

DELAWARE RIVER BASIN COMMISSION

**MEETING OF DECEMBER 6, 2023**

**Minutes**

Commissioners Present: Steve Domber, New Jersey  
Ken Kosinski, New York, Vice Chair  
Lt. Col. Jeffrey Beeman, Second Vice Chair  
Steve Williams, Delaware  
Bevin Buchheister, Pennsylvania

DRBC Staff Participants: Steven J. Tambini, Executive Director  
Kenneth J. Warren, DRBC General Counsel  
Pamela Bush, Commission Secretary and Assistant General Counsel  
David Kovach, Manager, Project Review  
Amy Shallcross, Water Resource Operations  
Kristen Bowman Kavanagh, Deputy Executive Director

Steven Domber, State Geologist, New Jersey Geological & Water Survey, called the meeting to order, introducing himself as the alternate DRBC Commissioner representing Governor Phil Murphy, the Commission's FY 2023-2024 Commission chair. Mr. Domber announced that the business meeting was being held remotely and was open to the public via Zoom webinar and the DRBC YouTube channel, as well as by telephone. He noted that the meeting was being recorded on both the Zoom and YouTube platforms. He added that the Commission's December 6, 2023 business meeting had been duly noticed, and an agenda was available on the DRBC website.

Mr. Domber commenced a roll call, and each of the other members introduced themselves, as follows: Steve Williams, alternate DRBC Commissioner for the State of Delaware, serving on behalf of Governor John Carney; Ken Kosinski, alternate DRBC Commissioner for the State of New York, serving on behalf of Governor Kathy Hochul; Bevin Buchheister, Deputy Secretary for the Office of Water Programs, Pennsylvania DEP (PA DEP), and alternate Commissioner for the Commonwealth of Pennsylvania, serving on behalf of Governor Josh Shapiro; and Lt. Col. Jeffrey Beeman, Commander, Philadelphia District, U.S. Army Corps of Engineers, alternate DRBC Commissioner for the federal government, serving on behalf of North Atlantic Division Commander Colonel John Lloyd.

At Mr. Domber's invitation, DRBC's Executive Director Steve Tambini, General Counsel Ken Warren, and Commission Secretary and Assistant General Counsel Pam Bush all introduced themselves.

Minutes. Ms. Bush said she had circulated for the Commissioners' consideration draft Minutes for the business meeting of September 7, 2023 and had received one correction, which had been made. She recommended that the Minutes as corrected be approved.

Mr. Kosinski so moved, Mr. Williams offered a second, and without further discussion, the Minutes of the September 7, 2023 business meeting were approved by unanimous vote.

Announcements. Ms. Bush announced three upcoming DRBC advisory committee meetings—those of the Monitoring Advisory and Coordination Committee (MACC), to take place on December 13 at 1:00 p.m.; the Advisory Committee on Climate Change (ACCC), scheduled for December 20, 2023 at 10:00 a.m.; and the Water Management Advisory Committee (WMAC), to be held on Wednesday, February 14 at 10:00 a.m. She urged those interested in learning more or in attending to visit the DRBC website for details about each of the meetings.

Hydrologic Conditions. Amy Shallcross, Manager of Water Resource Operations offered a presentation on basin hydrologic conditions. A graphical summary of the conditions report can be accessed at:

[https://www.nj.gov/drbc/library/documents/HydrologicConditions\\_Shallcross120623.pdf](https://www.nj.gov/drbc/library/documents/HydrologicConditions_Shallcross120623.pdf)

*Hydrologic cycle.* Ms. Shallcross reviewed the hydrologic cycle, by which water enters a water body, then evaporates and remains in the air until it accumulates and falls to the ground as precipitation. Precipitation can either infiltrate, run off, or become surface water or groundwater, and the cycle starts anew.

*Precipitation.* Ms. Shallcross described the pattern of precipitation across the basin over the previous twelve months as “something of an up-and-down roller coaster,” varying from normal to much less than normal to far above normal. She characterized the previous two months as low precipitation months in both the upper and lower basin.

Ms. Shallcross noted that average annual rainfall should be approximately four inches per month throughout the year, for a total of about 48 inches. However, regions of the upper basin, including the area near the confluence of the East Branch and West Branch Delaware River, received 55 inches over the previous 12 months, as did a portion of the lower basin near Philadelphia. In contrast, areas of the lower basin in the vicinity of Montgomery County, Pennsylvania received only 43 inches, and other parts of the lower basin received total precipitation amounts that were three percent below normal.

Over the previous 90 days, Ms. Shallcross noted, the upper basin had received eleven inches of rain, about 25 percent below normal for that region. Portions of the lower basin also had received about eleven inches of rain, which is 30 percent below normal for the lower basin; however, Burlington County, New Jersey had received higher rainfall amounts, equal to as much as 76 percent *above* normal.

*Drought Conditions.* Ms. Shallcross noted that portions of the basin, especially in Pennsylvania, had experienced drought conditions during the year. In June in particular, conditions were very

dry, and much of Pennsylvania was in a state-declared drought watch. Over the course of the previous six months, conditions had improved within the region of Pennsylvania located in the Delaware Basin. Toward the end of August, southeastern Pennsylvania remained in a drought condition. But by the end of October, areas other than Northampton County in the Lehigh Valley, Bucks and Montgomery counties, and the small portions of Lebanon and Lancaster counties within the Delaware Basin had returned to normal.

The Drought Monitor prepared by the National Integrated Drought Information System (NIDIS), a multi-agency partnership of the National Oceanographic Atmospheric Administration (NOAA), shows the location and intensity of drought at the national, tribal, state and local levels, based on a variety of data inputs. According to this source, as of the meeting date, the lower basin generally was considered “abnormally dry,” with southeastern Pennsylvania in a “moderate drought” condition.

*Forecast.* Ms. Shallcross reported that the seven-day forecast was for approximately one inch of rain in the lower basin and potentially two – to – three inches of rain in the upper basin, with the heaviest rainfall expected on the Sunday ahead.

*Streamflow.* Stream gages across the basin were indicating a wide variety of conditions—above normal in the upper basin; largely normal, with some wells above normal in the middle of the basin; and normal or below normal in the lower portion of the basin.

Ms. Shallcross noted that in accordance with the Supreme Court Decree of 1954, New York City is required to make releases from its Delaware Basin reservoirs to meet a minimum daily flow objective in the main stem Delaware River at Montague, New Jersey. The Commission and Decree Parties established a second flow objective at Trenton, New Jersey to repel salinity in the Delaware Estuary. DRBC directs releases from storage it owns in two federal reservoirs—Beltsville in the Lehigh Valley and Blue Marsh in the Schuylkill Valley—to meet the Trenton flow objective.

