

DELAWARE RIVER BASIN COMMISSION

MEETING OF JUNE 15, 2016

Minutes

Commissioners Present: Kara S. Coats, Delaware, Chair
Henry W. Gruber, United States, Vice Chair
Kelly J. Heffner, Pennsylvania, Second Vice Chair
Daniel M. Kennedy, New Jersey
Angus Eaton, New York

DRBC Staff Participants: Steven J. Tambini, Executive Director
Kenneth J. Warren, Warren Environmental Counsel, LLP, General Counsel
Pamela M. Bush, Commission Secretary & Assistant General Counsel
Thomas J. Fikslin, Director, Science and Water Quality Management
Richard C. Gore, Director, Finance and Administration
David Kovach, Manager, Project Review
Kenneth F. Najjar, Director, Water Resource Management
Amy L. Shallcross, Manager, Water Resource Operations

The Commission met at the Washington Crossing Historic Park Visitor Center in Pennsylvania on June 15, 2016.

Minutes. The Minutes for the Commission Meeting of March 16, 2016 were approved unanimously.

Announcements. Ms. Bush announced the following meetings:

- *DRBC Water Management Advisory Committee (WMAC).* The WMAC will meet on Thursday, June 23, 2016 at 10:00 a.m. at the U.S. Geological Survey New Jersey Water Science Center, Princeton Pike, Lawrenceville. A draft agenda and additional details are available on the DRBC website.
- *DRBC Toxics Advisory Committee (TAC).* The TAC will meet on Thursday, June 23, 2016 from 9:30 a.m. to 12:00 p.m. at the John Heinz National Wildlife Refuge at Tinicum. For details, visit the Commission's web site or contact staff member Ron MacGillivray. Ron can be reached at 609-883-9500, extension 252.
- *DRBC Water Quality Advisory Committee (WQAC).* The WQAC will meet on Thursday, July 28, 2016 at 10:00 a.m. in the Goddard Conference Room of the Commission's West

Trenton, New Jersey office building. Details are available on the Commission's website or by contacting DRBC staff member Erik Silldorff at extension 234.

- *DRBC Flood Advisory Committee (FAC)*. The FAC will meet on Wednesday, September 7, 2016 from 10:00 a.m. until noon in the Goddard Conference Room of the DRBC office building in West Trenton, New Jersey. For more information, contact staff member Amy Shallcross at extension 232.

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 13, 2016 was 15.50 inches, or 3.63 inches below normal. The observed precipitation for the Basin above Trenton for the same period was 16.70 inches, or 3.38 inches below normal and for the Basin above Wilmington, Delaware for this period, 19.12 inches or 0.38 inches above normal.

The average observed streamflow of the Delaware River at Montague, New Jersey in May 2016 was 5,065 cubic feet per second (cfs), or 88 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 9,492 cfs, or 81 percent of the long-term average for the month.

For June 1-13, the average observed streamflow at Montague was 3,080 cfs, or 97 percent of the long-term average for the month. The average streamflow at Trenton during the same period was 6,942 cfs, or 97 percent of the long-term average for the month.

In the Lower Basin, as of June 14, Beltzville Reservoir contained 13.52 billion gallons (bg) usable, or 100 percent of usable storage; Blue Marsh contained 5.83 bg usable, or 101 percent of summer pool usable storage; and Merrill Creek contained 14.1 bg usable, or 90 percent of usable storage.

In the Upper Basin, as of June 14, Pepacton Reservoir contained 135.8 bg usable or 97 percent of usable storage. Cannonsville contained 90.3 bg usable, or 94.4 percent of usable storage. Neversink contained 34 bg usable or 97.3 percent of usable storage. The total New York City Delaware Basin reservoir storage was 260.1 bg usable or 96 percent of usable storage.

During the month of May 2016, the location of the seven-day average of the 250-parts-per million (ppm) isochlor, also known as the "salt front," ranged from River Mile (RM) 69 to RM 71. 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 13, the salt front was located at RM 71, which is two miles upstream of the normal location of the salt front during June.

