed establishing payment terms, to provide for a connection by the Authority to the water supply features; and (2) enter into an agreement with the Authority to establish the terms of payment for the Corps' services (including but not limited to design review and oversight) associated with the installation of a connection to the water supply features.

Mr. Eaton asked for a motion authorizing the Executive Director to enter into agreements with the U.S. Army Corps of Engineers, Philadelphia District for funding and repairs related to water supply storage in Blue Marsh Reservoir. Lieutenant Colonel Becking stated his abstention in the event this motion was carried. Ms. Heffner so moved, Ms. Stiller offered a second, and Resolution No. 2014-6 was adopted by a vote of four in favor, with the federal member abstaining.

Resolution Providing for the Election of Commission Officers (Chair, Vice Chair, and Second Vice Chair). Ms. Bush explained that Article 2, Section 2.6 of the *Delaware River Basin Compact* states that the Commission shall provide for its own organization and procedure, and further requires the annual election of a Chair and Vice Chair. The Commission determined that a Second Vice Chair to preside in the absence of the other officers should also be elected. The long-standing practice is for the election of officers to be based on a rotation of the signatory parties. On that basis, it is proposed that for the term July 1, 2014 through June 30, 2015, the Governor of New York should be elected to serve as Chair; the Governor of Delaware, to serve as Vice Chair, and the United States Member – the North Atlantic Division Commander, U.S. Army Corps of Engineers – to serve as Second Vice Chair.

Mr. Eaton asked for a motion authorizing the named Commissioners to serve in the listed posts from July 1, 2014 to June 30, 2015. Ms. Heffner so moved, Lieutenant Colonel Becking offered a second, and Resolution No. 2014-7 was adopted by unanimous vote.

A Resolution Recognizing the Distinguished Career of Robert Tudor. In accordance with a previous announcement, Bob Tudor, long a member of the DRBC staff and a veteran of the New Jersey Department of Environmental Protection, retired as of June 1, 2014. Mr. Eaton read aloud the following resolution recognizing Mr. Tudor for his service to the Commission and the region:

#### RESOLUTION

A RESOLUTION recognizing Robert Tudor for his countless contributions to the water resources management of the Delaware River Basin over his distinguished 34-year career with the Delaware River Basin Commission and the State of New Jersey.

WHEREAS, Bob served more than 21 years with the New Jersey Department of Environmental Protection in several capacities prior to joining the DRBC staff; and

WHEREAS, among his duties at NJDEP, Bob was both a deputy and assistant commissioner responsible for the department's Planning and Science, Land Use Management, and Historic Resources functions, as well as administrator of the Office of Environmental Planning; and

WHEREAS, while at NJDEP Bob was director of the Delaware Estuary Program, where he led an interstate team and multi-stakeholder process to develop the Delaware Estuary Comprehensive Conservation and Management Plan; and

WHEREAS, Bob was appointed by New Jersey Governor Christine Todd Whitman as her alternate on the DRBC from 1998 to 2001, and he served as the Commission *Chair Pro Tem* for the period July 1, 1998 through June 30, 1999; and

WHEREAS, Bob began his duties as the DRBC's second Deputy Executive Director on October 1, 2001, with management responsibilities for the agency's scientific, regulatory, and planning programs; and

WHEREAS, Bob was a strong advocate of managing the Delaware River as a holistic system, from the mountains to the sea; and

WHEREAS, Bob shepherded the intensive effort of the Delaware River Basin Interstate Flood Mitigation Task Force, convened at the request of the basin state governors after the devastating main stem floods of 2004-2006, which returned in less than 10 months a 45-point action agenda for mitigating and alleviating flooding impacts; and

WHEREAS, Bob was actively involved with the Delaware Bay Oyster Restoration Project, an ongoing effort to revitalize Eastern oysters in the Delaware Bay, which received the Coastal America 2008 Partnership Award, the only environmental award of its kind given by the White House; and