*Reservoir Storage.* As of the meeting date, Beltsville’s storage was at 101 percent of capacity, and water was being released due to heavy rain received over the weekend. Blue Marsh was at its winter pool elevation of 78 percent. The reservoir pool at Blue Marsh is increased in the summer months to accommodate recreational activities. A third federal reservoir, the F.E. Walter Reservoir, is a flood control and recreation reservoir from which the recreation pool is released to achieve a lower pool in winter. As of the meeting date, F.E. Walter was at its typical winter pool elevation.

The three reservoirs in New York City’s Delaware system—Neversink, Pepacton, and Cannonsville—are the largest reservoirs in the basin. When full, they collectively hold about 270 billion gallons of water. Combined storage in the three reservoirs provides the foundation of the Commission’s drought management program. As of the meeting date these reservoirs had a combined storage of 89 percent, well above December 2022 levels and also far above the median for this time of year, at 127 billion gallons above “Drought Watch.”

*Salinity.* The “salt front” is the location in the Delaware Estuary where the chloride concentration is 250 milligrams per liter. The Commission monitors this location on a daily and 7-day average basis, with the 7-day average used more often due to its stability. In order to protect intakes along the river from corrosion caused by saltwater infiltration, reservoir releases are made to push the salt front downstream, away from the intakes. During early December, the salt front typically hovers around the Delaware Memorial Bridge, at approximately river mile (RM) 69. As of the meeting date, it was located at RM 69.4.

*Groundwater.* Eleven groundwater observations wells are monitored in the basin. Ms. Shallcross displayed maps showing their locations and characterizing the associated groundwater levels in November and December. She noted that groundwater levels basically follow the rainfall pattern; however, because groundwater takes time to recover, the response is delayed. North of the Lehigh Valley, wells showed normal and below normal levels on November 1, and normal levels on December 4. Wells in southwestern New Jersey included much below normal levels on both dates. A graph showing Delaware County, Pennsylvania well levels throughout the year, showed levels remained close to or within drought watch or drought warning from September through December. A similar graph for a Cumberland County, New Jersey showed well levels in drought watch or drought warning from January through October, dipping into drought emergency in November and December, with record low water levels. Ms. Shallcross noted that overall the wells were starting to recover as precipitation from recent rainfalls percolated into the ground.

*Outlook.* NOAA publishes a three-month seasonal outlook based on observed conditions and model runs. The seasonal temperature outlook for December 2023 through February 2024 predicted average temperatures “leaning above” normal. But Ms. Shallcross pointed out that this did not preclude lower temperature periods, nor did it mean less snow. The precipitation outlook showed a 33 – to – 40 percent chance of above normal precipitation across the basin. Together, the outlooks suggested a warmer, wetter winter, with perhaps wetter snow. Ms. Shallcross noted that a strong El Niño contributed to the predicted warmer temperatures. The El Niño in this case was producing a strong jet stream in the south, tending to keep the polar jet stream at bay. But, Ms. Shallcross noted, not all El Niños are the same. The current one was producing a particularly southern jet stream in the Pacific Ocean, which might limit its warming effect in the basin. Ms. Shallcross noted that the Philadelphia area was in a “snow drought;” the city had not received a snowfall of one inch or more in 675 days.

Ms. Shallcross wished everyone a safe and happy holiday season. She encouraged attendees to attend the re-enactment of Washington crossing the Delaware in Washington Crossing, Pennsylvania on Christmas Day from noon until 3:00 p.m. The event is free and open to the public.

Executive Director’s Report. Mr. Tambini reported as follows:

- *Proposed Amendments to the Rules of Practice and Procedure.* On September 28, 2023, the Commission published a Notice of Proposed Rulemaking to amend its Rules of Practice and Procedure. Mr. Tambini said the amendments were proposed primarily to resolve ambiguities concerning the termination or extension of project approvals issued by the Commission

without expiration dates. A second objective of the changes was to update provisions concerning the Commission's Water Resources Program and Project Review procedures to better conform them to current practice.

The proposed amendments also would remove references to the federal Freedom of Information Act ("FOIA"), which were incorrect from the day the rules were originally adopted. Mr. Tambini noted that the incorrect references at times created confusion about the underlying authority for the Commission's regulations and the rules applicable to requests for public records. He emphasized that removing references to FOIA would not alter the Commission's regulations or practices concerning access to public records in any way.

Finally, the amendments would align pronouns in the amended sections with the Commission's policies regarding diversity, inclusion and belonging.

Mr. Tambini related that on November 13, 2023, the Commission held two public hearings on the proposed rulemaking, at which a combined total of ten speakers offered oral comments. The Commission received a total of approximately 200 oral and written comment submissions during the comment period, which ended on November 30, 2023. Notably, each written submission may include more than one comment. Many of the comments the Commission received were based on a suggested form letter.

Mr. Tambini noted that no action on the proposed rule would occur at the meeting that day. Rather, he explained, staff would review the comments and in consultation with the Commissioners, would prepare a comment and response document for their consideration. Any vote on the proposed amendments would occur at a duly noticed DRBC business meeting on a future date, and would be included on the agenda published in advance of that meeting. Mr. Tambini noted that the Notice of Proposed Rulemaking, including the text of the proposed amendments, could be accessed on the DRBC website.

- *Amendments to the Administrative Manual—Bylaws, Management and Personnel.* The agenda for the meeting that day included a resolution for the Minutes to amend the *Administrative Manual—By-laws, Management and Personnel*, a set of regulations concerning the internal management of the DRBC, changes to which do not require a public process.
- *Water Audit Report.* A DRBC technical report entitled *Comprehensive Assessment of the Delaware River Basin Water Audit Program 2012 – 2021* was published on December 5, 2023 and could be accessed on the DRBC website. The report provides a detailed look at ten years of water audit program data collected by the DRBC.

The Commission's water audit program was launched in 2012. DRBC was one of the first regulatory agencies in the country to require this type of detailed water loss analysis and reporting. Under the DRBC program, approximately 300 public water supply systems perform an annual water audit, which helps the suppliers identify, track, and report water loss from their distribution systems.

While the December 2023 study found that water losses have remained relatively constant over the past 10 years, results from the study support the Commission’s ongoing water conservation goals by providing a quantitative foundation to guide future practices and policies, helping to ensure reliable and sustainable water supplies in the basin. The report’s authors were Michael Thompson, Sarah Sayed, and Chad Pindar.

- *Water Quality Assessment Methodology.* Mr. Tambini noted that DRBC was accepting comments on the methodology proposed to be used in the *2024 Delaware River and Bay Water Quality Assessment Report*, and would continue to do so through February 1, 2024.