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

- *PennEast Pipeline Project*. Mr. Tambini urged that for up-to-date information concerning DRBC's review of the PennEast pipeline project, it is important to consult DRBC's website. He noted that by letter dated April 25, 2016 to the Federal Energy Regulatory Commission (FERC), DRBC withdrew its request for a joint DRBC public hearing and FERC public meeting. DRBC's public hearings on the PennEast docket will be conducted separately from FERC's. They also will be conducted separately from DRBC's regularly

scheduled, quarterly public hearings. DRBC expects to hold multiple hearings in Pennsylvania and New Jersey, the states where the project is proposed to be located. Currently, DRBC does not anticipate holding hearings during calendar year 2016. Planning for the process will advance concurrently with DRBC's ongoing technical review of PennEast's application. Additional information on DRBC's public process for the PennEast docket, including public hearing dates, times, locations and procedures, will be posted on the Commission's website drbc.net, when it becomes available. Individuals who wish to be added to the Commission's Interested Parties List for PennEast should send their name, affiliation (if applicable), mailing address and email information to PennEastApp@drbc.nj.gov or by U.S. Mail to DRBC, Attention: Project Review Section, P.O. Box 7360, 25 State Police Drive, West Trenton, New Jersey 08628. Everyone on DRBC's Interested Parties List for the project will be sent relevant DRBC notices via direct transmittal on the date issued.

- *Informational Meeting Concerning Regulatory Program Fees.* Today at 2:00 p.m. at the Washington Crossing Historic Park Visitor Center DRBC will hold an informational meeting regarding proposed amendments to the *Rules of Practice and Procedure* concerning regulatory program fees and to the *Basin Regulations – Water Supply Charges*.
- *2016 Delaware River Sojourn.* The Delaware River Sojourn begins on Saturday, June 18. This year's paddlers can travel as many as 85 miles of the mainstem Delaware River as part of the event this year, or may choose any segment of the event, which consists of daily trips ranging from 7.5 to 15 miles. This year's theme, *Find Your River: Celebrating 100 Years of the National Park Service*, celebrates the agency's centennial and highlights its important mission of safeguarding and preserving our country's most special places. For more information about the Delaware River Sojourn, please visit www.delawareriversojourn.org.
- *Richard C. Gore to Retire in 2017.* Rich Gore, DRBC's Director of Finance and Administration, has announced that he will retire, effective April 1, 2017 after nearly 30 years with the Commission. Rich's talents, experience and positive attitude will certainly be missed here at DRBC. Noting that Rich will remain on the staff until April, Mr. Tambini nevertheless asked everyone to join him in thanking Rich for his service and congratulating him on his well-deserved retirement.
- *In Memory of Dr. Jeffrey Featherstone.* The Delaware River Basin recently lost a good friend. Dr. Jeffrey Featherstone passed away, leaving a long legacy of contributions to science and planning for the water resources of the Delaware River Basin. Jeff was a senior manager with the DRBC for 19 years and had for the past decade and more served as director of Temple University's Center for Sustainable Communities. Tributes to Jeff's life and career are posted on DRBC's website and on Temple's website. Mr. Tambini acknowledged that many in the room knew Jeff better than he did, but it was clear that Jeff would be missed.

General Counsel's Report. Mr. Warren reported that a law suit was recently filed against the DRBC by an entity called the Wayne Land and Mineral Group, LLC. The case is pending in the United States District Court for the Middle District of Pennsylvania. The Wayne Land and Mineral

Group alleges that DRBC lacks authority under the *Delaware River Basin Compact* to review and approve a natural gas well pad, a gas well and related facilities and associated activities planned to take place on plaintiff's property. The DRBC's response to the complaint is due on July 8, 2016, and DRBC will be responding in due course.

Resolution to Adopt Procedural Guidelines for Certain Determinations Made Pursuant to the Commission's *Water Quality Regulations*. Dr. Fikslin explained that this resolution concerns procedural guidelines for a number of determinations made under DRBC's *Water Quality Regulations*. The regulations do not clearly assign responsibility for issuing these determinations. In some cases, they name the Commission in one place and the Executive Director in another, or they refer to the Commission only generally. In addition, the rules do not clearly establish the appropriate instruments to be used. The proposed resolution is intended to provide greater transparency, clarity and administrative efficiency with respect to the issuance of these various determinations, including in the context of the One Permit Program launched earlier this year. The determinations covered by the resolution relate to: total dissolved solids; color; heat dissipation areas; allocations of carbonaceous biochemical oxygen demand; mixing zones and requests for alternative mixing zones; monitoring, sampling and analysis procedures; and pollutant minimization plans. The draft resolution provides that covered determinations may be issued in any of three different ways: by the Commission as a condition of a docket or resolution; by the Commission in the form of a letter from the Executive Director to a regulated entity or entities; or by a signatory party agency as a condition of a permit or other approval issued in accordance with an administrative agreement between the signatory party agency and the Commission.

The draft resolution was the subject of a duly noticed public hearing on May 11, 2016. No oral comments on it were offered; however, the Commission received a small number of written comments. Dr. Fikslin invited Ms. Bush to describe the written comments and the staff's responses.