WHEREAS, Bob guided development of DRBC's 2008 State of the Basin report, the first for the Delaware Basin, which used environmental metrics to inform the public and policy makers; and

WHEREAS, Bob led DRBC in providing vital facilitation and modeling support to the complex negotiations among the five parties to the 1954 U.S. Supreme Court decree regarding management of the New York City-Delaware Basin reservoirs; and

WHEREAS, in 2012 Bob was honored by the Water Resources Association of the Delaware River Basin with the prestigious Samuel S. Baxter Memorial Award, in recognition of his significant contributions, accomplishments and leadership at both DRBC and the NJDEP; and

WHEREAS, Bob invariably approached his wide-ranging responsibilities with optimism, energy, and a focus on positive outcomes that inspired and motivated his colleagues; and

WHEREAS, Bob Tudor officially retired on June 1, 2014; now, therefore,

BE IT RESOLVED that the Commission members and staff extend their sincere appreciation to Bob Tudor for his commitment to excellence in public service, his dedication to protecting and improving the Delaware River Basin, the direct and honest manner in which he always conducted himself, and his friendship. We wish Bob and his wife Colleen good health, much happiness, and tranquil waters with plentiful fish as they begin a well-deserved retirement.

Mr. Eaton offered his personal congratulations to Bob and presented him with the signed and framed resolution. He then asked for a motion approving the resolution. Ms. Heffner so moved, Mr. Sickels seconded her motion and the resolution for the Minutes recognizing Robert Tudor for his contributions to the Delaware River Basin over his career was adopted by unanimous agreement.

Mr. Eaton also acknowledged two colleagues who were attending their last meeting today as DRBC Commissioners.

Kathleen M. Stiller was appointed on May 6, 2011 by Governor Jack Markell of the State of Delaware to serve as his alternate on the Commission. Ms. Stiller is retiring effective July 1, 2014 after 27 years in state government service. She spent all but one of those years as a member of Delaware's Department of Natural Resources and Environmental Control. During her career at DNREC, Ms. Stiller worked as a planner in the Division of Water Resources for two years; managed the underground storage tank program for three years; and later, managed the Tank Management Branch and the Site Investigation and Restoration Branch within the Division of Waste and Hazardous Substances. From April of 2011 to the present she served as the Director of the Division of Water.

Lieutenant Colonel Chris Becking has represented Brigadier General Kent Savre and the federal government on the Commission since June 26, 2012. His service as a DRBC Commissioner coincided with his command of the U.S. Army Corps of Engineers, Philadelphia District, where he oversaw a 500-person workforce. Following the Philadelphia District's Change of Command Ceremony on July 1, 2014, the colonel's new assignment will take him to Washington, D.C. He was commissioned in the Corps of Engineers in April 1995 and has had a number of assignments since then. Immediately prior to his current command, Lieutenant Colonel Becking has served as a NATO engineer operations staff officer at Supreme Headquarters Allied Powers Europe in Belgium.

On behalf of the Commissioners and staff, Mr. Eaton thanked both Ms. Stiller and Lt. Colonel Becking for their many contributions to the DRBC and the entire Delaware River Basin community as well as for their commitment to excellence in public service. Mr. Gore presented each with a framed photograph of the DRBC Commissioners taken during the spring of 2014 at the site of George Washington's crossing of the Delaware River from Pennsylvania into Trenton, New Jersey.

Mr. Eaton next acknowledged the recent promotion of Michele Siekerka, who had represented Governor Chris Christie and the State of New Jersey on the Commission since her appointment by the Governor on March 5, 2012. At that time, Michele was the Assistant Commissioner for Water Resource Management at the New Jersey Department of Environmental Protection. During the DRBC fiscal year ending June 30, 2014, Governor Christie of New Jersey was the Commission Chair, and as his Alternate, Michele served as the *Chair pro tem*. In the fall of 2013, she was promoted to the position of Deputy Commissioner at NJDEP, with many new responsibilities. Daniel Kennedy was recently selected to fill the post of Assistant Commissioner for Water Resource Management left vacant by Michele's promotion. Mr. Eaton acknowledged the smooth transfer of Commission responsibilities within NJDEP. On behalf of the

Commissioners and staff, he thanked Ms. Siekerka for her dedicated service to DRBC since 2012 and her leadership over the past year, and said he looked forward to working with both Ms. Siekerka and Dan Kennedy in their new roles in the future.