The report, which is provided every two years in accordance with Section 305(b) of the Clean Water Act, will evaluate the extent to which waters of the main stem Delaware River and Delaware Bay are attaining designated uses in accordance with the Clean Water Act and the Commission’s Water Quality Regulations. It will identify impaired waters—those in which surface water quality standards are not being met. Additional information could be found on the DRBC website.

- *Estuary Aquatic Life Designated Uses and Criteria.* At the Commission’s business meeting on September 7, 2023, the Commissioners adopted a Resolution for the Minutes to support regulatory efficiency, intergovernmental coordination and clarity to the public in revising the aquatic life designated uses to provide for fish propagation and corresponding water quality criteria for dissolved oxygen in the Delaware River Estuary. Mr. Tambini reported that the DRBC was working in collaboration with the Estuary state co-regulators to support EPA’s rulemaking process, and as set forth in the September 2023 resolution, to develop an implementation plan for the new aquatic life uses and criteria when adopted. He said that further announcements or notices of rulemaking to amend the water quality standards would come directly from the EPA.
- *New DRBC Staff Members.* Mr. Tambini welcomed Mike Heller and Alyssa Lipkin to the DRBC as, respectively, an information technology specialist and a water resource scientist in DRBC’s Project Review section.

Mr. Tambini wished everyone a safe, happy, and healthy holiday season.

General Counsel’s Report. Mr. Warren reported that the case *Wayne Land and Mineral Group v. DRBC*, which he had reported on during past meetings, was pending in the United States District Court for the Middle District of Pennsylvania. Landowner Wayne Land and Mineral Group (WLMG) commenced a challenge to DRBC’s exercise of its project review authority over a high-volume hydraulic fracturing (HVHF) project that WMLG plans to conduct within the basin. In February 2021, DRBC adopted a regulation prohibiting HVHF for the extraction of natural gas from shale formations within the Basin. Following the 2021 rulemaking, DRBC filed a motion with the court to dismiss the WLMG case as moot. That motion remains pending before the District Court.

Resolution for the Minutes honoring Jeffrey L. Hoffman. Mr. Tambini read the following Resolution for the Minutes in honor of Jeff Hoffman, who had retired from the New Jersey Department of Environmental Protection on December 1, 2023. Mr. Hoffman's career in public service spanned decades, during which he made many invaluable contributions to the joint interstate and federal management of the basin's water resources through the DRBC.

The text of the resolution follows:

#### RESOLUTION FOR THE MINUTES

A RESOLUTION for the Minutes honoring Jeffrey L. Hoffman for a career of distinguished public service on behalf of the State of New Jersey in the fields of geology and water resources science and for his significant contributions to joint interstate and federal management of the water resources of the Delaware River Basin.

WHEREAS, Jeff Hoffman trained for his career in the geological sciences and hydrology at Penn State and Princeton universities, and in 1981, Jeff joined the New Jersey Department of Environmental Protection (NJDEP); and

WHEREAS, for more than 40 years, Jeff has put his expertise in geology and water resources science in service of understanding, protecting, and improving the water resources of New Jersey and the Delaware River Basin; and

WHEREAS, Jeff's work has focused on such vital issues as the carrying capacity of land based on nitrate considerations, water withdrawals in areas of limited supply, streamflow and ground water drought indicators, inter-watershed water transfers, climate change, and minimum ecological flow needs; and

WHEREAS, Jeff has authored or co-authored dozens of publications, many of them for the purposes of developing or implementing public policies designed to ensure that shared water resources are used responsibly and sustainably; and

WHEREAS, not only has Jeff made valuable contributions to public policy and practice in our region, but he also has developed methodologies and data products that are distributed digitally for public use; and

WHEREAS, in 2015 Jeff was appointed by Governor Chris Christie to serve as the New Jersey State Geologist, and in that capacity, Jeff has since led NJDEP's Division of Water Supply and Geoscience; and

WHEREAS, since 2016, when Governor Christie first appointed Jeff to serve as an alternate DRBC commissioner, Jeff has been an engaged participant in the work of the DRBC; and

WHEREAS, Jeff retired from the NJDEP effective December 1, 2023, after more than four decades of dedicated public service; and

WHEREAS, the Commission and the Basin have benefited immeasurably from Jeff's technical expertise, focused attention, and exemplary professional conduct in service of the public; and

WHEREAS, on a personal level, Jeff's DRBC colleagues have appreciated his collaboration, curiosity, wit, concern, professionalism, and amiability; now therefore,

BE IT RESOLVED that the Commissioners and staff of the DRBC hereby recognize Jeff Hoffman for his outstanding contributions to water resource management in the State of New Jersey and in the greater Delaware River Basin and wish him a long, healthy, and thoroughly enjoyable retirement.

Mr. Tambini recommended that the Commissioners approve the resolution as presented. Mr. Domber so moved, Mr. Kosinski offered a second, and the Resolution for the Minutes honoring Jeffrey L. Hoffman was approved by unanimous vote.

Mr. Hoffman thanked everyone. He said he had thoroughly enjoyed his time working with DRBC staff and was grateful for the opportunity to work with the staff on a wide variety of projects. He said the DRBC has done a wonderful job and he looked forward to seeing the Commission's work continue under Steve Tambini. He encouraged everyone to keep on making good progress in managing the basin's shared water resources.

A RESOLUTION authorizing the Executive Director to amend the Commission's administrative agreement with the New Jersey Department of Environmental Protection (NJDEP). Ms. Bush explained that the Compact and Commission's *Rules of Practice and Procedure* provide for the Commission to enter into cooperative agreements with state and federal regulatory agencies "for the purposes of facilitating the submission and review of applications and determinations required under Section 3.8 of the Compact and avoiding unnecessary duplication of staff functions and hearings required by law and for such other purposes as are feasible and advantageous for the administration of the Compact or any other law."

In 2015, the Commission entered into an administrative agreement (an "AA") with the State of New Jersey, under which the parties administer the Commission's One Permit Program, providing for a single process led by NJDEP for the review and adjudication of certain wastewater discharge and water allocation projects located in the New Jersey portion of the basin.

In the spring of 2023, NJDEP finalized detailed regulations for the permitting and operation of underground storage caverns. Ms. Bush explained that because New Jersey had adopted a detailed set of regulations and created a regulatory program focused on the development, operation, modification, and decommissioning of storage cavern projects, it made great sense to include the NJDEP's new regulatory program in the Commission's One Permit Program.

