

DELAWARE RIVER BASIN COMMISSION

MEETING OF JUNE 5, 2024

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, Manager, Water Resource Operations  
Kristen Bowman Kavanagh, Deputy Executive Director  
Elba Deck, Director, Finance and Administration

The business meeting of June 5, 2024 was held in person at the Tusten Theater, 210 Bridge Street, Narrowsburg, New York.

Steven Domber, State Geologist, New Jersey Geological and Water Survey, attending the meeting via Zoom, introduced himself as the alternate DRBC Commissioner for New Jersey Governor Phil Murphy, the FY 2023-24 Commission chair. On behalf of Governor Murphy, he thanked the leadership and staff of the Delaware Valley Arts Alliance and the Tusten Theatre for hosting the meeting. He also thanked DRBC staff for planning the meeting and linked community events. Mr. Domber said that due to a scheduling conflict, he was unable to attend in person but would actively participate in the business meeting virtually and would remain present for the Open Public Comment session to take place immediately after the meeting adjourned.

Mr. Domber announced that to best support the live meeting format, New Jersey would step down as chair, solely for the purpose and duration of this meeting. The Commission's vice chair, Governor Kathy Hochul of New York, represented by her duly appointed alternate, Ken Kosinski, assumed the role of chair for the balance of the meeting. Mr. Kosinski introduced himself as Director of the Bureau of Flood Protection and Dam Safety of the New York State Department of Environmental Conservation ("NYSDEC") and Governor Hochul's duly appointed DRBC alternate.

Lt. Col. Beeman led the Pledge of Allegiance.

*Remarks of Laurie Ramie, Executive Director, Upper Delaware Council.* Ms. Ramie welcomed the attendees to Narrowsburg, "a hamlet . . . with the lofty distinction of having the deepest and

narrowest points on the 330-mile-long Delaware River.” She explained that “Upper Delaware” refers to a 1978 Congressional designation under the National Wild and Scenic Rivers Act, which recognized the “outstandingly remarkable values” of the river reach extending 73.4 miles from the confluence of the East and West Branches of the Delaware River at Hancock, New York, downstream to Railroad Bridge No. 2 in Mill Rift, Pennsylvania, and the associated land corridor encompassing 55,574.5 acres in two states, five counties, and 15 towns and townships.

Ms. Ramie said the DRBC had played a pivotal role in the evolution of the Upper Delaware Scenic and Recreational River. The U.S. Secretary of the Interior (acting through the National Park Service), the DRBC, an Upper Delaware Citizens Advisory Council, the Commonwealth of Pennsylvania, the State of New York, and the affected local governments all worked jointly to develop the Upper Delaware Wild and Scenic River Management Plan, which was ultimately adopted by all parties, and took effect in 1986. The Plan describes goals and assigns roles in protecting the Upper Delaware’s resources, relying on existing local and state land use controls and voluntary landowner actions. This governance represented a unique compromise at the time.

A 501(c)(3) organization, UDC was formed in 1988 to oversee administration of the River Management Plan. Ms. Ramie said that like the DRBC, UDC “embraces a cooperative management model.” Its voting members are the two states and thirteen municipalities that border the river. It operates under a Department of Interior cooperative agreement under which the National Park Service is the federal partner. UDC reviews projects proposed in the corridor against guidelines provided in the River Management Plan. Like the DRBC, Ms. Ramie said, the UDC provides a forum through which the various parties can resolve corridor management issues. Also like the DRBC, Ms. Ramie noted, the UDC experiences funding challenges.

Ms. Ramie said that in DRBC she sees “one of the first bodies in the United States to comprehensively and regionally manage shared, interstate water resources” on a basin scale and as “an agency that takes a holistic, proactive, and science-based approach to issues.” She praised the Commission’s Special Protection Waters program, as well as its conservation, pollution abatement, flood forecasting, flood loss reduction, drought management, and regional planning activities as providing “invaluable environmental and economic benefits” and mentioned DRBC’s work in studying and meeting the pending threats posed by climate change, among others.

On behalf of the UDC, Ms. Ramie thanked the DRBC staff for attending UDC’s monthly meetings to provide agency updates, hydrologic reports, and expert presenters, for supporting the UDC’s signature activities, and for bringing focus to the Upper Delaware region. She again thanked the hosts and local partners of the day’s meeting, Ariel Shanberg of the Delaware Valley Arts Alliance and the Tusten Theater, and the “whole UDC team.”