On behalf of Ms. Siekerka, Fred Sickels accepted a framed photograph, noting that Michele had enjoyed interacting with the DRBC and working on its many challenges. He added that having been involved at NJDEP and DRBC himself for some time, he sincerely appreciated her leadership, involvement and consistent support of staff and their endeavors. He said Michele would appreciate the gift and expressed his confidence in the leadership transition from Michele to Dan Kennedy.

Audio Recording. An audio recording of the public hearing held on June 10, 2014 is on file with the Commission Secretary. A description of each of the approved dockets is provided as an Attachment to these Minutes.

Adjournment. Mr. Eaton adjourned the meeting.

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Pamela M. Bush, J.D., M.R.P.  
Commission Secretary/Assistant General Counsel

**ATTACHMENT****DESCRIPTIONS OF PROJECTS APPROVED BY THE COMMISSION DURING THE BUSINESS MEETING OF JUNE 11, 2014**

*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 approved a docket with modifications.

The 37 projects approved by the Commission on June 11, 2014 all were subjects of a duly noticed public hearing on June 10, 2014. Descriptions of the dockets follow. They are listed in three groups: Category A, consisting of docket renewals involving no substantive changes (items 1 through 23); Category B, consisting of renewals involving significant changes, such as an increase or decrease in an authorized withdrawal or discharge (items 24 through 27, 29 through 34, and 36); and Category C, consisting of projects not previously reviewed by the Commission (items 37 through 39).

A. *Renewals with No Substantive Changes (hearing items 1 through 23).*

1. Berks-Montgomery Municipal Authority, D-1973-060 CP-3. An application to renew the approval of the applicant's 0.38 million gallons per day (mgd) Morysville wastewater treatment plant (WWTP) and its discharge. The WWTP will continue to discharge treated effluent to Ironstone Creek at River Mile 92.47 - 54.15 - 4.0 - 4.1 (Delaware River - Schuylkill River - Manatawny Creek - Ironstone Creek) via Outfall No. 001, in Colebrookdale Township, Berks County, Pennsylvania.
2. Town of Bethel, D-1974-196 CP-3. An application to renew the approval of the applicant's existing 0.6 mgd Kauneonga Lake WWTP and its discharge. Treated effluent will continue to be discharged to White Lake Brook at River Mile 261.10 - 16.21 - 5.43 (Delaware River - Mongaup River - White Lake Brook) via Outfall No. 001, within the drainage area to the Upper Delaware, which is classified as Special Protection Waters, in the Town of Bethel, Sullivan County, New York.
3. Giorgio Foods, Inc., D-1988-043-3. An application to renew the approval of the applicant's 0.5 mgd industrial wastewater treatment plant (IWTP) and its discharge. The IWTP will continue to discharge treated effluent to Willow Creek, a tributary of Maiden Creek, which is a tributary of the Schuylkill River, at River Mile 92.47 - 86.7 - 0.6 - 2.4 - 0.6 (Delaware River - Schuylkill River - Maiden Creek - Willow Creek) in Maidencreek Township, Berks County, Pennsylvania.
4. Grand Central Sanitary Landfill, Inc., D-1988-052-4. An application to renew the approval of the applicant's existing 0.1 mgd IWTP and its discharge. No changes are proposed to the surface water discharge except to provide that a portion of the treated effluent may be reused in the future for dust control, tire washing and reuse within the plant. Treated effluent that is not used for alternative uses will continue to be discharged to the Little Bushkill Creek at River Mile 184.1 - 8.5 - 8.6 (Delaware River - Bushkill Creek - Little Bushkill Creek) via Outfall No. 001, within the drainage area of the portion of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Plainfield Township, Northampton County, Pennsylvania.
5. Aqua Pennsylvania, Inc., D-1990-050 CP-3. An application to renew the approval of an existing groundwater withdrawal (GWD) of up to 92.0 million gallons per month (mgm) to supply the applicant's public water supply system from existing Wells Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 completed in Cambrian Quartz Dolomite and Granitic Gneiss. The requested allocation is not an increase from the previous allocation. Wells Nos. 3, 4, 5, and 6 are located within the Commission's designated Ground Water Protected Area (GWPA) in the West Valley Creek Watershed. Wells Nos. 1 and 2 are located in the East Brandywine Creek Watershed; Wells Nos. 7 and 8 are located in the Marsh Creek Watershed; and Wells Nos. 9 and 10 are located in the Black Horse Creek Watershed, all in Upper Uwchlan Township, Chester County, Pennsylvania.