Ms. Bush reported that the Philadelphia Water Department (PWD) submitted a written comment consisting of two questions. PWD asked how the draft resolution would alter the regulatory process for permittees and also how the resolution would alter public participation and notification, such as the ability to review and comment on an application, docket or permit prior to approval. Ms. Bush explained that the resolution does not alter the regulatory process for DRBC dockets or state permits at all. Rather, for certain water quality determinations by the Executive Director, the resolution has the effect of providing a public notice where none may have been afforded in the past. Because of the lack of clarity in the Commission's regulations, the covered determinations historically have been made either through dockets approved by the Commission or through letters issued by the Executive Director. The adoption of the One Permit Program created a third instrument, which is the state-issued NPDES permit. If a state-issued draft permit includes a covered determination, it will so state, and the public will have the opportunity – generally with 30 days' notice – to comment on the determination. Similarly, if a draft docket contains a water quality determination, the docket will so state. The public process for a docket also includes notice and an opportunity to comment. For most dockets, the comment period is shorter than for a NPDES permit – typically just 10 days, in accordance with the provisions of the Delaware River Basin Compact – however, the comment period for a docket includes a public hearing. In accordance with the proposed resolution, if an Executive Director Determination is issued by letter, then notice of the action will be posted on the Commission's website to alert the public to that fact.

This explanation is provided in a staff memo to the Commissioners, which will be published following an action by the Commission. Dr. Fikslin added that no changes to the draft resolution were proposed.

Hearing no further comments or questions, Ms. Coats requested a motion to approve the resolution to adopt procedural guidelines for certain determinations made pursuant to the Commission's *Water Quality Regulations*, noting that this request was made with the understanding that the Commissioners had had the opportunity to review the resolution and the public comments. Mr. Kennedy so moved, Mr. Gruber seconded his motion, and Resolution No. 2016-4 was adopted by unanimous vote.

Resolution Approving the Commission's Annual Current Expense and Capital Budgets for the Fiscal Year Ending June 30, 2017. Mr. Gore explained that he would present two resolutions, both of which had been subjects of a public hearing on May 11. No comments – either oral or written – were received on either one. The first resolution would provide for adoption of the Commission's current expense budget for the year commencing July 1, 2016 and ending June 30, 2017. This resolution calls for a current expense budget totaling \$6,512,100 and a capital budget reflecting revenues of \$4,052,600 and expenditures of \$3,971,200. Mr. Gore explained that signatory party contributions totaling \$2,964,500 would be considered in the second resolution. Revenues other than signatory party contributions are anticipated in the amount of \$3,547,600, which represents \$1,975,000 as a transfer from the Commission's Water Supply Storage Facilities Fund; revenue from special project activity totaling \$279,700; and other income in the amount of \$1,292,900. This resolution also provides for the Commission's continued operation in 2017 of the Southeastern Pennsylvania Ground Water Protected Area (GWPA) program, the estimated cost of which is \$130,200. Mr. Gore said the Commission would receive \$120,600 from the Commonwealth in fiscal year 2017 to fully fund this activity. He added that the resolution would authorize the Executive Director to transmit the budget document to the budget offices of the respective signatory parties.

Hearing no comments or questions, Ms. Coats requested a motion to adopt the resolution approving the Commission's annual current expense and capital budgets for the fiscal year ending June 30, 2017. Mr. Eaton so moved, Ms. Heffner seconded his motion, and Resolution No. 2016-5 was adopted by unanimous vote.

Resolution to Apportion Among the Signatory Parties the Amounts Required for Support of the Current Expense and Capital Budgets for the Fiscal Year Ending June 30, 2017. Mr. Gore explained that this resolution, which was also the subject of a public hearing on May 11, would apportion among the signatory parties' revenues to support the budget that was just approved. In summary, he said, it calls for funding from the signatories as follows: State of Delaware – \$447,000; State of New Jersey – \$693,000; State of New York – \$359,500; Commonwealth of Pennsylvania – \$750,000 and the Federal Government – \$715,000, for a total of \$2,964,500.

Hearing no further comments or questions, Ms. Coats requested a motion to approve the resolution to apportion among the signatory parties the amounts required for support of the current expense and capital budgets for the fiscal year ending June 30, 2017. Mr. Eaton so moved and Ms. Heffner seconded his motion. Ms. Bush conducted a roll call vote of the Commissioners with the following

result: Delaware – Yes; New Jersey – Yes; New York – Yes; Pennsylvania – Yes and the Federal Government – Yes. Resolution No. 2016-6 was adopted by unanimous vote.