*Remarks of Representative Mark Molinaro, U.S. Representative, 19<sup>th</sup> Congressional District of New York.* In a videotaped message, Rep. Molinaro welcomed the attendees to Narrowsburg. He noted that over 14,000,000 Americans rely on the Delaware River for drinking water, agriculture, and commercial uses, and recognized the DRBC for serving as the watershed’s steward, leading

efforts to protect drinking water and improve climate resilience, flood mitigation, and wildlife in New York and throughout the basin.

Rep. Molinaro said he is proud to lead the fight in Congress for vital water infrastructure and a sustainable path for DRBC federal funding, noting that he has crossed party lines to defeat efforts that would jeopardize the DRBC's mission. In February 2024, Rep. Molinaro introduced the Ensure Funding for our Environment Act, a bipartisan bill that would provide consistent and reliable funding for the Mid-Atlantic river basin commissions—the DRBC, Susquehanna River Basin Commission and Interstate Commission on the Potomac River Basin. He noted that working together is making a significant difference in ensuring a healthy environment and clean water, resources that have already brought an abundance of success and growth to the region.

Rep. Molinaro congratulated DRBC's Executive Director Steve Tambini, thanked him for his influential work, and wished him well in his well-earned retirement from the DRBC to take place December 1, 2024.

Rep. Molinaro thanked the Narrowsburg Ecumenical Food Pantry, the Wayne County Food Pantry Program, and the Sullivan County Federation for the Homeless for their amazing work throughout these communities. And he thanked the hosts and local partners of the day's meeting, Ariel Shanberg of the Delaware Valley Arts Alliance, the Tusten Theater, and the UDC team. Rep. Molinaro said he would continue to support and fight for the success of the DRBC and all it serves.

*Remarks of Sean Mahar, Interim Commissioner, NYSDEC.* Mr. Mahar said he was honored to attend the meeting and, on behalf of Governor Hochul, to welcome the DRBC and others to New York, noting that he looks forward to the continued partnership the DEC has with DRBC. With the DEC in a period of transition following the departure of long-serving Commissioner Basil Seggos, Mr. Mahar said, he will be filling the role until the Governor appoints a new commissioner. Mr. Mahar noted that Jim Tierney, the former Deputy Commissioner for Water and Watersheds had also recently retired.

Mr. Mahar said the staff changes at DEC have brought new faces and many opportunities to continue the legacy of those who have shaped the Department. Good work is underway throughout the state, he asserted, especially in watersheds that are critical to resources like the Delaware River. Mr. Mahar emphasized the importance of climate resilience and ecosystem restoration. He affirmed that that DEC is committed to working with the DRBC to shape the region and that water quality improvements continue to be of foremost priority to the state. Mr. Mahar said Governor Hochul wanted him to share with everyone today that she is a committed champion in this venture.

Mr. Mahar thanked the Tustin Theatre and the Hamlet of Narrowsburg for hosting the day's meeting and said he looked forward to the important work that lay ahead.

*Commissioners Roll Call.* Ms. Bush called the roll, asking each of the members to introduce themselves. They did so as follows: Steve Williams, Director of the Division of Watershed Stewardship, Delaware Department of Natural Resources and Environmental Control, alternate

DRBC Commissioner for Governor John Carney; Stephen Domber, New Jersey State Geologist, New Jersey Department of Environmental Protection, alternate DRBC Commissioner for Governor Phil Murphy; Ken Kosinski, Director, NYSDEC Bureau of Flood Protection and Dam Safety, alternate DRBC Commissioner for Governor Kathy Hochul; Bevin Buchheister, Deputy Secretary, Pennsylvania Department of Environmental Protection (“PADEP”) Office of Water Programs, alternate DRBC Commissioner for Governor Josh Shapiro; and Lt. Col. Jeffrey Beeman, Commander, Philadelphia District, U.S. Army Corps of Engineers, alternate DRBC Commissioner for BG John P. Lloyd, Commander and Division Engineer, North Atlantic Division, on behalf of the United States.

DRBC’s Executive Director Steve Tambini and General Counsel Ken Warren introduced themselves as well.

