

**DELAWARE RIVER BASIN COMMISSION**

**MEETING OF MARCH 6, 2013**

**Minutes**

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

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

The Commission met at the West Trenton Volunteer Fire Company hall in West Trenton, New Jersey for its business meeting on March 6, 2013.

Commission Chairwoman Kelly J. Heffner convened the meeting at 12:15 p.m. with introductions by the Commissioners and key staff.

Minutes. The Minutes for the Commission Meeting of December 5, 2012 were approved unanimously on a motion by Ms. Siekerka, seconded by Mr. Eaton.

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

- *American Water Resources Association (AWRA).* AWRA, founded in 1964, is a non-profit professional association dedicated to the advancement of men and women in water resources management, research and education. DRBC Executive Director Carol R. Collier is currently serving as its president. Upcoming AWRA conferences include:
  - *2013 Spring Specialty Conference: Agricultural Hydrology and Water Quality II.* March 25-27 at the Hilton St. Louis Ballpark Hotel, St. Louis, Missouri.
  - *2013 Summer Specialty Conference: Environmental Flows.* June 24-25 at the Hilton Hartford Hotel, Hartford, Connecticut.

- *2013 Summer Specialty Conference: Healthy Forests = Healthy Waters.* June 27-28 at the Hilton Hartford Hotel, Hartford, Connecticut.

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 March 4, 2013 was 3.87 inches or 2.23 inches below normal. The observed precipitation for the Basin above Trenton for the same period was 4.40 inches or 2.16 inches below normal and for the Basin above Wilmington, Delaware for this period, 6.01 inches or 0.74 inches below normal.

The average observed streamflow of the Delaware River at Montague in February 2013 was 5,828 cubic feet per second (cfs) or 117.2 percent of the long-term average for the month. For the same period, the average observed streamflow at Trenton was 14,079 cfs, or 109.4 percent of the long-term average for the month.

For the period of March 1 through March 4, the average observed streamflow at Montague was 4,103 cfs, or 82.5 percent of the long-term average for the month. The average streamflow at Trenton during the same period was 11,010 cfs, or 85.6 percent of the long-term average for the month.

In the Lower Basin, as of March 5, 2013, Beltzville Reservoir contained 13.97 billion gallons (bg) usable, or 100.3 percent of usable storage, and Blue Marsh contained 4.29 bg usable, or 100.2 percent of winter pool usable storage. As of March 4, Merrill Creek contained 14.86 bg usable, or 94.7 percent of usable storage.

In the Upper Basin, as of March 5, 2013, Pepacton Reservoir contained 116.981 bg usable or 83.5 percent of usable storage. Cannonsville contained 80.654 bg usable, or 84.3 percent of usable storage. Neversink contained 27.524 bg usable or 78.8 percent of usable storage. The total New York City Delaware Basin reservoir storage was 225.159 bg usable or 83.1 percent of usable storage.

During the month of February 2013, the location of the seven-day average of the 250-parts-per-million (ppm) isochlor, also known as the "salt front," ranged from River Mile (RM) 64 to RM 74. The normal location of the salt front during February is RM 68, which is ten miles downstream of the Delaware-Pennsylvania state line. As of March 1, the salt front was located at RM 74, which is seven miles upstream of the normal location of the salt front during March.

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

- *Dr. Ruth Patrick River Garden in the DRBC Courtyard.* Those who frequent DRBC's West Trenton office building know that the Commission has been working for years on a plan to better utilize the building's courtyard by transforming it into the Ruth Patrick River Garden. Following the customary bidding process, Mark Shablin Landscape Contracting was awarded a contract to implement the approved design. The project is

being funded entirely from donations by staff, alumni, friends of the DRBC, and friends of Dr. Patrick. When the garden is complete, it will be a resource for the community and staff and will be used in educational outreach. Ms. Collier noted that there were still opportunities to contribute bricks, trees and benches.

- *DRBC Budget.* Ms. Collier noted that as a consequence of federal sequestration, reductions in state budgets and other factors, the Commission faces a significant deficit in Fiscal Year 2014 and likely will reduce the services it provides to the basin. The federal government still has not restored the annual member contribution to which it is committed under the Delaware River Basin Compact, and sequestration is affecting funds that DRBC receives annually from the U.S. EPA pursuant to the federal Clean Water Act. Effects on the Basin potentially include the loss of streamflow gages maintained in part by the U.S. Geological Survey, which provide data vital to measuring and managing hydrologic conditions. A pilot study on the Basin to be performed as part of the USGS WaterSMART national water census is also in jeopardy. The Water Resource Development Act (WRDA) or some other federal legislation could potentially bring federal funding back to the Commission. Senators Carper of Delaware, Gillibrand of New York and Lautenberg of New Jersey are critical to that action. Those interested in hearing more about the WRDA legislation or who would be willing to lend support are asked to contact Clarke Rupert or Ms. Collier.