Resolution for the Minutes to Amend the *Administrative Manual By-Laws, Management and Personnel* by Revising the Schedule and Criteria for Administering Annual Performance Increases. Mr. Gore explained that the Commission had introduced an on-line performance management tool for the evaluation of its employees. Concurrent with that shift, he said management believes it would be helpful to revise the rating period for employees to conform to the calendar year, January through December. This resolution would modify the evaluation period accordingly. It would also shift the effective date of any salary adjustment or performance increase from December to April. During the transition year (the current fiscal year) the resolution would provide the Executive Director with latitude in the timing of these adjustments.

Hearing no further comments or questions, Ms. Coats requested a motion to approve the resolution for the minutes to amend the *Administrative Manual By-Laws, Management and Personnel* by revising the schedule and criteria for administering annual performance increases. Ms. Heffner so moved, Mr. Kennedy seconded her motion, and the Resolution for the Minutes was adopted by unanimous vote.

The text of the resolution follows:

A RESOLUTION for the Minutes to amend the *Administrative Manual – By-Laws, Management and Personnel* by revising the schedule and criteria for administering annual performance increases.

WHEREAS, section 5.6 G.1. of the *Administrative Manual – By-Laws, Management and Personnel* (“*Manual*”) currently provides for an annual performance rating period that runs from November 1 through October 31, with performance increases as appropriate, based on the Commission’s available financial resources, the employee’s performance rating, and a factor known as the “compa-ratio”, to be effective each year on December 1; and

WHEREAS, the Commission desires to implement a new, work plan goal-setting and employee performance evaluation process utilizing on-line software, and concurrently with this transition, to (a) align the performance rating period with the calendar year running January 1 through December 31; and (b) shift to April 1 the date on which annual salary adjustments for qualifying employees become effective; provided, however, that during the transitional fiscal year running from July 1, 2016 through June 30, 2017, the Commission recognizes that greater flexibility with respect to the dates of any salary adjustments is desirable; and

WHEREAS, clerical corrections and non-substantive revisions to the structure and wording of section 5.6 G.1 are necessary and appropriate to institute the above-described changes; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. Section 5.6 G.1. of the *Administrative Manual – By-Laws, Management and Personnel* is hereby revised to read as follows:

5.6 G. Performance Evaluation and Compensation Adjustments.

1. *Annual Evaluations and Performance Increases.* An employee performance review shall be conducted annually by the employee's supervisor for the period running January 1 through December 31, in accordance with a system established by the Executive Director.

Employees who have completed a minimum of eight months of service within the performance year will be eligible to receive an annual performance increase, effective April 1. The Executive Director shall establish a system that will provide for the calculation and distribution of annual performance increases among eligible employees, taking into consideration the available financial resources under the current approved operating budget and the performance rating of the employee. The "compa-ratio" of the employee (defined as the current salary divided by the midpoint of the grade listed in the General Salary Schedule) may also be considered.

The Executive Director shall have the authority to deny an increase for reasonable cause, including but not limited to: misconduct, insubordination, abuse of sick leave privileges, tardiness, or unsatisfactory performance of the duties and responsibilities of the job assigned, either during or after the performance period.

2. During the fiscal year running from July 1, 2016 through June 30, 2017, during which a transition to the new performance and compensation adjustment schedule is made, the Executive Director shall exercise his discretion with respect to the date(s) of any salary adjustments.

Resolution for the Minutes Authorizing the Executive Director to Enter into a Professional Services Contract for the Development of a Data Management Tool for Water Supply Planning Simulations. Dr. Najjar explained that this resolution would approve the use of a professional contractor to develop a data management tool to support DRBC water supply planning efforts. The Commission's *Strategy for Sustainable Water Resources – 2060* involves the staff's use of model simulations for current and future hydrologic conditions and climate change. Staff are utilizing certain existing models for this effort, including one completed by USGS in October of 2015. DRBC will link the USGS model to another model, the Delaware River Basin Planning Support Tool (PST). To effect that linkage, outputs of the USGS model must be converted to a suitable format for input to PST, a complex process involving very large data sets. Staff have identified an expert in hydraulic modeling and GIS by the name of Steven Chesterman, who has developed a data management program similar to that required for DRBC's project, which can be modified to perform this complex task. DRBC wishes to engage Mr. Chesterman to customize his data program for the Commission's use, allowing DRBC to run simulations for current and alternative future flow management conditions under a variety of potential climate scenarios. The proposed resolution would authorize the Executive Director to enter into a contract with Mr. Chesterman for services valued at no more than \$8,000. The monies will be distributed from the Commission's Water Supply Storage Facilities Fund upon final delivery of the data management program. Because the services to be provided are of a professional nature, competitive bidding requirements are waived in accordance with section 14.9 of the *Delaware River Basin Compact*.