Minutes. Ms. Bush said she had circulated draft Minutes of the Commission’s March 6, 2024 business meeting in advance and had received no corrections or proposed changes. She recommended that the Minutes be approved as presented. Mr. Williams so moved, Ms. Buchheister offered a second, and without further discussion, the Minutes of the March 6, 2024 business meeting were approved by unanimous vote.

Announcements. The DRBC Water Management Advisory Committee was to meet on Wednesday, June 26, 2024, at 10:00 a.m., and again on October 16, 2024. Details regarding the meeting agenda and instructions for attending remotely were available on the Commission’s website.

Hydrologic Conditions. Amy Shallcross, Manager, DRBC Water Resource Operations, presented the hydrologic conditions report. Ms. Shallcross’s presentation can be accessed at: [https://www.nj.gov/drbc/library/documents/HydrologicConditions\\_Shallcross060524.pdf](https://www.nj.gov/drbc/library/documents/HydrologicConditions_Shallcross060524.pdf)

*Hydrologic cycle.* Ms. Shallcross described the hydrologic cycle, by which water moves continuously among Earth's land, oceans, and atmosphere. She said water moves from one waterbody to another, such as from a river to the ocean, or from the ocean to the atmosphere, through the physical processes of evaporation, condensation, precipitation, infiltration, surface runoff, and subsurface flows, among others. Since water flows downhill, it will find its way to streams and water bodies. Water is captured and stored in reservoirs and lakes. The water eventually flows into the ocean and the cycle is repeated.

*Precipitation.* Rainfall in the basin from the first of January 2024 through the end of May had been greater than normal. “Normal” precipitation across the basin for this period is approximately 17-18 inches. By May 31, 2024, Wayne County, PA in the upper basin had received approximately 25 inches, or about 150 percent of the normal amount; and Cumberland County, NJ, in the lower basin had received approximately 21 inches, about 125 percent above normal. Precipitation over the 90 days preceding May 31 were also above normal. Historically, the basin receives approximately 12 inches in March, April and May. In 2024, the upper basin received

approximately 140 percent of the normal amount for this period, while the lower basin was not quite so wet, receiving 110 percent of normal rainfall.

*Groundwater.* Wells are used in each county within the basin as indicators of groundwater conditions. December of 2023 was wet, with minor flooding incidents in the lower basin and well levels much above normal. At the end of December 2023, indicator wells in the upper reaches of the basin showed levels much above normal, and wells in the middle region of the basin showed above normal levels. By March, groundwater across the basin was at normal or above normal levels. As of June 2, 2024, however, a few wells in the upper and lower basin regions showed signs of stress. Ms. Shallcross noted that the data record may not be of sufficient length to define the statistics.

*Streamflow.* Ms. Shallcross displayed a map showing the locations in which stream flow is measured in the basin, noting that streamflow conditions are influenced by recent precipitation, water withdrawals, and reservoir releases. The points on the map were color coded, in each instance indicating the level of flow on June 5, 2024, relative to flows since the start of the period of record. She noted that more than 30 years of observations are required to calculate meaningful statistics about flow. The streamflow conditions were normal in the basin's larger streams and rivers. In the upper basin, smaller streams were also at normal flow levels. However, in the Schuylkill River Basin and south, many of the smaller streams were experiencing below normal and much below normal flow rates that day.

*Reservoir Storage.* Ms. Shallcross displayed a basin map showing the locations of the 13 reservoirs in the Commission's drought management plan, and the locations of the main stem flow objectives at Montague and Trenton, New Jersey, respectively. Storage from the 13 reservoirs can be released to meet the flow objectives.

The Montague flow objective of 1,750 cubic feet per second was established by the 1954 Supreme Court Decree in the case of *New Jersey v. New York*. It is maintained through compensating releases from the New York City Delaware Basin reservoirs, from which the city also may divert an average of 800 million gallons per day (mgd) out of the basin.

The Trenton flow objective was established by the Commission and codified in the Delaware Basin Water Code. It is maintained by releases from storage that the Commission controls in the Beltzville and Blue Marsh reservoirs in Pennsylvania, both of which are operated by the U.S. Army Corps of Engineers. The purpose of the Trenton flow objective is to protect large industrial and water supply intakes, including those that serve the cities of Philadelphia and Camden and their suburbs, by maintaining freshwater flows to the Delaware Estuary to repel salinity.