The primary purpose of the proposed amendments, she continued, was to add underground storage cavern projects to the categories of projects covered by the 2015 AA and to the classes of projects covered by the Commission's One Permit Program. The AA amendments would also remove

provisions concerning the transition to the One Permit Program, which were no longer applicable, and would update certain procedures for interagency coordination, improve clarity, and better align the language of the agreement with current practice.

The draft resolution and the text of the AA amendments were published on October 27, 2023. A duly noticed public hearing was conducted on November 8, 2023, and the comment period on the proposed amendments closed on November 20, 2023. During the 24-day comment period, the Commission received oral and written comment submissions on the proposed amendments from a single entity, the Delaware Riverkeeper Network (DRN).

The comments concerned the scope of the proposed changes, the public process for the proposed amendments, the process for coordinated project review under the One Permit Program, which underwent a public process for rulemaking in 2015, the impact of the proposed amendments on communities, and issues not directly related to the proposed amendments concerning the Commission's standard of review. Ms. Bush said the DRBC staff in consultation with staff of the NJDEP had developed a detailed response to DRN's comments, which the Commissioners had had an opportunity to review and consider, and which would be published on the Commission's website following the meeting that day if the Commissioners acted to approve the proposed resolution. Ms. Bush recommended they do so.

Mr. Kosinski so moved, Mr. Williams offered a second, and without further discussion, Resolution No. 2023-05 authorizing the Executive Director to amend the Commission's Administrative Agreement with the New Jersey Department of Environmental Protection (NJDEP) was approved by unanimous vote.

A Resolution for the Minutes to Amend the *Administrative Manual, By-laws, Management, and Personnel*. Ms. Bush explained that the proposed resolution concerned the internal management of the Commission, and was one of many periodic updates concerning personnel issues. She said this particular set of changes would amend three sections of the *By-laws, Management and Personnel*—those concerning grievance procedure; the policy prohibiting discrimination, harassment or hostile environments in the workplace; and a section on disciplinary action to integrate the Commission's procedures for processing a complaint of discrimination, harassment, or hostile environment with the procedures for processing other workplace grievances, and to clarify the scope of the provisions for disciplinary action.

Ms. Bush added that the Commission rarely has had cause to rely on these provisions, but the rules would be improved by the proposed amendments. She noted that the Commissioners had had an opportunity to review the draft changes and she requested that they approve the resolution as proposed.

Mr. Kosinski so moved, Ms. Buchheister offered a second, and without further discussion, the Resolution for the Minutes to Amend the *Administrative Manual, By-laws, Management, and Personnel* was approved by unanimous vote.

The text of the resolution follows:

#### RESOLUTION FOR THE MINUTES

A Resolution for the Minutes amending the *Administrative Manual – By-Laws, Management and Personnel*.

WHEREAS, the Commission periodically amends its *Administrative Manual – By-Laws, Management and Personnel (Bylaws)* to streamline procedures and update personnel policies;

WHEREAS, the Executive Director and staff have recommended amendments to the current *Bylaws* at Sections 5.11, “Grievance Procedure,” 5.12, “Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace,” and 5.13, “Disciplinary Action,” to: (i) integrate the Commission’s procedures for processing a complaint of discrimination, harassment, or hostile environment in the workplace with those for processing other workplace grievances; and (ii) clarify the scope of Section 5.13, “Disciplinary Action”; and

WHEREAS, the Commission has determined that its best interests are served by the revisions to the *Bylaws* described above; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that:

1. The *Administrative Manual – Bylaws, Management and Personnel* is hereby amended to incorporate the revisions shown in Attachment A.
2. The revised *Administrative Manual – Bylaws, Management and Personnel* shall be effective upon the date of adoption set forth below.

The attachment to the resolution is provided as Attachment A of these Minutes.

A Resolution for the Minutes Authorizing the Executive Director to Execute Pennsylvania Emergency Management Agency (PEMA) Flood Mitigation Grant Program documents. Ms. Bowman Kavanagh explained that the proposed resolution would authorize the Executive Director to execute all forms and documents required for the purpose of assisting PEMA in fulfilling its obligations to complete a grant project under the 2021 Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure and Communities (“BRIC”) program. The purpose of the grant was to provide flood preparedness planning, support, and assistance to an area of Pennsylvania comprised of Carbon, Lehigh, Northampton, and Bucks counties, and the portion of Luzerne county that lies within the Delaware Basin.

The proposed resolution would authorize the Executive Director to enter into an agreement with PEMA in an amount not to exceed \$200,000, under which DRBC staff would provide technical and communication support for the project. The resolution would further authorize the Executive Director to serve as the authorized agent on a “Designation of Agent” form and to enter into an agreement with a duly selected engineering contractor as needed to provide supplemental technical

support. Ms. Kavanaugh noted that the proposed resolution and Designation of Agent form had been provided to the Commissioners for their review in advance of the meeting. She recommended that the Commissioners approve the resolution as proposed.

Ms. Buchheister so moved, Mr. Williams offered a second, and without further discussion, the Resolution for the Minutes Authorizing the Executive Director to Execute Pennsylvania Emergency Management Agency (PEMA) Flood Mitigation Grant Program documents was approved by unanimous vote.

The text of the resolution follows:

#### RESOLUTION FOR THE MINUTES

A Resolution for the Minutes authorizing the Executive Director to execute all forms and documents required for the purpose of assisting the Pennsylvania Emergency Management Agency (“PEMA”) in fulfilling its obligations under certain federal flood mitigation grant program awards.

WHEREAS, the Delaware River Basin Compact (“Compact”) in relevant part provides that the Commission “shall develop and effectuate plans, policies and projects relating to the water resources of the basin” (§ 3.1); that it may “negotiate for such loans, grants, services, or other aids as may be lawfully available from public or private sources to finance or assist in effectuating any of the purposes of this compact ... and [may] receive and accept such aid upon such terms and conditions ... as may be required by federal or state law or as the commission may deem necessary or desirable” (§ 3.6(g)); that it shall “promote and aid the coordination of the activities and programs of federal, state, municipal and private agencies concerned with water resources administration in the basin” (§ 3.9); and that it may “employ any other agency or instrumentality of any of the signatory parties or of any political subdivision thereof, in the design, construction, operation and maintenance of structures ... or for any other purpose” (§ 3.9); and

WHEREAS, the Compact further specifies that the Commission may “plan, design, construct and operate and maintain projects and facilities, as it may deem necessary or desirable for flood damage reduction” (§ 6.1); and