Hearing no further questions or comments, Ms. Coats requested a motion to approve the resolution. Mr. Gruber so moved, Ms. Heffner seconded his motion, and the Resolution for the Minutes authorizing the Executive Director to enter into a professional services contract for the

development of a data management tool for water supply planning simulations was adopted by unanimous vote.

The text of the resolution follows:

A RESOLUTION for the Minutes authorizing the Executive Director to enter into a professional services contract for the development of a data management tool for water supply planning simulations.

WHEREAS, the Commission is in the process of evaluating water supply availability for the future in the context of the DRBC study entitled *Strategy for Sustainable Water Resources – 2060*; and

WHEREAS, in October of 2015, the USGS completed a hydrologic model of the Delaware River Basin known as “WATER” (an acronym for “Water Availability Tool for Environmental Resources”) that can be used to model a variety of potential future hydrologic conditions based on different climate scenarios and future land use changes; and

WHEREAS, DRBC staff are in the process of using WATER to generate climate-driven hydrologic input data for the Delaware River Basin Planning Support Tool (DRB-PST) for the purpose of simulating current and alternative flow management scenarios under potential future hydrologic conditions; and

WHEREAS, outputs from WATER are voluminous (8.2 GB per scenario) and require significant processing prior to use in DRB-PST, such that a data management tool is needed to convert WATER outputs to suitable DRB-PST inputs; and

WHEREAS, Steven Chesterman, an expert in hydraulic modeling and geographic information systems (“GIS”), who has extensive experience in the use of GIS and global positioning systems (“GPS”) by large cities and utilities, has developed a data management program similar to that required by the DRBC to perform the required conversion of WATER outputs to formats suitable for incorporation into PST, and which can be modified to perform such conversion; and

WHEREAS, in the view of DRBC technical staff, as the original developer of a data management program similar to that now required by the DRBC, Mr. Chesterman is singularly qualified to provide the services the DRBC currently needs – i.e., to customize his data management program to process WATER outputs for use in DRB-PST; moreover, Mr. Chesterman has a clear understanding of the scope of services the DRBC requires and has exhibited a high level of professionalism in providing similar specialized services to other agencies with which DRBC partners; and

WHEREAS, simulating current and alternative flow management scenarios under potential future hydrologic conditions for the purpose of evaluating water supply availability is directly related to operation of the Commission’s water supply storage in the basin’s federal reservoirs; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that:

1. The Executive Director is hereby authorized to enter into a contract with Steven Chesterman for the development of tools to facilitate the processing of

WATER output for input to PST in accordance with Mr. Chesterman's proposal dated May 5, 2016.

2. The value of the contract with Steven Chesterman shall not exceed \$8,000.
3. The funds will be disbursed from the Commission's Water Supply Storage Fund upon final delivery of the data management program.
4. Because the services to be provided are of a professional nature, the competitive bidding requirements of Section 14.9 of the *Delaware River Basin Compact* are waived, in accordance with subsection 5 of that section.

This Resolution shall take effect immediately.

Resolution for the Minutes Providing for the Election of Commission Officers (U.S. – Chair, Pennsylvania – Vice Chair, New Jersey – 2nd Vice Chair. Ms. Coats said that it had been her pleasure to serve as Chair of the Commission over the past year, but that in accordance with the practice of annual rotation of the chairmanship among the signatory parties, it was time to pass the gavel. Consistent with the customary rotation, the proposed resolution would provide for election of the following officers for the year commencing July 1, 2016 and ending June 30, 2017: the federal representative (Commander, North Atlantic Division, U.S. Army Corps of Engineers) – Chair; the Governor of Pennsylvania – Vice Chair; and the Governor of New Jersey – Second Vice Chair.

Ms. Coats requested a motion to approve the resolution. Mr. Eaton so moved, Mr. Kennedy seconded his motion and the Resolution for the Minutes providing for the election of Commission officers for the year July 1, 2016 through June 30, 2017 was adopted by unanimous vote.

The text of the resolution follows:

A RESOLUTION for the Minutes providing for election of the Commission Chair, Vice Chair and Second Vice Chair for the year commencing July 1, 2016 and ending June 30, 2017.

WHEREAS, Article 2, Section 2.6 of the *Delaware River Basin Compact* states that the Commission shall provide for its own organization and procedure; and

WHEREAS, the *Compact* further requires the annual election of the Chair and Vice Chair, which historically has been based upon rotation of the signatory parties; and

WHEREAS, the Commission has further determined that a Second Vice Chair, to preside in the absence of the other officers, should also be elected; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. The United States Member is hereby elected to serve as Chair for the term July 1, 2016 through June 30, 2017.
2. The Governor of Pennsylvania is hereby elected to serve as Vice Chair for the term July 1, 2016 through June 30, 2017.