The reservoirs operated by New York City, like those operated by the Corps of Engineers, are managed to be full by June 1 of each year to support water supply and recreation needs. Ms. Shallcross presented a bar chart indicating the levels of storage in the New York City reservoirs and those operated by the Corps. At the time of the meeting, the New York City reservoirs ranged

from 92.9 to 96.7 percent full, with a combined storage of 92.5 percent. Combined storage in these reservoirs is important as it helps define drought stages for reservoir operations basin-wide. Beltzville and Blue Marsh reservoirs were more than or nearly 100 percent full.

Ms. Shallcross presented a hydrograph (linear trend line or “curve”), showing combined New York City reservoir storage over the previous twelve months, along with the median storage based on 55 years of data, and regulatory drought storage levels. As of the meeting date, combined storage was below the median, in part due to weather and in part due to the initiation of pre-shutdown releases for the Delaware Aqueduct Repair Project.

*NYC Delaware Aqueduct Repair Project.* This major repair effort was explained in detail in previous hydrologic condition reports and multiple other venues. Ms. Shallcross provided a brief summary. She explained that water diverted by New York City from the Delaware River Basin travels through the City’s Delaware Aqueduct, which is in effect an underground tunnel. It is estimated that as much as 20 to 35 million gallons of water per day are lost due to two leaks in the tunnel. To address the leaks, the tunnel must be emptied to connect a secondary aqueduct constructed to bypass the leaking section, while the original tunnel is to be grouted to eliminate the leaks. Ms. Shallcross said that during the aqueduct shutdown, the reservoirs would be operated in accordance with the Flexible Flow Management Program (“FFMP”). From June 1 through September 30, the Delaware system would be heavily used to preserve storage in New York City’s other water supply storage systems. Drought conditions were considered unlikely, because once the aqueduct was closed, diversions from the Delaware system reservoirs would cease entirely. Although the reservoirs would be used heavily during the summer, they would not be used for diversions in the winter and fall, when more water was thus expected to be available for fisheries releases. The habitat protection program, which is based on forecast available water, was expected to operate at the most beneficial level. One concern regarding the shutdown was the potential for increased flood risk. However, heavy reliance on the Delaware system by New York City throughout the summer was expected to create more space for storage of flood water leading into the peak of the hurricane season. Probabilistic analyses indicated that during shutdown operations, the risk of minor flooding could be slightly elevated over normal FFMP operations, but the risk of moderate and major flooding would be relatively the same. Conditions would be monitored during the shutdown, and updates reported during the Commission’s quarterly meetings.

*Salinity.* The purpose of the Trenton flow objective is salinity management as it affects drinking water and manufacturing. Salinity is monitored using an indicator called the “salt front,” which is a measure of saltwater movement upstream, based on the location of the 7-day average chloride concentration of 250 mg/l. The median location of the salt front in June is River Mile (RM) 69, 41 miles below key water supply intakes for Philadelphia and Camden, located at RM 110. The location of the salt front is not measured below RM 54. Ms. Shallcross explained that the location of the salt front that day could not be determined because a key USGS water quality gage at Reedy Island, Delaware was temporarily out of service.

*Outlook.* The seasonal outlook for June through August of 2024 was for temperatures to be well above normal. An active hurricane season was also predicted. Ms. Shallcross noted that a normal hurricane season has 14 named storms, 7 hurricanes, and 4 major hurricanes. For 2024, the National Weather Service predicted 20 to 25 named storms, 8 to 12 hurricanes, and 4 to 7 major hurricanes. Ms. Shallcross advised that not all hurricanes would impact the United States or the Delaware River Basin.

The latest weather information is available on the NOAA National Water Prediction Service (“NWPS”) page, <https://water.noaa.gov>. (The Advanced Hydrologic Prediction Service (“AHPS”) was decommissioned.) Ms. Shallcross urged audience members to review the NWPS and become familiar with its features before they need to use it. She thanked her colleagues Fanghui Chen and Sara Sayed for their contributions to the presentation and report.

