

A RESOLUTION concerning the collection of additional information essential to the evaluation of social and economic factors affecting the attainment of uses in the Delaware River Estuary in accordance with Resolution No. 2017-4.

WHEREAS, by Resolution No. 2017-4 on September 13, 2017, the Commissioners directed the Executive Director and staff to conduct a study to determine the attainability of potential dissolved oxygen criteria in Water Quality Zones 3 and 4 and the upper portion of Zone 5 (an “analysis of attainability”), including an evaluation of social and economic factors affecting the attainment of uses, as described in EPA's water quality standards regulations at 40 C.F.R. 131.10(g)(1)-(6); and

WHEREAS, many dischargers have recognized the need for data collection on nutrient loads to the Estuary and have participated in the work of the Commission’s Water Quality Advisory Committee to systematically characterize and manage these loads; and

WHEREAS, a Nitrogen Reduction Cost Estimation Study, which provides estimates of the cost of reducing the effluent concentrations of ammonia and total nitrogen for twelve “Tier 1” wastewater treatment facilities, was completed by contract with Kleinfelder in January 2021 and published on the Commission’s web site; and

WHEREAS, DRBC staff in consultation with state and EPA coregulators have identified specific metrics and guidance for evaluating the social and economic factors affecting the attainment of uses in Zones 3 and 4 and the upper portion of Zone 5 of the Estuary, and have assembled publicly available data in support of those evaluations; and

WHEREAS, additional data sets needed to complete the social and economic evaluation are not publicly available and are the sole purview of the wastewater utilities; and

WHEREAS, the Executive Director has informally advised these dischargers of the need for additional data; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that:

1. The Commission acknowledges and appreciates the cooperation and service of the point source dischargers to the Delaware River Estuary, and values their participation in the continuing work of the Commission’s Water Quality Advisory Committee to complete the program set forth by Resolution No. 2017-4.
2. The Executive Director is directed and authorized to require the dischargers within 120 days to assemble and furnish to the Commission at their own cost and expense such additional information as is needed in the Commission’s view to evaluate the social and economic factors affecting the attainment of uses in the Estuary. In response to a written request including a demonstration of need, the Executive Director may allow additional time for the production of the requested information, which may include, among other items:

- a. As defined by the “New Framework” guidance prepared for the American Water Works Association (AWWA), National Association of Clean Water Agencies (NACWA), and Water Environment Federation (WEF)¹:
 - Water and wastewater rate(s) per gallon
 - Portion of taxes for wastewater, water, and stormwater per year
 - Annual stormwater cost
 - Number of delinquent households for water and/or wastewater bills
 - Current Annual operations and maintenance expenses (excluding depreciation)
 - Current annual debt service (principal and interest)
 - Estimated annual operations and maintenance expenses (excluding depreciation)
 - Projected annual debt service (principal and interest)
 - Residential share of total wastewater treatment and Clean Water Act costs

- b. As defined by the “2021 Financial Capability Assessment Guidance” of the U.S. Environmental Protection Agency²
 - Bond rating information
 - Direct net debt
 - Debt on overlapping entities
 - Full market value of property
 - Total property tax revenues
 - Property taxes levied

¹ R. Raucher, J. Clements, E. Rothstein, J. Mastracchio and Z. Green, *Developing a New Framework for Household Affordability and Financial Capability Assessment in the Water Sector*. Prepared for the AWWA, NACWA, and WEF. April 17, 2019. Available at: <https://www.awwa.org/Portals/0/AWWA/Government/DevelopingNewFrameworkForAffordabilityReport.pdf>

² U.S. Environmental Protection Agency, *2021 Financial Capability Assessment Guidance*. Report #800B21001. January, 2021. Available at: https://www.epa.gov/sites/production/files/2021-01/documents/2021_fca_guidance_-_january_13_2021_final_prepub.pdf

3. The Executive Director is further directed to meet and engage with the affected dischargers regarding the particular types of information and formats of submission requested and to provide clear guidance regarding these details.
4. This resolution shall take effect immediately.

Adopted: June 9, 2021

/s/ Shawn M. Garvin

Shawn M. Garvin, Chairman *pro tem*

/s/ Pamela M. Bush

Pamela M. Bush, J.D., Commission Secretary