3. The Governor of New Jersey is hereby elected to serve as Second Vice Chair for the term July 1, 2016 through June 30, 2017.

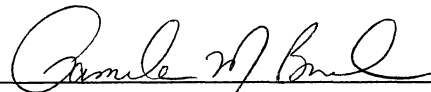
Project Review Applications. The Commission held a duly noticed public hearing on May 11, 2016 on 18 draft dockets for water-related projects. Mr. Kovach reported that the Commission received no substantive comments on any of these projects during the comment period. As such, no substantive modifications were made to the draft dockets, and Mr. Kovach recommended that the Commissioners approve the dockets comprising hearing items 1 through 18.

Ms. Coats requested a motion to approve the 18 dockets as presented by Mr. Kovach. Ms. Heffner so moved, Mr. Eaton seconded her motion, and the eighteen dockets, all of which were the subjects of a public hearing on May 11, 2016, were approved by unanimous vote. Ms. Coats thanked the staff for all their effort in preparing for the day's meeting.

On behalf of the staff, Mr. Tambini offered his gratitude to Kara Coats for her service over the past year. He noted that she had jumped into the role of Chair during her first year on the Commission and had done an exceptional job. Although rotating out of the role of Chair, Ms. Coats will remain a DRBC Alternate Commissioner for Governor Jack Markell of Delaware.

Audio Recording. An audio recording of the public hearing of May 11, 2016 is on file with the Commission Secretary. A description of each of the applications for the dockets approved during the Business Meeting of June 15, 2016 is provided as an Attachment to these Minutes.

Adjournment. Following an Open Public Comment session, the meeting was adjourned by unanimous vote at approximately 12:15 p.m.



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

Commission Secretary and Assistant General Counsel

ATTACHMENT

DESCRIPTIONS OF PROJECTS APPROVED BY THE COMMISSION DURING THE BUSINESS MEETING OF JUNE 15, 2016

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

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

The projects are customarily considered in three categories – *Category A* – project renewals with no substantive changes; *Category B* – project renewals with substantive changes; and *Category C* – projects not previously reviewed by the Commission. All of the projects approved by the Commission on June 15, 2016 were subjects of a duly noticed public hearing on May 11, 2016. Descriptions of the projects (based on initial applications, which may vary from final projects) for which the Commission issued approvals on June 15 are listed below, in the order in which the dockets were presented at the May 11 public hearing.

A. *Renewals with No Substantive Changes (hearing items 1 through 12).*

1. Deposit Village, D-1974-057 CP-4. An application to renew the approval of the docket holder's existing 0.7 million gallons per day (mgd) wastewater treatment plant (WWTP) and its discharge. The WWTP will continue to discharge to the West Branch Delaware

River at River Mile 330.71 - 14.5 (Delaware River - West Branch Delaware River) and is located within the drainage area of the section of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters, in the Village of Deposit, Broome County, New York.

2. Pen Argyl Municipal Authority, D-1975-028 CP-4. An application to renew the approval of the existing 0.95 mgd Pen Argyl Municipal Authority WWTP and its discharge. The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) of Waltz Creek at River Mile 190.65 - 4.7 - 4.1 - 0.6 (Delaware River - Martins Creek - Waltz Creek - UNT of Waltz Creek) in the Borough of Pen Argyl, Northampton County, Pennsylvania, within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.
3. Exide Technologies, D-1976-097-4. An application to renew the approval of Exide's existing 0.7 mgd industrial wastewater treatment plant (IWTP) and existing 0.4 mgd stormwater treatment plant (SWTP) and their discharges. Treated effluent from the IWTP and SWTP will continue to combine prior to discharge via an existing stormwater conveyance system to the Schuylkill River at River Mile 92.47 - 78.29 (Delaware River - Schuylkill River), in Muhlenberg Township, Berks County, Pennsylvania. The application also includes a request to continue a total dissolved solids (TDS) determination of 6,000 milligrams per liter (mg/l) (monthly average) and 7,500 mg/l (daily maximum) for the existing IWTP.
4. NRG REMA, LLC – Titus Generating Station, D-1987-026 CP-4. An application to renew the approval of the applicant's existing industrial process water discharge associated with the Titus Generating Station (TGS), and to update the docket approval to reflect modifications to the facility operations associated with the closing of the TGS coal-fired generating units. The TGS will continue to discharge coal-ash leachate discharge from the Beagle Club Ash Disposal (BCAD) site via Outfall No. 004 to the Schuylkill River at River Mile 92.47 - 71.3 (Delaware River - Schuylkill River) in Cumru Township, Berks County, Pennsylvania. The applicant has requested that the intermittent discharge from Outfall No. 004 continue to have an effluent limit of 3,500 mg/l of TDS (monthly average).
5. Pennsylvania Utility Company, D-1989-033 CP-4. An application to renew the approval of an existing groundwater withdrawal (GWD) of up to 21.01 million gallons per month (mgm) to supply the applicant's public water supply distribution system from existing Wells Nos. 1, 2 and 3. The project wells are completed in the Towamensing Member of the Catskill Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Little Bushkill Watershed in Lehman Township, Pike County, Pennsylvania within the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters.
6. Richland Borough, D-1992-001 CP-3. An application to renew the approval of an existing GWD of up to 5.4 mgm to supply the applicant's public water supply distribution system from existing Wells Nos. 2, 3, 6 and an existing spring source. Wells Nos. 2 and 3 are