WHEREAS, at PEMA’s invitation and request pursuant to the Federal Emergency Management Agency’s (“FEMA”) 2021 Building Resilient Infrastructure and Communities (“BRIC”) Grant Program, the Commission on November 24, 2023 submitted a proposed scope of work and an accompanying budget for the provision of technical assistance to PEMA in developing and implementing the Middle Delaware Basin Project (“Project”), the purpose of which is to provide flood preparedness planning support and assistance to a study area defined as Carbon, Lehigh, Northampton, and Bucks Counties as well as those portions of Luzerne County within the Delaware River Basin (“Study Area”); and

WHEREAS, PEMA proposes to enter into a contract with the DRBC in an amount not to exceed \$200,000 for technical and communication services, and to

supplement DRBC's assistance with the in-kind services of PEMA and local stakeholders; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that:

1. The Executive Director is authorized to enter into an agreement with PEMA for federal mitigation grant program funds in exchange for the provision of DRBC staff services consisting of flood preparedness planning support and assistance for the Pennsylvania counties included in the Study Area.
2. The attached Designation of Agent form authorizing the Commission's Executive Director Steve Tambini or his designee "to execute all required forms and documents for the purpose of obtaining financial assistance for" the federal mitigation grant programs listed therein is hereby approved.
3. The Executive Director is further authorized to enter into an agreement with a duly selected engineering contractor ("Subcontractor") to complete elements of the scope of work to be undertaken with the grant proceeds.
4. Expenditures pursuant to this authorization may not exceed the grant funds awarded to the Commission.
5. This resolution shall take effect immediately.

A Resolution for the Minutes to amend the Commission's Resolution for the Minutes of June 7, 2023, authorizing the Executive Director to enter into an agreement for the abatement of asbestos containing ceiling tiles in the Commission's West Trenton office building. DRBC's Deputy Executive Director Kristen Bowman Kavanagh explained that the proposed resolution would amend the dollar amount established by the Commission's June 7, 2023 resolution for abatement of asbestos containing ceiling tiles in the DRBC's West Trenton office building. Following the June 7 meeting, the Commission had received seven bid proposals for the project, all but one of which exceeded the authorized cost. The Commission had reserved sufficient General Fund resources to cover the higher anticipated expense. Accordingly, the resolution for the Minutes would increase the dollar amount of the June 2023 resolution from \$272,000 to \$425,000. Ms. Bowman Kavanagh noted that the proposed resolution and supporting materials had been circulated to the Commissioners for their review and consideration in advance of the meeting that day. She respectfully requested that they approve the resolution as proposed.

Mr. Kosinski so moved, Mr. Williams offered a second, and the Resolution for the Minutes to amend the Commission's Resolution for the Minutes of June 7, 2023, authorizing the Executive Director to enter into an agreement for the abatement of asbestos containing ceiling tiles in the Commission's West Trenton Office Building was approved by unanimous vote.

The text of the resolution as follows:

## RESOLUTION FOR THE MINUTES

A RESOLUTION for the Minutes to amend the Commission's Resolution for the Minutes of June 7, 2023 authorizing the Executive Director to enter into an agreement for the abatement of asbestos-containing ceiling tiles in the Commission's West Trenton office building.

WHEREAS, by Resolution for the Minutes dated June 7, 2023 (the "June 2023 Resolution"), the Commission authorized the Executive Director to select the lowest responsible bidder in response to a Request for Proposal (the "RFP") for the removal of asbestos-containing ceiling tiles and replacement of all ceiling tiles within the Commission's office building;

WHEREAS, the June 2023 Resolution limited the cost of the authorized activities to \$272,000;

WHEREAS, the Commission's RFP elicited seven responses, which ranged from \$217,000 to \$619,000, only one of which was within the authorized amount; and

WHEREAS, the Commission has reserved sufficient General Fund resources to cover the anticipated expense of the described activities; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that the dollar amount authorized by the June 2023 Resolution is hereby increased from \$272,000 to \$425,000.

Project Review Applications. Project Review Manager David Kovach reported that at the Commission's duly noticed quarterly public hearing on November 8, 2023, he had presented 26 draft dockets for public comment. All 26 were for projects located in the Pennsylvania portion of the basin. Nineteen (19) were wastewater discharge projects and seven (7) were water withdrawals.

Mr. Kovach noted that docket item 17, comprised of Docket D-2010-038 CP-4 for the Department of the Navy, had been docket item 13 of the September 2023 business meeting. At that meeting, Commission consideration of the docket had been postponed to allow additional time for review and to consider comments submitted by the Delaware Riverkeeper Network (DRN). Mr. Kovach reported that DRBC staff had since revised the draft docket to include pertinent details regarding groundwater withdrawals that are in integral part of the project, and provided a second opportunity for comment, including at the November 8, 2023 public hearing. He said the Commission had received no oral or written comments on the revised draft docket.

Mr. Kovach said that to the extent DRN's September 2023 comments were not addressed by the revised draft docket itself, the staff had responded in a comment and response document, which had been provided for the Commissioners' review and consideration in advance of the December 6, 2023 meeting. His summary of DRN's comments and DRBC's responses follows.

Mr. Kovach said DRN had noted a change in hydraulic capacity as between the current (CP-3) docket and the proposed (CP-4) version, and questioned whether this change was the result of an increase in capacity and whether the plant could adequately treat the volume of groundwater withdrawn at the site. Staff responded that the groundwater treatment plant was sized to treat approximately 150 gallons per minute (gpm), which is 0.216 million gallons a day (mgd), and that no change to the plant's capacity was proposed. He said the average annual flows and hydraulic capacities indicated in the proposed, current, and previous versions of the docket and permits were calculated based on historic and projected withdrawals at the site, which fluctuate based on actual and projected pumping, and pumping capacity.

Second, DRN had commented that the state's numerical effluent limits for PFAS compounds were not included in the proposed docket or in files obtained by DRN through a records request from DRBC. Mr. Kovach explained that the relevant and appropriate water quality requirement ("ARAR") established by the PA DEP on August 1, 2020 as ARAR No. 0920201 was included in the docket renewal application submitted by the docket holder to DRBC and was thus a part of the DRBC file furnished to DRN. He added that average and maximum concentration limits for total PFOS and PFOA were included in the ARAR, along with requirements that this information be reported to PA DEP. Because the limits and reporting requirements were not DRBC requirements, they were not included in the draft docket.

Third, DRN had asked whether DRBC had obtained assurance from the Navy that it would continue to recognize DRBC's enforcement authority. The staff's response was that as a practical matter, DRBC does not request such assurance from regulated entities and did not do so in this instance. Accordingly, it received no such assurance. Mr. Kovach noted that the Navy had consistently submitted its annual effluent monitoring reports to the DRBC and had consistently met all other requirements of its DRBC docket approval.