6. Walnutport Authority, D-1990-087 CP-3. An application to renew the approval of an existing GWD of up to 8.267 mgm to supply the applicant's public water supply distribution system from existing Wells Nos. 1, 2, 3, 4, 5 and Heimbach Well completed in the Pen Argyl Member of the Martinsburg Formation. The requested allocation is not an increase from the previous allocation. The wells are located in the Lehigh River Watershed in Walnutport Borough and Lehigh Township, Northampton County, Pennsylvania, within the drainage area of the portion of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.
7. Blue Ridge Real Estate Company, D-1991-046-3. An application to renew the approval of an existing surface water withdrawal (SWWD) of up to 12.4 mgm to irrigate the applicant's Jack Frost Ski Area golf course from an existing surface water intake on Tobyhanna Creek. The requested allocation is not an increase from the previous allocation. The surface water intake is located in the Tobyhanna Creek Watershed in Kidder Township, Carbon County, Pennsylvania, within the drainage area of the portion of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.
8. Waltz Golf Farm, Inc., D-1992-049-3. An application to renew the approval of an existing SWWD of up to 9.3 mgm to irrigate the applicant's golf course from a surface water intake located on a man-made pond on Landis Creek. The requested allocation is not an increase from the previous allocation. The surface water intake is located within the Commission's designated GWPA in the Perkiomen Creek Watershed in Limerick Township, Montgomery County, Pennsylvania.
9. AMETEK - U.S. Gauge Division, D-1993-025-3. An application to renew the approval of an existing GWD of up to 4.0 mgm associated with the remediation of groundwater from existing Wells Nos. RW-1, MW-6S and MW-10S completed in the Brunswick Formation. The requested allocation is not an increase from the previous allocation. The wells are located within the Commission's designated GWPA in the East Branch Perkiomen Creek Watershed in Sellersville Borough, Bucks County, Pennsylvania.
10. Lansford-Coaldale Joint Water Authority, D-1995-013 CP-2. An application to renew the approval of a GWD project to continue to supply up to 29.3 mgm of groundwater to the applicant's existing public water system from a total of 10 existing wells. The requested allocation is a reduction in the previously approved allocation. The project wells are completed in the Mauch Chunk Formation in the Nesquehoning Creek Watershed, within the drainage area of the portion of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Nesquehoning Borough, Carbon County, Pennsylvania.
11. Northeastern Power Company, D-1998-039-2. An application to renew the approval of an existing electric/steam cogeneration facility and a SWWD project to continue to withdraw up to 6.2 mgm of surface water from the Silverbrook Deep Mine Pool overflow for use in its 50 megawatt cogeneration process operations, non-contact cooling and fly-

ash particulate control. The applicant also requested up to 3.8 mgm of groundwater from existing Wells Nos. 4, 5, 6, 7 and the greenhouse well, which are completed in the Pottsville Formation and are used for industrial purposes, potable water supply, and greenhouse irrigation. The requested allocation of surface water is not an increase from the previous allocation. Groundwater allocations were not provided by the previous dockets. The project is located within the drainage area of Little Schuylkill River in the Schuylkill River Watershed in Kline Township, Schuylkill County, Pennsylvania.