General Counsel's Report. Mr. Warren reported on the status of a legal challenge pending in federal court in New Jersey – an appeal by the Delaware Riverkeeper Network of the Stone Energy water withdrawal docket approved by the Commission in July of 2010. The status of that matter remained the same as at the time of the Commission's December 2012 meeting. The parties await decisions from the magistrate judge regarding discovery, production of documents and completion of the administrative record.

The Commission also received an administrative appeal of a docket issued in December 2012 on the Susquehanna-Roseland powerline project. Mr. Warren explained that because some questions were still to be resolved in connection with that matter, his recommendation was that that request be deferred until the Commission's next meeting to allow staff to fully inform the Commissioners and enable them to make a decision.

Ms. Bush reported that the Commissioners had before them pending requests by the Delaware Riverkeeper Network for hearings in connection with two natural gas pipeline projects – the Columbia 1278 Replacement project and the Tennessee Gas Pipeline 300 Line project. She invited the Chair to address those items.

Chairwoman Heffner recalled that at the Commission's public meeting on December 5, 2012, the Commissioners had offered responses to requests by the Delaware Riverkeeper Network for hearings under Article 6 of the Rules of Practice and Procedure to reconsider determinations by the Executive Director in July of 2012 concerning Commission review of certain natural gas pipeline projects. At the December meeting the Commission declined DRN's request for an Article 6 hearing on the Executive Director's decision to review the Tennessee Gas Pipeline Company's Northeast Upgrade project ("NEUP"). Ms. Heffner explained that since the Commission in fact reviewed that project and issued a docket for it following a duly noticed

public hearing in July, the Commissioners had concluded that DRN's request was moot at the time DRN made it. She added that the docket approval for the NEUP contains a finding that the project does not conflict with the Comprehensive Plan, which finding was based on a review of the project relative to all applicable Commission regulations. She said the docket was the Commission's final action on the NEUP and it was not appealed, adding that the time for appeal of the action has elapsed and the Commission was not entertaining appeals or requests for rehearing on that final action now.

Ms. Heffner related that DRN's other hearing requests called for reconsideration of the Executive Director's determination that DRBC review was not required for two other natural gas transmission line projects – the Columbia 1278 Replacement project and the Tennessee Gas Pipeline Company 300 Line. As a result of DRN's request, the staff by way of due diligence undertook a second careful look at whether the projects required review under DRBC's current rules. At the Commissioners' December meeting they directed the Executive Director to examine new information produced by staff in the course of this second look and authorized her to amend her determination before the end of January if appropriate. Ms. Heffner said that in accordance with the Commissioners' direction, the Executive Director examined the new information furnished by staff and concluded that both the 300 Line and the Columbia 1278 Replacement project were reviewable under DRBC's current rules because both fall within an exception to the general exclusion from review for natural gas transmission lines. The exception applies to projects crossing areas that have been incorporated into the Commission's Comprehensive Plan as recreation areas. Both the 300 Line and the 1278 Replacement Line cross such an area – Pennsylvania's Delaware State Forest – a fact not recognized during staff's original screening of the two projects. Ms. Heffner explained that the staff had put in place a process to ensure such an oversight would not occur again. The Executive Director in January informed the Riverkeeper of her determination that the two projects will undergo after-the-fact reviews. Staff also informed the project sponsors that they must submit applications to the Commission for review of their respective projects. DRBC's review of these completed projects will not interrupt their operations but will involve consideration of any additional conditions that may be necessary to ensure that the projects do not impair or conflict with the Comprehensive Plan. For each of the projects review will include the development of a draft docket followed by a public hearing and Commission consideration and action at a public meeting.

Ms. Bush acknowledged the Commission's receipt of a second petition from the Riverkeeper Network concerning pipelines (the Commission responded to an earlier petition in December 2012) and said the Commission had no further response on that item at this time.

Public Dialogue. Delaware Riverkeeper Maya van Rossum interrupted the meeting at this point to assert that she and other protesters would not allow the Commission to reject their request that the Commission exercise its jurisdiction over pipelines to protect communities, water resources and the Delaware River Watershed.