completed in Crystalline Rock and Well No. 6 is completed in the Hardyston Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Mill Creek Watershed in Millcreek Township, Lebanon County, Pennsylvania.

7. Delaware County Regional Water Quality Control Authority (DELCORA), D-1992-018 CP-3. An application to renew the approval of the existing DELCORA Western Regional WWTP and to renew the approval of a project to modify and re-rate the WWTP. The project consists of constructing an outfall extension to the existing WWTP and re-rating the WWTP from 44 mgd to 50 mgd. The WWTP will continue to discharge to Water Quality Zone 4 of the tidal Delaware at River Mile 80.7 in the City of Chester, Delaware County, Pennsylvania.
8. Bart Golf Club, Inc., D-1992-024-3. An application to renew the approval of an existing surface water withdrawal (SWD) of up to 11.37 mgm to irrigate the applicant's Hickory Valley Golf Course from an existing surface water intake on Swamp Creek. The requested allocation is not an increase from the previous allocation. The project intake is located in the Swamp Creek Watershed in New Hanover Township, Montgomery County, Pennsylvania.
9. Village of Monticello, D-2001-005 CP-2. An application to approve an existing surface water and GWD project to supply up to 27.9 (mgm) of groundwater from Wells Nos. 1, 2 and 3; up to 47.43 mgm (1.53 mgd) of surface water from Intake No. 2 in Kiamesha Lake except that during the summer season when the allocation may be temporarily increased to 62 mgm (2 mgd); and the diversion of up to 360 million gallons per year of water from an unnamed tributary (UNT) of Kiamesha Creek into Kiamesha Lake for use in the docket holder's public water distribution system. The docket also approves an expansion of the docket holder's service area to include a new water district located in the Town of Thompson, Sullivan County, New York. Although all sources have been previously approved by the State of New York, only the groundwater supply was approved by the Commission. All allocations included in this docket are the same allocations previously approved by the Commission and/or the State of New York. The wells are completed in unconsolidated Pleistocene stratified drift in the Black Brook Watershed in the Village of Monticello, Sullivan County, New York and the surface water intake is located in the Sheldrake Stream Watershed in the Town of Thompson, Sullivan County, New York within drainage areas of sections of the main stem Delaware River known as the Upper and Middle Delaware, which the Commission has classified as Special Protection Waters.
10. Buena Borough Municipal Utilities Authority, D-2002-037 CP-2. An application to approve the renewal of an existing withdrawal and export of up to 17.80 mgm of groundwater from Well No. 3 located in the Delaware River Basin (DRB) and the import of water from Wells Nos. 1 and 2 located in the Atlantic Basin for use in the docket holder's public water system. The docket holder is not requesting an increase in the groundwater allocation from that contained in its prior DRBC approval. The project's sources and service area are situated in the Delaware River and Atlantic basins and no changes to the existing importation/exportation of water will occur as a result of this approval. Well No. 3 is completed in the Piney Point Formation in the Cedar Branch Creek – Maurice River

Watershed in Buena Borough, Atlantic County, New Jersey. The existing groundwater withdrawals are approved by the New Jersey Department of Environmental Protection (NJDEP) and will continue to be regulated in accordance with the March 2015 Administrative Agreement between the Commission and NJDEP.

11. Green Walk Trout Hatchery, Inc., D-2006-008-2. An application to renew the approval of an existing GWD of up to 13.392 mgm to supply the applicant's trout hatchery from existing Wells Nos. 2, 5 and 6. The project wells are completed in the Martinsburg Formation. The requested allocation is not an increase from the previous allocation. The wells are located in the Waltz Creek Watershed in Washington Township, Northampton County, Pennsylvania within the drainage area of the section of the main stem Delaware River known as the Lower Delaware which the Commission has classified as Special Protection Waters.
12. Silverleaf Resorts, Inc., D-2006-019-4. An application to renew the approval of the existing 0.049 mgd Silverleaf Resorts WWTP and its related discharge. The WWTP will continue to discharge treated effluent to Brookdale Lake at River Mile 213.0 - 3.9 - 0.9 - 11.4 - 2.85 - 0.15 (Delaware River - Brodhead Creek - McMichael Creek - Pocono Creek - Scot Run - Brookdale Lake) in Pocono Township, Monroe County, Pennsylvania, within the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters.