12. Northeast Schuylkill Joint Municipal Authority, D-1999-033 CP-2. An application to renew the approval of the applicant's 0.245 mgd WWTP and its discharge. Treated effluent will continue to be discharged to Pine Creek at River Mile 92.47 - 102.1 - 27.6 - 1.2 (Delaware River - Schuylkill River - Little Schuylkill River - Pine Creek) via Outfall No. 001, in Rush Township, Schuylkill County, Pennsylvania.
13. Whitehall Township Authority, D-2000-009 CP-2. An application to renew the approval of an existing GWD of up to 57.38 mgm of water from eleven (11) existing wells for use in the applicant's existing public water supply system. The allocation is a reduction in the previously approved allocation. The wells are completed in the Allentown and Epler Formations in the Jordan Creek and Lower Lehigh River watersheds, within the drainage area of the Lower Delaware, which is classified as Special Protection Waters, in Whitehall Township, Lehigh County, Pennsylvania.
14. Yardley Country Club, Inc., D-2000-032-2. An application to renew the approval of an existing GWD of up to 6.2 mgm to irrigate the applicant's golf course from existing Well No. YCC-1 completed in the Stockton Formation. The requested allocation is not an increase from the previous allocation. The project well is located in the Delaware River Watershed in Yardley Borough, Bucks County, Pennsylvania, within the drainage area of the portion of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.
15. Leesport Borough, D-2001-012 CP-2. An application to renew the approval of a GWD project to continue to supply up to 16.37 mgm of groundwater to the docket holder's public water system from existing Wells Nos. 3, 4, and 5. The requested allocation is a reduction in the previously approved allocation. The project wells are completed in the Hamburg Sequence and Ontelaunee Formation in the Schuylkill River Watershed in Leesport Borough and Ontelaunee Township, Berks County, Pennsylvania.
16. Lower Perkiomen Valley Regional Sewer Authority, D-2001-042 CP-4. An application to renew the approval of the applicant's 20.0 mgd Oaks WWTP and its discharge. The WWTP will continue to discharge treated effluent to the Schuylkill River at River Mile 92.47 - 32.35 (Delaware River - Schuylkill River) via Outfall No. 001, in Upper Providence Township, Montgomery County, Pennsylvania.
17. Superior Water Company, D-2001-048 CP-2. An application to renew the approval of an existing GWD of up to 4.65 mgm to supply the applicant's public water supply system from existing Well No. 1, completed in the Hammer Creek Formation. The requested



allocation is not an increase from the previous allocation. The well is located within the Commission's designated GWPA in the Schuylkill River Watershed in North Coventry Township, Chester County, Pennsylvania.