Ms. van Rossum and other attendees ignored Ms. Heffner's requests for order, at which point Ms. Heffner announced a short recess. The Commissioners and counsel briefly adjourned to an adjoining conference room. Upon their return, Ms. Heffner announced that the public dialogue

portion of the meeting, which normally follows other business, would proceed first. The business agenda would follow and be completed prior to adjournment at 3:00 p.m.

Ms. Bush attempted to call speakers in the order in which they had pre-registered. However, the speakers declined to follow the prescribed meeting procedure and continued to speak and chant.

At approximately 2:30 p.m., Chairwoman Heffner announced that the public dialogue portion of the meeting must end to allow the Commission to complete its business. The crowd declined to quiet down. Accordingly, the Chair, Commissioners and Commission Secretary shouted over them.

*Settlement Agreements.* Ms. Bush explained that Section 2.7.8 of the Rules of Practice and Procedure provides for settlement in lieu of a penalty wherever settlement is in the interest of the Commission and the regulated party. She asked the Commissioners to ratify two settlement agreements in connection with alleged violations of DRBC docket conditions for, respectively, Penn Estates Utilities, Inc. (D-1999-020-2), and Pennsylvania Utility Company (D-1975-093 CP-4). These two agreements did not involve contested facts. Both concern alleged effluent monitoring violations, which are classified as minor or moderate on the civil penalty matrix that the Commission adopted in 2009. The settlement amounts are the lowest amounts authorized under circumstances where the docket holder has no record of past violations, has cooperated in good faith with the Commission, is not willfully violating Commission requirements, has incurred only minor economic benefits as a result of the alleged violation and where limited or no adverse effects on water resources have occurred as a result of the violation. Ms. Bush explained that both of the settlement agreements had been executed by the staff.

Chairwoman Heffner requested a motion to ratify the two settlement agreements as described by Ms. Bush. Mr. Eaton so moved, Ms. Siekerka offered a second, and the settlement agreements with Penn Estates Utilities, Inc. and Pennsylvania Utility Company were unanimously approved.

Project Review Applications. A duly noticed public hearing on the project review applications had been conducted on March 5, 2013 (the previous day). After reviewing all written and oral comments offered on the projects, Mr. Muszynski recommended that all of the draft dockets be approved. Ms. Heffner asked for a single motion to approve all of the dockets, consisting of hearing items 1 through 9 and 11 through 23, descriptions of which are attached hereto. Mr. Eaton so moved, Ms. Siekerka seconded his motion, and the draft dockets for which a hearing had been completed on March 5 were approved by unanimous vote. A tape and partial transcript of the public hearing are on file with the Commission Secretary.

In a separate action, on the recommendation of Water Management Branch Manager William Muszynski, Ms. Heffner asked the Commissioners for a motion to approve hearing item 24, a resolution adding the Philadelphia Regional Port Authority's Southport Marine Terminal project to the Comprehensive Plan. Mr. Eaton so moved, Ms. Stiller seconded his motion, and Resolution No. 2013-1 was approved by unanimous vote.

The Commission's business meeting of March 6, 2013 was adjourned at 3:00 p.m.

*/s/ Pamela M. Bush*

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Pamela M. Bush, J.D.

Commission Secretary

## ATTACHMENT

### DESCRIPTION OF APPLICATIONS FOR PROJECTS APPROVED BY THE COMMISSION DURING THE BUSINESS MEETING OF MARCH 6, 2012

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

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

The projects for which a hearing was conducted on March 5 and the Commission acted on March 6 are listed below in three groups: Category A, consisting of docket renewals involving no substantive changes (items 1 through 7); Category B, consisting of renewals involving significant changes, such as an increase or decrease in an authorized withdrawal or discharge (items 8, 9 and 11 through 18); and Category C, consisting of projects not previously reviewed by the Commission (items 19 through 24).

#### *A. Renewals with No Substantive Changes (items 1 through 7).*

1. Philadelphia Energy Solutions Refining and Marketing (R&M), LLC, D-1969-163-2. An application to renew the approval of an existing discharge from the 8 million gallon per

day (mgd) Point Breeze industrial wastewater treatment plant (IWTP). The IWTP will continue to discharge treated effluent to the tidal section of the Schuylkill River, which is located in Water Quality Zone 4, at River Mile 92.47 – 3.31 (Delaware River – Schuylkill River) in the City of Philadelphia, Philadelphia County, Pennsylvania.