Last, DRN had renewed its request that DRBC consider adding PFAS compounds to its basin-wide water quality standards. Mr. Kovach explained, as he had in response to similar DRN requests in the past, that as resources allow, DRBC continues to support the Commission's federal and state members in their roles as lead agencies in establishing effective science-based policy approaches to the problem of PFAS.

Mr. Kovach recommended that the Commissioners approve as proposed all 26 draft dockets, including Docket D-2010-038 CP-4 for the Department of the Navy, that had been subjects of the public hearing on November 8, 2023.

Ms. Buchheister so moved, Mr. Williams offered a second, and without further discussion, docket items 1 through 26 were approved by unanimous vote. Descriptions of the dockets as proposed are provided in Attachment B of these Minutes.

Adjournment. Mr. Kosinski moved for adjournment, Ms. Buchheister seconded his motion, and the business meeting of December 6, 2023 was adjourned by unanimous vote at approximately 11:31 a.m.

Audio Recording. Audio recordings of the public hearing of November 8, 2023 and business meeting of December 6, 2023 are on file with the Commission Secretary.

Open Public Comment. Following the business meeting, Mr. Tambini hosted an open public comment session for off-the-record comment by stakeholders on water resource issues affecting the basin.

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

Pamela M. Bush, Esquire  
Commission Secretary and Assistant General Counsel

ATTACHMENT A

**Mark-Up Showing Revisions to the  
*Administrative Manual – By-Laws, Management and Personnel***

*Editor's Note:*

*Proposed additions are shown in redline with underscore.*

*Proposed deletions are shown in ~~redline with strikethrough~~.*

*A series of 4 asterisks (\* \* \* \*) denotes  
chapters, sections or paragraphs omitted because  
no changes are proposed to them.*

**Administrative Manual**  
**BY-LAWS, MANAGEMENT AND PERSONNEL**

**Adopted and Effective December 13, 1961**

**Revised through December 6, 2023**

\* \* \* \*

**CHAPTER 5**  
**PERSONNEL POLICIES**

\* \* \* \*

*[Editor's Note: The sequencing of existing Section 5.11 (Grievance Procedure) and existing Section 5.12 (Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace) is proposed to be reversed. This Attachment A reflects the proposed sequencing to be adopted by Resolution for the Minutes on December 6, 2023.]*

**5.11 Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.**

\* \* \* \*

5.11 H. *Complaints.*

~~Investigation of a claim of discrimination or harassment will be conducted in a prompt, thorough and impartial manner, in accordance with the procedure outlined in Section 5.12 B below. All investigations of discrimination/harassment claims The investigation will be conducted in a way that respects, to the extent possible, the privacy of all the persons involved. The investigations will be conducted in a prompt, thorough and impartial manner. The results of the investigation will be forwarded to the respective agency head to make a final decision as to whether a violation of the policy has been substantiated.~~

Where discrimination/ or harassment is found to have occurred, the Commission will take prompt and appropriate remedial action to stop the discrimination/ or harassment and deter its reoccurrence. The remedial action taken may include counseling, training, intervention, mediation, and/or the initiation of disciplinary action in accordance with Section 5.13 below, up to and including termination of employment.

The Commission shall maintain a written record of ~~the~~ discrimination/ and harassment complaints received. Written records will be maintained as confidential records to the extent practicable and appropriate.

\* \* \* \*

**5.12 Grievance Procedure. \* \* \* \***

\* \* \* \*

5.12 B. *Grievances Pertaining to Discrimination, Harassment or Hostile Environments in the Workplace.*

1. *Pre-Complaint Processing.*

An employee having a grievance relating to discrimination or harassment of any kind shall contact the Personnel Officer within 30 calendar days of the alleged discriminatory event. If the complaint arises in the Administrative Division, the Deputy Executive Director shall be contacted rather than the Personnel Officer. The following procedures will be followed:

The Personnel Officer shall attempt to resolve the complaint informally within 21 days after having been contacted by the employee. If the Personnel Officer is unable to resolve the complaint, the employee shall be so notified in writing and shall be referred to this Section 5.12 ~~provided with a copy of these regulations.~~

\* \* \* \*

2. *Complaint Processing.*

Upon receiving a written complaint of alleged ~~discriminatory action~~ discrimination or harassment, the Personnel Officer shall assign a person to investigate the complaint. The investigator so assigned shall be from an organizational unit of the Commission other than the one from within which the complaint arose.

The investigator shall inquire into the facts of the complaint and shall submit a written report of findings but without recommendations. Copies of the investigator's report shall be made available to the employee complainant and the Personnel Officer. The Personnel Officer shall attempt to resolve the complaint informally on the basis of the investigator's report.

If the complaint remains unresolved, the Personnel Officer shall recommend a decision to the Executive Director and shall notify the employee complainant of said recommendation. The employee complainant shall have the right to a hearing before the Executive Director based upon the Personnel Officer's recommended disposition of the complaint.

The Executive Director shall make an agency decision on the complaint after receiving the recommendations of the Personnel Officer, reviewing all relevant documents pertaining to the complaint, and holding a hearing for the employee complainant, if so requested. A copy of the Executive Director's decision shall be made available to the employee complainant. The employee complainant may appeal the Executive Director's decision to the Commission within 15 days of its receipt, or may file a civil action in an appropriate U.S. District Court within 30 days.

\* \* \* \*

### 5.13 Disciplinary Action.

5.13 A. *Disciplinary Action.* Any employee found to have violated ~~this policy~~ the policies set forth in this Administrative Manual – By-Laws, Management and Personnel may be subject to appropriate disciplinary action which may include: reprimand, suspension, reassignment, or termination of employment. Disciplinary action shall be taken in accordance with this Section 5.13 ~~5.12 of the Administrative Manual~~. Referral to another authority for review for possible violation of State and Federal statutes may also be appropriate.

## ATTACHMENT B

### DESCRIPTION OF PROJECTS APPROVED BY THE COMMISSION DURING THE BUSINESS MEETING OF December 6 , 2023

*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 at [https://www.nj.gov/drbc/programs/project/project-review\\_status-pg.html](https://www.nj.gov/drbc/programs/project/project-review_status-pg.html). This report, updated approximately once a month, 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 is compiled and posted as a "Notice of Applications Received" (NAR) at <https://www.nj.gov/drbc/programs/project/nar.html>, approximately once per month.
- Anyone interested in receiving notices about projects under review as the notices are posted on the Commission's website may sign up for the Commission's "Most Recent Notice of Applications Received" listserv at <https://www.nj.gov/drbc/contact/interest/index.html>.
- 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.
- Ten days prior to the hearing date, the hearing notice, along with draft dockets, is posted on the Commission's website. A public hearing and meeting notice also appears in the Federal Register and certain state registers in accordance with the respective schedules of these publications. The register notice directs readers to the Commission's website for links to the draft dockets available for comment.