18. Upper Gwynedd-Towamencin Municipal Authority, D-2002-029 CP-3. An application to renew the approval of the applicant's 6.5 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to Towamencin Creek, a tributary of Skippack Creek, which is a tributary of Perkiomen Creek, which is tributary of the Schuylkill River, at River Mile 92.47 - 32.3 - 3.0 - 7.6 -1.4 (Delaware River -Schuylkill River - Perkiomen Creek - Skippack Creek - Towamencin Creek) in Towamencin Township, Montgomery County, Pennsylvania.
19. Ingersoll-Rand Company, D-2006-014-3. An application to renew the approval of the applicant's existing 0.09 mgd IWTP and its discharge. Treated effluent will continue to be discharged to Lopatcong Creek at River Mile 182.0 - 1.87 (Delaware River - Lopatcong Creek) via Outfall No. DSN002A, in the Town of Phillipsburg, Warren County, New Jersey, within the drainage area of the portion of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.
20. Town of Hamden, D-2007-012 CP-2. An application to renew the approval of the applicant's existing 0.026 mgd WWTP and its discharge. Treated effluent will continue to be land discharged adjacent to Launt Hollow Creek above the Cannonsville Reservoir near River Mile 330.71 - 48.8 - 0.5 (Delaware River - West Branch Delaware River - Launt Hollow Creek) via subsurface leach beds, within the drainage area of the portion of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in the Town of Hamden, Delaware County, New York.
21. Ruscombmanor Township, D-2007-034 CP-3. An application to renew the approval of an existing discharge from the 0.05 mgd Golden Oaks WWTP. Treated effluent will continue to be discharged to an unknown tributary (UNT) of Furnace Creek at River Mile 92.47 - 54.15 - 16.75 - 1.03 - 3.63 - 2.17 (Delaware River - Schuylkill River - Manatawny Creek - Little Manatawny Creek - Furnace Creek - UNT) via Outfall No. 001, in Ruscombmanor Township, Berks County, Pennsylvania.
22. Country Club Estates Condominium Association, Inc., D-2009-044 CP-2. An application to renew the approval of the applicant's 0.0126 mgd WWTP, its replacement with a 0.03 mgd WWTP, and the discharge from each facility. The WWTP will continue to discharge treated effluent to an UNT of Mahoning Creek at River Mile 183.66 - 42.5 - 7.0 - 0.44 (Delaware River - Lehigh River - Mahoning Creek - UNT) via Outfall No. 001, within the drainage area of the portion of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Mahoning Township, Carbon County, Pennsylvania.
23. Thomas and Betts Corporation, D-2010-033-2. An application to renew the approval of an existing discharge of up to 0.255 mgd of non-contact cooling water (NCCW) and

stormwater via Outfall No. 004A at the applicant's Elastimold electronic equipment plant. Effluent will continue to be discharged to an UNT of the Musconetcong River at River Mile 174.6 - 27.9 - 0.12 (Delaware River - Musconetcong River - UNT) within the drainage area of the portion of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Washington Township, Morris County, New Jersey.

*B. Renewals with Substantive Changes (items 24 through 27, 29 through 34, and 36).*

24. Rockland Town, D-1963-004 CP-2. An application to renew the approval of an existing GWD of up to 8.928 mgm of groundwater from Wells Nos. 1 and 2 for public water supply in the Town of Rockland Roscoe-Rockland Water District and up to 21.39 mgm of groundwater from Wells Nos. 1 and 2 for public water supply in the Town of Rockland Livingston Manor Water District. The projects consist of existing groundwater withdrawals that replaced the Town of Rockland's original surface water sources, one of which was previously approved by the Commission in Docket No. D-1963-004, issued to Roscoe-Rockland Water District on May 29, 1963. The existing wells are screened in the glacial outwash deposits that overly the Upper Walton Formation in the Beaver Kill and Little Beaver Kill watersheds, within the drainage area of the portion of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in in the Town of Rockland, Sullivan County, New York.
25. Town of Liberty (NY), D-1985-065 CP-3. An application to approve the upgrade and expansion of the existing Town of Liberty Loomis WWTP from 0.08 mgd to 0.1 mgd. The upgrade consists of adding a rotating biological contact treatment unit, clarifier, and pump chamber to the existing WWTP. The WWTP will continue to discharge treated effluent to an unnamed tributary of Swan Lake, a tributary of the West Branch Mongaup River, which is a tributary of the Mongaup River, at River Mile 261.1 - 19.7 - 8.2 - 1.0 - 1.1 (Delaware River - Mongaup River - West Branch Mongaup River - Swan Lake - UNT Swan Lake) and is located within the drainage area of the portion of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in the Town of Liberty, Silluvan County, New York.
26. Reading City, D-1986-028 CP-2. An application to approve the upgrade of the applicant's existing 20.5 mgd Fritz Island WWTP. The upgrade consists of modifying the WWTP's two existing secondary digestors to operate as primary digestors, to precede a future plant upgrade that requires the existing secondary digestors to function as primary or secondary digestors. The remaining WWTP facilities, including the three existing primary digestors, will not be modified. The WWTP will continue to discharge treated effluent to the Schuylkill River, at River Mile 92.47 - 72.8 (Delaware River - Schuylkill River) in the City of Reading, Berks County, Pennsylvania.
27. Hobart Village, D-1991-063 CP-2. An application to approve the upgrade and expansion of the existing Village of Hobart WWTP from 0.18 mgd to 0.2 mgd. The upgrade consists of replacing the jet aeration system with fine bubble diffusion, replacing blowers, replacing undersized and/or aging pumps, and upgrading appurtenant equipment. The