2. New Jersey American Water Company, D-1981-017 CP-4. An application to renew the approval of an existing groundwater withdrawal (GWD) of up to 53.568 million gallons per month (mgm) to supplement the applicant's Raritan System from existing Jefferson Park Well Nos. 1 and 2 completed in the Raritan Formation. Water withdrawn from the wells and wastewater is exported to the Atlantic Basin. The wells are located in the Assunpink Creek Watershed in West Windsor Township, Mercer County, New Jersey.
3. East Vincent Township, D-1993-032 CP-3. An application to renew the approval of an existing discharge from the 2.0 mgd Veterans Center wastewater treatment plant (WWTP). The WWTP will continue to discharge an average of 0.5 mgd of treated domestic wastewater to the Schuylkill River, via Outfall No. 001, at River Mile 92.47 – 43.5 (Delaware River – Schuylkill River) in East Vincent Township, Chester County, Pennsylvania.
4. Lyons Borough Municipal Authority, D-1994-080 CP-3. An application to renew the approval of an existing discharge from the 0.3 mgd Lyons Borough Municipal Authority WWTP. The WWTP will continue to discharge treated wastewater effluent to the Sacony Creek, a tributary to the Maiden Creek, which is a tributary to the Schuylkill River, at River Mile 92.47 – 86.7 - 11.3 - 12.2 (Delaware River – Schuylkill River - Maiden Creek - Sacony Creek), in the Borough of Lyons, Berks County, Pennsylvania.
5. Aronimink Golf Club, D-2001-062-2. An application to renew the approval of an existing GWD of up to 11.16 mgm to irrigate the applicant's golf course from existing Wells Nos. 1,2,3 and A completed in Felsic Gneiss rock of the Upland portion of the Piedmont Province. The requested allocation is not an increase from the previous allocation. The project is located in the Darby Creek Watershed in Newtown Square, Delaware County, Pennsylvania.
6. East Brandywine Township Municipal Authority, D-2007-002 CP-2. An application to renew the approval of an existing discharge from the 0.3 mgd Applecross WWTP. The flow of the WWTP has been limited to an average of 0.138 mgd in the PADEP WQM Permit. Treated effluent from the WWTP is discharged to a golf course spray irrigation system, two on-site drip irrigation fields, and a stream discharge. The stream discharges to Beaver Creek at River Mile 70.73 - 1.77 - 20.22 - 8.7 - 6.1 (Delaware River - Christina River - Brandywine Creek - East Branch Brandywine Creek - Beaver Creek) via Outfall No. 001, in East Brandywine Township, Chester County, Pennsylvania.
7. Jackson Township Authority, D-2007-004 CP-2. An application to renew the approval of an existing discharge from the 0.5 mgd Jackson Township WWTP. The WWTP will continue to discharge treated effluent to an Unnamed Tributary (UNT) of Owl Creek above the Blue Marsh Reservoir at River Mile 92.47 - 76.8 - 27.4 - 3.3 - 0.1 (Delaware

River - Schuylkill River - Tulpehocken Creek - Owl Creek - UNT) via Outfall No. 001, in Jackson Township, Lebanon County, Pennsylvania.

*B. Renewals with Substantive Changes (items 8, 9 and 11 through 18).*

8. Exide Technologies, D-1976-097-3. An application to modify the DRBC approval for the existing Exide battery manufacturing facility stormwater treatment plant (SWTP). The SWTP is designed to treat an average annual flow of 0.4 million gallons per day (mgd) and hydraulically designed for 0.75 mgd. The modification consists of adding an 828,900-gallon above ground storage tank to the existing SWTP in order to increase the overall storage capacity to enable the facility to capture, store, and treat the stormwater runoff volume generated at the Exide site during the design ten-year frequency rainfall event. The SWTP will continue to discharge treated stormwater 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. No other modifications to the existing SWTP are proposed. The application also includes a renewal of: (1) Exide's existing onsite industrial wastewater treatment plant (IWTP), which is designed to treat 0.7 mgd, but permitted to discharge up to 0.25 mgd, and which will not be modified; and (2) a total dissolved solids (TDS) determination of 6,000 million gallons per liter (mg/l) (monthly average) and 7,500 mg/l (daily maximum) for the existing IWTP. The application included a request for emergency approval of the project, which was approved on January 8, 2013.
9. Town of Fallsburg, D-1985-074 CP-2. An application for approval to expand the hydraulic design of the Loch Sheldrake WWTP from 0.7 mgd to 4.32 mgd. Due to changes in the region, the expansion plans never came to fruition and therefore the docket approves the renewal of the existing WWTP and its related discharge. The WWTP will continue to discharge to Sheldrake Stream at River Mile 253.64 - 27.3 - 9.83 (Delaware River - Neversink River - Sheldrake Stream) and is located within the drainage area of the section of the non-tidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in the Town of Fallsburg, Sullivan County, New York.
11. Horsham Water & Sewer Authority, D-1988-017 CP-2. An application to renew the approval of an existing discharge and to approve the expansion of the 1.3 mgd Park Creek WWTP to 2.79 mgd. Effluent limits from PADEP and the Commission will be based upon an average annual flow of 2.25 mgd. The WWTP will continue to discharge treated effluent to Park Creek at River Mile 115.63 - 24.1 - 9.0 - 1.1 (Delaware River - Neshaminy Creek - Little Neshaminy Creek - Park Creek), in Horsham Township, Montgomery County, Pennsylvania.
12. Downingtown Municipal Water Authority, D-1989-063 CP-2. An application for approval of a GWD from new Well No. DPW-1 to supply up to 44.64 mgm of water to the applicant's public water supply system and to retain the existing total system allocation of 77.5 mgm. The system will continue to be supplied by one surface water intake located in the East Branch Brandywine Creek in Downingtown Borough, Chester