Written comment on hearing items is ordinarily accepted until 5 p.m. on the Monday of the week following the public hearing.

At the Commission's 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. Descriptions of the projects (based on the applications received, which may vary from final projects) for which the Commission issued approvals on December 6, 2023 are presented below.

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

1. American Nickeloid Company, D-1985-030 -4. An application to renew the approval of the applicant's existing 0.045 mgd IWTP and its discharge. The IWTP will continue to discharge treated effluent to the Lehigh River at River Mile 183.7 - 45.1 (Delaware River - Lehigh River) within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in Walnutport Borough, Northampton County, Pennsylvania.
2. Middle Smithfield Township, D-1990-080 CP-5. An application to renew the approval of the existing 1.0 mgd Fernwood WWTP. The WWTP will continue to discharge treated effluent to the Bush Kill at River Mile 226.9 – 2.3 (Delaware River – Bush Kill) which is located within the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which the Commission has designated as Special Protection Waters, in Middle Smithfield Township, Monroe County, Pennsylvania.
3. Maidencreek Township Authority, D-1991-058 CP-6. An application to approve the withdrawals from new wells 6 and 7 and renew a total combined allocation of 23.46 million gallons per month (mgm) of groundwater from new wells 6 and 7 and existing wells 2, 3 and 5 for public water supply. The wells are completed in the Allentown, Epler and Ontelaunee Formations in the Lower Maiden Creek and Willow Creek watersheds in Maidencreek Township, Berks County, Pennsylvania.
4. Orwigsburg Borough, D-1992-005 CP-4. An application to renew the approval of an existing groundwater withdrawal of up to 11.8 million gallons per month from existing wells 1, 2, 3 and 4 for public water supply. The wells are completed in the Mahantango Formation and are located in the Manhannon Creek Watershed in Orwigsburg Borough, Schuylkill County, Pennsylvania.
5. East Vincent Township, D-1993-032 CP-5. An application to renew the applicant's existing 0.325 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to the Schuylkill River at River Mile 92.47 - 43.5 (Delaware River - Schuylkill River), via Outfall No. 001, in East Vincent Township, Chester County, Pennsylvania.
6. Viant Collegeville, LLC, D-1993-061 -4. An application to renew the approval of an existing groundwater withdrawal of up to 3.265 mgm associated with the remediation of groundwater from existing Wells Nos. UTM-1 and UTM-11. The project wells are completed in the Brunswick Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Commission's designated Southeastern Pennsylvania Ground Water Protected Area (SEPA GWPA) in the Perkiomen Creek Watershed in Trappe Borough, Montgomery County, Pennsylvania.
7. Lower Bucks County Joint Municipal Authority, D-1993-068 CP-4. An application to renew the approval of the existing 10 mgd Lower Bucks County Joint Municipal Authority WWTP. No modifications are proposed. The WWTP will continue to discharge treated effluent to Water Quality Zone 2 of the Delaware River at River Mile 122.1, via Outfall No. 001, Located in Bristol Township, Bucks County, Pennsylvania.

8. Northside Heights Mobile Home Estates, D-1996-039 CP-4. An application to renew the approval of the existing 0.1 mgd Northside Heights Estates WWTP and its discharge. The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) to Lizard Creek at River Mile 183.7 - 39.3 - 7.0 - 0.2 (Delaware River - Lehigh River - Lizard Creek - UNT Lizard Creek), via Outfall No. 001, within the drainage area to the Lower Delaware Special Protection Waters (SPW in East Penn Township, Carbon County, Pennsylvania).
9. Downingtown Area Regional Authority, D-1998-033 CP-5. An application to renew the applicant's existing 10.88 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to the East Branch Brandywine Creek at River 70.73 – 1.5 – 20.0 – 7.65 (Delaware River - Christina River - Brandywine Creek - East Branch Brandywine Creek) via Outfall No. 001, in East Cain Township, Chester County, Pennsylvania.
10. Oley Township Municipal Authority, D-2001-036 CP-3. An application to renew the approval of an existing groundwater withdrawal of up to 10.416 mgm to supply the applicant's public water supply distribution system from existing Wells Nos. 1, 2, 3 and 4. The project wells are completed in Granitic Gneiss. The requested allocation is not an increase from the previous allocation. Well No. 1 is located in the Furnace Creek Watershed and Wells Nos. 2, 3 and 4 are located in the Manatawny Creek Watershed, which are both in Oley Township, Berks County, Pennsylvania.
11. Rivercrest Homeowners Association, D-2001-045 CP-5. An application to renew the approval of the applicant's existing 0.112 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) to the Schuylkill River at River Mile 92.47 - 36.3 - 0.5 (Delaware River - Schuylkill River - UNT Schuylkill River), via Outfall No. 001, and at Doe Run at River Mile 92.47 - 36.3 - 0.8 (Delaware River - Schuylkill River - Doe Run), via Outfall No. 002, all located in Providence Township, Montgomery County, Pennsylvania.
12. Northampton Boro MA, D-2004-006 CP-3. An application to renew the approval of an allocation of 248.0 million gallons per month of surface water from two existing surface water intakes on the Lehigh River and one existing intake at the Spring Mill Dam for public water supply. The intakes are located in the Lehigh River and Spring Creek Watersheds in Whitehall Township, Lehigh County, Pennsylvania within the drainage area to the Lower Delaware which the Commission has designated as Special Protection Waters.
13. Telford Borough Authority, D-2004-010 CP-3. An application to renew the approval of an existing groundwater withdrawal of up to 38.6 mgm to supply the applicant's public water supply distribution system from Well Nos. 1, 2, 3, 4, 5, 6 and 7. The project wells are completed in the Brunswick Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Commission's designated Southeastern Pennsylvania Ground Water Protected Area (SEPA GWPA) in the East Branch Perkiomen Creek Watershed, in Telford Borough in Bucks and Montgomery County, Pennsylvania and West Rockhill and Hilltown Townships, Bucks County, Pennsylvania.
14. Bear Creek Mountain Resort and Conference Center, D-2005-016 -4. An application to renew the approval of the applicant's existing 0.045 mgd WWTP and its discharge. The WWTP will continue to reuse its treated effluent for its snowmaking system (0.035 mgd) and discharge its treated effluent to land via a spray irrigation field. The WWTP and its discharge to land will continue to operate within the drainage area to Schuylkill River, located in Longswamp Township, Berks County, Pennsylvania.
15. East Brandywine Township Municipal Authority, D-2007-043 CP-4. An application to renew the approval of the applicant's existing 0.055387 mgd Hillendale WWTP and its discharge to land. The

WWTP will continue to discharge treated effluent to 4 designated drip areas, located within the drainage area to East Branch Brandywine Creek, located in East Brandywine Township, Chester County, Pennsylvania.