B. Renewals with Substantive Changes (hearing items 13 through 17).

13. Central Wayne Regional Authority, D-1986-009 CP-4. An application to renew the approval of the applicant's existing 2.2 mgd Honesdale WWTP and its discharge, and to approve an expansion to the WWTP's service area. The service area expansion project includes the construction of a low-pressure grinder pump system to collect and convey sewage from the Village of White Mills, located in Texas Township, to an existing pump station located in the docket holder's existing sewer collection system. No modifications to the WWTP treatment facilities are proposed. The WWTP will continue to discharge treated effluent to the Lackawaxen River at River Mile 277.7 - 24.6 (Delaware River - Lackawaxen River), and is located within the drainage area to the section of the main stem Delaware River known as the Upper Delaware, which is classified as Special Protection Waters, in the Borough of Honesdale, Wayne County, Pennsylvania.
14. Pennsylvania American Water Company, D-1990-028-2. An application to renew the approval of the applicant's existing 0.2 mgd Marcel Lakes WWTP and its discharge, and to approve a WWTP upgrade consisting of the replacement of the existing influent pumping, headworks and gravity collection system for the WWTP. The WWTP will remain designed for an annual average flow of 0.2 mgd, and will continue to discharge treated effluent to Dingmans Creek at River Mile 239.5 - 7.2 (Delaware River - Dingmans Creek). The WWTP is located within the drainage area to the section of the main stem Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in Delaware Township, Pike County, Pennsylvania.

15. Exeter Township, D-1992-003 CP-2. An application to renew the approval of the applicant's existing 7.1 mgd WWTP and to approve a TDS determination of an average monthly effluent limit of 1,500 mg/l. No modifications to the WWTP are proposed. The WWTP will continue to discharge treated wastewater effluent to the Schuylkill River at River Mile 92.47 - 65.3 (Delaware River - Schuylkill River), in Exeter Township, Berks County, Pennsylvania.
16. Lower Township Municipal Utilities Authority, D-1994-021 CP-3. An application to renew the approval of an existing import of up to 35.7 mgm of groundwater from the Atlantic Basin to the Delaware River Basin (DRB) from existing LTMUA Well No. 7 to supply the docket holder's public water supply distribution system and an exportation of up to 139.5 mgm of water from the DRB to the Atlantic Basin through the LTMUA wastewater treatment plant (4.0 mgd) and water supply interconnection with the City of Cape May (0.5 mgd). The application also requested to renew the approval to withdraw up to 143 mgm of groundwater from five DRB groundwater sources, Wells Nos. 1, 2, 6, 8 and 9. The project's existing groundwater withdrawals are approved by the NJDEP and will continue to be regulated by NJDEP in accordance with the AA between the Commission and the State of New Jersey. The wells are located in the Delaware River Watershed in Lower Township, Cape May County, New Jersey.
17. Superior Water Company, D-2001-015 CP-5. An application to approve new Well No. SWC-13 for inclusion into the applicant's public water supply distribution system and to approve an increase in the total system GWD allocation from 36.82 mgm to 39.33 mgm from one new and 11 existing wells. All the wells are completed in the Brunswick Formation, except for Well No. CP-9 which is completed in the Lockatong Formation. The wells are located in the Commission's designated Ground Water Protected Area (GWPA) in the Swamp Creek, Minister Creek, Scioto Creek and Zacharias Creek watersheds in New Hanover, Douglass, Upper Fredrick and Worcester townships, Montgomery County, Pennsylvania.

C. New Project (item 18).

18. United States Environmental Protection Agency (USEPA), D-2015-022 CP-1. An application to approve the docket holder's new 0.101 mgd groundwater extraction treatment system and its discharge of remediated groundwater into the subsurface through an injection well. The treatment system will treat contaminated groundwater withdrawn from up to 10 extraction wells within the Operable Unit 1 portion of the Pohatcong Valley Groundwater Contamination Superfund Site utilizing airstripping and granular activated carbon, after which the treated groundwater will be reinjected back to the subsurface via a bedrock injection well. The project extraction wells, IWTP and its discharge are located in the Upper Pohatcong Creek Watershed, within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Washington Borough, Warren County, New Jersey.