County, Pennsylvania. The new well is to be used only as an emergency/backup supply when DMWA's existing surface water withdrawal is disrupted. The new well is completed in the Ledger Formation within the drainage area of the East Branch Brandywine Creek in Downingtown Borough, Chester County, Pennsylvania.

13. Town of Fallsburg, D-1994-059 CP-2. An application for approval to expand the hydraulic design of the existing South Fallsburg (WHO) WWTP from 3.26 mgd to 10.7 mgd. Due to changes in the region, the expansion plans never came to fruition and therefore the docket approves the renewal of the existing WWTP and its related discharge. The WHO WWTP will continue to discharge to the Neversink River at River Mile 253.64 - 32.4 (Delaware River - Neversink River) and is located within the drainage area of the section of the non-tidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in the Town of Fallsburg, Sullivan County, New York.
14. Sunoco Inc. Refining and Marketing, LLC, D-1995-041-2. An application to renew the approval of the withdrawal of up to 4.171 mgm of groundwater from seventy-eight (78) on-site remediation wells at the Philadelphia Refinery. The wells are located in the Cape May Formation in the City of Philadelphia, Philadelphia County, Pennsylvania.
15. Nestlé Waters North America, Inc., D-1997-046-4. An application to continue the withdrawal of 9.3 mgm of spring water from Spring Nos. 1 and 3 at Arrowhead Springs Farm for the purpose of water bottling and to divert a maximum of 2.232 mgm of Spring No. 3 overflow to supply the applicant's trout hatchery house. The applicant has requested a reduction in the current passby flow requirement from 1.45 mgd to 1.28 mgd to allow spring withdrawals only when stream flows are above 1.28 mgd. DS Waters of America, Inc. will be removed as a co-docket holder, but its West Earl Township bottling plant is proposed to remain in the Area Served section of the docket. The withdrawal project is located in the Mill Creek Watershed in Millcreek Township, Lebanon County, Pennsylvania.
16. Buckingham Township, D-2003-013 CP-6. An application to approve a GWD from new Well No. CS-4 and to renew the approval of an existing GWD of up to 43.4 mgm to supply the applicant's public water supply system from existing Wells Nos. F-1 through F-9, CS-1 through CS-3, CS-5, BV-1, BV-2, FS-1, FS-2, FG-1, FG-2, L-1 and L-2 in the Stockton, Brunswick and Lockatong Formations. The requested allocation is not an increase from the previous allocation. The wells are located within the Commission's designated GWPA in the Neshaminy, Pine Creek and Robin Run Watersheds in Buckingham Township, Bucks County, Pennsylvania.
17. Coolbaugh Township, D-2006-023 CP-3. An application to renew and modify the approval of an existing discharge from the Coolbaugh Township WWTP. The WWTP is designed for a hydraulic capacity of 0.1 mgd, however the PADEP has limited its permitted discharge rate to 0.052 mgd. This docket modifies the previous DRBC approval to similarly provide for a discharge rate of 0.052 mgd. The WWTP will continue to discharge treated wastewater effluent to the Tobyhanna Creek at River Mile

183.66 - 83.5 - 22.3 (Delaware River - Lehigh River - Tobyhanna Creek), within the drainage area of the section of the non-tidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in Coolbaugh Township, Monroe County, Pennsylvania.