16. Bryn Athyn Borough, D-2008-013 CP-6. An application to renew the approval of the applicant's existing 0.065 mgd Academy of The New Church WWTP and its discharge. The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) to Huntingdon Valley Creek at River Mile 109.75 - 12.02 - 1.11 - 0.17 (Delaware River - Pennypack Creek - Huntingdon Valley Creek - UNT Huntingdon Valley Creek) via Outfall No. 001, in Bryn Athyn Borough, Montgomery County, Pennsylvania.
17. Department of the Navy, D-2010-038 CP-4. An application to renew the approval of an existing discharge of treated groundwater from the Department of the Navy, Warminster Groundwater Treatment Plant (GWTP). The existing GWTP will continue to pump and treat an average annual flow of 0.216 mgd of contaminated groundwater from 29 on-site wells for discharge to an unnamed tributary (UNT) of the Little Neshaminy Creek, a tributary of the Neshaminy Creek, at River Mile 115.6 - 23.6 - 3.3 - 1.4 (Delaware River - Neshaminy Creek - Little Neshaminy Creek - UNT), via Outfall No. 002, relocated for federal permitting requirements in Warminster Township, Bucks County, Pennsylvania.
18. Hamburg Municipal Authority, D-2012-022 CP-2. An application to renew the approval of a combined allocation of 35 million gallons per month of surface water and groundwater from Furnace Creek Reservoir and existing water filtration plant and existing wells HMA-2, HMA-3, HMA-4, HMA-5, HMA-6 and HMA-7 for public water supply. The project wells are located in the Furnace Creek and Schuylkill River Watersheds, in Windsor Township, Berks County, Pennsylvania.
19. Pottstown Borough Water Authority, D-2013-022 CP-2. An application to renew the approval of the applicant's existing Water Filtration Plant (WFP) and its discharge of up to 0.121 of filter backwash. The WFP will continue to discharge 0.12 mgd of treated filter backwash and process water to the Schuylkill River at River Mile 92.47 - 55.7 (Delaware River - Schuylkill River) and 0.0098 to an unnamed tributary to the Schuylkill River at river mile 92.47 - 56 - 0.19 (Delaware River - Schuylkill River - UNT to Schuylkill River), via Outfall Nos. 001 and 002, respectively. The facility is located in West Pottsgrove Township, Montgomery County, Pennsylvania.
20. Tyler Hill Camp, Inc. D-2017-001 -2. An application to approve the applicant's existing 0.030 mgd WWTP and its discharge. The WWTP will continue to discharge to Laurel Lake, which flows to an unnamed tributary (UNT) of North Branch Calkins Creek at River Mile 295.8 - 0.7 - 4.0 - 1.2 - 0.3 (Delaware River - Calkins Creek - North Branch Calkins Creek - UNT North Branch Calkins Creek - Laurel Lake) located in Damascus Township, Wayne County, Pennsylvania, within the drainage area of the section of the non-tidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters.
21. Glencrest MHP LLC, D-2017-007 -2. An application to renew the approval of the applicant's existing 0.035 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) to Coplay Creek at River Mile 183.7 - 21.1 - 12.6 - 0.47 (Delaware River - Lehigh River - Coplay Creek - UNT to Coplay Creek), via Outfall No. 001, in Washington Township, Lehigh County, Pennsylvania, within the drainage area to the Lower Delaware Special Protection Waters (SPW).
22. Lehigh County Authority, D-2017-012 CP-2. An application to renew the approval of the applicant's existing 0.035 mgd Sand Spring WWTP, and its discharge. The existing WWTP will continue to

discharge treated effluent to an unnamed tributary to Coplay Creek at River Mile 183.7 - 20.8 - 9.8 - 0.1 (Delaware River - Lehigh River - Coplay Creek - UNT to Coplay Creek) via Outfall 002, in the drainage area to the Lower Delaware Special Protection Waters (SPW) Area, in North Whitehall Township, Lehigh County, Pennsylvania.

23. Bangor Area School District, D-2018-007 CP-2. An application to renew the applicant's existing 0.023 mgd WWTP and its discharge. The existing WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) to Jacoby Creek at River Mile 207.5 - 2.3 - 2.4 (Delaware River - Jacoby Creek - UNT to Jacoby Creek), via Outfall No. 001. The project is located within the drainage area to the section of the non-tidal Delaware River known as the Lower Delaware, which the Commission has designated as Special Protection Waters, in Upper Mount Bethel Township, Northampton County, Pennsylvania.

*B. Renewals with Substantial Changes (Items 24 – 26)*

24. Philadelphia (City of), D-1970-053 CP-2. An application to modify the applicant's existing 200 mgd Southwest Water Pollution Control Plant (SWPCP) and increase the facility's hydraulic design capacity. The applicant proposes to expand the capacity of the facility's primary sedimentation tank capacity to reduce combined sewer overflow (CSO) events and increase its peak instantaneous flow from 420 to 460 mgd. The existing SWPCP will continue to discharge treated effluent to Water Quality Zone 4 of the Delaware River at River Mile 91.7, located in the City of Philadelphia, Pennsylvania.
25. Hickory Hills MHC, D-1973-079 -3. An application to approve a modification of the docket holder's existing 0.06 million gallons per day (mgd) WWTP and its discharge. The existing two (2) train, extended aeration activated sludge treatment process will be replaced with a 2-train 0.06 mgd Sequencing Batch Reactor (SBR) system. The WWTP will continue to discharge to an unnamed tributary to East Branch Monocacy Creek at River Mile 183.66 - 11.5 - 10.1 - 6.3 - 0.35 (Delaware River - Lehigh River - Monocacy Creek - East Branch Monocacy Creek - UNT East Branch Monocacy Creek) via Outfall No. 001, within the drainage area to the Lower Delaware Special Protection Waters, in Moore Township, Northampton County, Pennsylvania.
26. Bangor Borough, D-1988-087 CP-2. The purpose of this docket is to approve upgrades and to renew approval of the docket holder's existing 1.6 million gallons per day (mgd) WWTP and its discharge. The purpose of the Capital Improvement Plan is to upgrade the existing controls to modern standards, no treatment changes are proposed at this time. The docket holder's WWTP will continue to discharge up to 1.6 mgd of treated effluent to Martins Creek at River Mile 183.67 - 9.5 - 9.2 (Delaware River - Lehigh River - Martins Creek), within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in Washington Township, Northampton County, Pennsylvania.