project includes a service area expansion to include the Hamlet of South Kortright, with a new pump station and sewer collection system to be constructed to convey wastewater flows from the expanded service area to the WWTP. The WWTP will continue to discharge treated effluent to the West Branch Delaware River upstream of the Cannonsville Reservoir, at River Mile 330.71 - 76.7 (Delaware River - West Branch Delaware River) and is located within the drainage area of the portion of the main stem Delaware River known as the Upper Delaware, which is classified as Special Protection Waters, in the Town of Stamford, Delaware County, New York.

28. *Postponed to allow additional time for consideration.*
29. East Stroudsburg Borough, D-1992-072 CP-2. A revised application to renew the approval of a GWD project to continue withdrawals from existing Wells Nos. PW-1, PW-2, PW-3, and PW-4 for public water supply. The total groundwater withdrawal allocation of up to 56.4 mg/30 days (58.28 mgm) for the four water supply wells will remain the same. The wells are completed in the Buttermilk Falls Formation and Pleistocene Sand and Gravel Aquifer and are located in the Brodhead Creek Watershed within the drainage area of the portion 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.
30. Pennsylvania American Water Company, D-1996-009 CP-2. An application to renew the approval of an existing GWD and to increase the allocation from 19.01 mgm to 24.82 mgm to supply the applicant's public water supply distribution system. Existing Wells Nos. 3, 6 and 9 are completed in the Buttermilk Falls Limestone and Quarternary Sands and Gravels and located in the Bushkill Watershed in Middle Smithfield Township, Monroe County, Pennsylvania, within the drainage area of the portion of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.
31. Lansdale Borough, D-1996-045 CP-3. An application to renew the approval for and upgrade of the existing 4.5 mgd Lansdale WWTP. The upgrade is being performed in order to reduce the frequency of combined sewer overflows and to increase plant efficiency and consists of expanding the existing influent pump station to handle larger peak instantaneous flows, modifying existing, unused de-nitrification tanks for biological treatment, and upgrading appurtenant equipment. The WWTP will continue to discharge treated effluent to an UNT of West Branch Neshaminy Creek, which is a tributary of Neshaminy Creek, at River Mile 115.63 - 40.01 - 5.35 - 1.25 (Delaware River - Neshaminy Creek - West Branch Neshaminy Creek - UNT West Branch Neshaminy Creek) in Lansdale Borough, Montgomery County, Pennsylvania.
32. Hellertown Borough Authority, D-2000-053 CP-2. An application to renew the approval of an existing GWD of up to 22.7 mgm of groundwater from a collection of fourteen (14) existing spring sources and existing Wells Nos. W-1 and W-2 for use in the applicant's existing public water supply system. The applicant has disconnected previously approved Well No. 3 from its distribution system and this well is no longer included in

this approval. The requested allocation is not an increase from the previously approved total system allocation of 22.7 mgm of water from all sources. The project wells and springs are located in the Saucon Creek Watershed within the drainage area of the portion of the main stem Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters, in Hellertown Borough and Lower Saucon Township, Northampton County, Pennsylvania.