18. Lehigh Carbon Community College, D-2009-025 CP-2. An application to renew the approval of an existing discharge from the 36,225 gpd Lehigh Carbon Community College WWTP. The applicant has also requested approval to install two new final clarifiers and aerobic digesters without modifying the hydraulic capacity of the facility. The WWTP will continue to discharge treated effluent to an unnamed tributary of Jordan Creek at River Mile 183.66 - 16.25 - 13.79 - 1.26 (Delaware River - Lehigh River - Jordan Creek - UNT) via Outfall No. 001 and is located within the drainage area of the section of the non-tidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in North Whitehall Township, Lehigh County, Pennsylvania.

C. *New Projects (items 19 through 24).* These projects comprise new discharges or withdrawals or constitute projects new to the Commission.

19. Artesian Water Company, Inc., D-2004-001 CP-1. An application for approval of an existing GWD of up to 17.28 million gallons per 30 days to supply the applicant's public water supply system from existing Well Nos. W-1 and W-2 completed in the Cheswold Aquifer. The project wells are located in the Smyrna River Watershed in the Town of Smyrna, Kent County, Delaware. The project will be incorporated into the Comprehensive Plan. Future activities for the project will be regulated by DNREC in accordance with Section IV.C.4 of DRBC's Administrative Agreement with that agency dated July 28, 2010.

20. Union Lake Hotel, Inc., D-2012-018 -1. An application to approve an existing discharge from the 0.06 mgd Camp Equinunk WWTP. The WWTP will continue to discharge treated effluent to an unnamed tributary of Little Equinunk Creek at River Mile 312.7 - 3.64 - 2.37 (Delaware River - Little Equinunk Creek - UNT) via Outfall No. 001, located within the drainage area of the section of the non-tidal Delaware River known as the Upper Delaware, which has been classified as Special Protection Waters, in Manchester Township, Wayne County, Pennsylvania.

21. RALHAL Corporation and Concord Estates Condominiums, LLC, D-2012-019 CP-1. An application to approve the construction and operation of a new 0.131 mgd WWTP. The applicant has requested that treated effluent from the proposed WWTP be discharged to Sheldrake Stream at River Mile 253.61 - 27.3 - 2.66 (Delaware River - Neversink River - Sheldrake Stream) via Outfall No. 001, within the drainage area of the section of the non-tidal Delaware River known as the Middle Delaware, which has been classified as Special Protection Waters, in the Town of Thompson, Sullivan County, New York.

22. Cambridge-Lee Industries, LLC, D-2012-025-1. An application for approval of an existing surface water withdrawal (SWWD) to supply up to 33.70 mgm of industrial

cooling water to the applicant's copper tubing manufacturing facility from one intake located on the Schuylkill River in Ontelaunee Township, Berks County, Pennsylvania.

23. Philadelphia Energy Solutions Refining and Marketing (R&M), LLC, D-2012-026-1. An application for approval of a SWWD of up to 683.115 mgm from the Point Breeze and Girard Point intakes. The water will be used for industrial cooling and process water at two facilities. Both project intakes are located on the tidal Schuylkill River, within Water Quality Zone 4, in the City of Philadelphia, Pennsylvania.
24. Philadelphia Regional Port Authority (Resolution). An application for inclusion in the Comprehensive Plan of a new marine terminal, referred to as the Southport Marine Terminal. The project will have a capacity at full build-out for an annual container throughput of 1.34 million twenty-foot equivalent units (TEUs), and will include: (1) the disturbance of 116 acres for construction of a two-berth pier; (2) dredging of a 35-acre area within the Delaware River to a depth of 40 feet below mean low water, extending approximately 400 feet from the edge of the existing federal navigation channel to the shore, generating an estimated 1,008,000 cubic yards of dredged material; (3) encroachment upon the 100-year floodplain of the Delaware River by the addition of 3-4 feet of fill in some land areas of the floodplain; 4) filling of an area of approximately 16.76 acres of open water tidal wetlands and upland wetlands within the tidal freshwater zone of the Delaware River; and (5) compensation for the loss of wetlands and other shallow water habitats through mitigation projects within or adjacent to the freshwater tidal reaches of the Delaware River at the confluence of Neshaminy Creek. The proposed Southport Marine Terminal project will be located in the City of Philadelphia, Pennsylvania, and will extend along Delaware River Water Quality Zone 4 at approximately River Mile 95.5, from the east end of the former Philadelphia Naval Shipyard to an existing sheet pile bulkhead just south of Pier 124.