33. Superior Water Company, D-2001-015 CP-4. An application to approve a withdrawal of up to 7.1 mgm of groundwater from new Well No. SWC-12 and to renew the approval of an existing GWD project to continue to supply up to 36.82 mgm of water from the new well and 10 previously approved wells for use in the applicant's existing public water supply system. The new well is being added to the system for supplemental supply purposes and the requested total allocation of groundwater is not an increase in allocation from the previous docket. The new well is completed in the Brunswick Formation in the Swamp Creek Watershed in New Hanover Township, Montgomery County, Pennsylvania within the Commission's GWPA.
34. Aqua Pennsylvania, Inc., D-2001-050 CP-3. An application to approve a new GWD from Rahns Well No. 3 to replace Rahns Well No. 2 and to renew the approval of an existing GWD of up to 18.8 mgm to supply the applicant's public water supply system from existing Wells Nos. Cranberry 2, 3 and 4, Meyers A and B and Rahns 1, completed in the Brunswick Formation. The requested allocation is not an increase from the previous allocation. The wells are located within the Commission's designated GWPA in the Perkiomen Creek Watershed in Perkiomen Township, Montgomery County, Pennsylvania.
35. *Postponed to allow additional time for consideration.*
36. Dorney Park and Wildwater Kingdom, D-2012-009-2. An application for approval of a GWD project to supply up to 1.24 mgm of water to the applicant's amusement park from new Well No. 9 and to increase the total groundwater allocation from 11.89 mgm to 13.14 mgm of groundwater from existing Wells Nos. 1, 4, 5, 7 and 8 and new Well No. 9. Water is used for irrigation, non-contact cooling, water rides, and water features. Well No. 9 will be used to supply make-up water for a wave pool and other water attractions. The project wells withdraw water from the Allentown Formation and are located in the Cedar Creek Watershed within the drainage area of the portion of the Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in South Whitehall Township, Lehigh County, Pennsylvania.

*C. New Projects (items 37 through 39).*

37. Lehigh County Authority, D-2013-017 CP-1. An application to approve the applicant's existing 0.16 mgd Arcadia West Industrial Park WWTP and its discharge. Treated effluent will continue to be discharged to an UNT of Mill Creek above the Maiden Creek Reservoir at River Mile 92.47 - 84.9 - 10.47 - 11.37 - 0.83 (Delaware River - Schuylkill

River - Maiden Creek - Mill Creek - UNT) via Outfall No. 001, in Weisenberg Township, Lehigh County, Pennsylvania.

38. Nestlé Waters North America, Inc., D-2013-020-1. An application for approval of a GWD of up to 11.696 mgm and discharge of withdrawn water to Greenwalk Creek. The purpose of the project is to intercept and control the migration of groundwater containing elevated concentrations of total dissolved solids from an upgradient abandoned slate quarry in order to manage the applicant's existing downgradient water supply sources. Groundwater will not be treated prior to discharge and will have the same dissolved constituents present in groundwater and currently discharging to Greenwalk Creek. The total dissolved solids (TDS) concentration in the groundwater is less than the Commission's effluent concentration limit. The applicant estimates that the groundwater withdrawal and discharge project is expected to last at least one year. The project is located in the Greenwalk Creek Watershed within the drainage area of the portion of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Washington Township, Northampton County, Pennsylvania. The application also includes a request for emergency approval of the project, which was approved on January 14, 2014 and amended on March 14, 2014.
  
39. New York City Department of Environmental Protection, D-2014-002 CP-1. An application to approve the construction of a 14.08 megawatts (MW) hydro-electric turbine adjacent to the existing release works at the Cannonsville Dam and Reservoir. The Cannonsville Dam is located at River Mile 330.71 - 17.9 (Delaware River - West Branch Delaware River), within the drainage area of the portion of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, outside of the Town of Deposit, Delaware County, New York.