Executive Director Report. Mr. Tambini reported as follows:

- *Thanks and “Go Deep.”* On behalf of the DRBC staff, Mr. Tambini thanked the Narrowsburg community, the Upper Delaware Council and communities, the National Park Service, and especially, he noted, the staff of the Delaware Valley Arts Alliance, for hosting the day’s meeting. The theme of this meeting, he said, was “Go Deep,” reflecting the fact that Narrowsburg is home not only to the narrowest portion of the Delaware River—just upstream of the Narrowsburg-Darbytown Bridge—but is also home to the Big Eddy—the deepest part of the Delaware River, descending more than 100 feet below the surface.
- *Shared Resource Management with NY.* Mr. Tambini also thanked Governor Hochul and the NYSDEC for their support and partnership in shared management of the basin's water resources. He noted that the basin’s headwaters play a critical role in downstream water quality and flow, affecting water resources in multiple states. He recognized New York as a national leader in environmental protection and water resource management, affirming that the DRBC and the basin have benefited from collaboration with New York and from the positive results achieved there.
- *Bi-state Food Drive.* Mr. Tambini said the culture of caring for our communities runs deep at the DRBC. This year, in a fitting interstate effort, DRBC and several community partners hosted a food drive benefiting food pantries in both Pennsylvania and New York. The power of partnership resulted in a total of 22 collection sites across the two states. Mr. Tambini thanked all those who donated, including DRBC staff members. He said the donated food would be provided to the organizations listed below, and he thanked their representatives for their efforts in their communities and for attending the day’s meeting.
  - [Narrowsburg Ecumenical Food Pantry](#): Elsa Grosser and Jennifer Maurizzio
  - [Sullivan County Federation for the Homeless](#): Kathy Kreiter
  - [Wayne County Food Pantry Program](#): Kim McGinnis and Clarissa Wimmers

Clarissa Wimmers, Jennifer Maurizzio, and Kathy Kreiter spoke briefly, thanking the donors for their generosity. Each provided a brief description of her organization and the benefits it brings to local communities. Food baskets were presented and a photo taken.

- *New Interactive Tool to Inform Stormwater Management.* The DRBC recently launched an interactive tool to help communities take informed action on stormwater management. The on-line tool, [Projecting Extreme Precipitation in the Delaware River Basin](#), allows users to obtain estimates of future changes in the intensity, duration and frequency of extreme rainfall in the basin, important information for stormwater management and infrastructure design and for improving climate resilience. The tool was developed at the [Northeast Regional Climate Center \(“NRCC”\)](#) at Cornell University in New York. It aligns with similar tools used to address climate change in neighboring watersheds that drain to Chesapeake Bay.
- *New York City Aqueduct Repair Project.* Echoing a segment of Ms. Shallcross’s report, Mr. Tambini noted that the New York City Department of Environmental Protection (“NYCDEP” or “DEP”) planned to shut down the Delaware Aqueduct from October 2024 until the spring of 2025 to repair leaks. Prior to the shutdown, he explained, storage in the City’s Delaware Basin reservoirs would be drawn down, a process expected to begin in June. Mr. Tambini said more information about the shutdown was available on the [DEP’s website](#). The DRBC worked with DEP and the basin community to model and evaluate the potential downstream impacts of the shutdown. Findings from DRBC’s analyses indicated: (1) the current FFMP would continue to govern operations throughout the shutdown; drought conditions caused specifically by the shutdown were unlikely; conservation releases to support downstream aquatic life were expected to be normal or better than normal during the shutdown; and the incremental risk of flooding above that associated with routine operations was slight. Mr. Tambini said more detailed information could be found on the [DRBC’s website](#).
- *Community Events.* DRBC staff members were busy participating in community events throughout the Basin, including: Lambertville (NJ) ShadFest; Green Philly EcoFair; Chester (PA) River Festival; Trenton (NJ) Youth Fishing Derby; Riverfront North Partnership Fish Fest in Philadelphia; Upper Delaware River Shadfest in Barryville (NY); Hydromania in Allentown (PA); and World Environment Day in New Castle (DE). Additional community outreach was planned for the summer and fall. Mr. Tambini said the DRBC staff appreciated these and other opportunities to learn from and speak with individuals throughout the Basin.
- *Water Quality Monitoring.* The DRBC staff would also be busy through the summer monitoring water quality throughout the basin. Mr. Tambini said staff had initiated multiple routine and special monitoring programs to assess the results of existing policies and consider new programs to address emerging contaminants, habitat assessment, the impact of thermal plumes, PFAS, chlorides, harmful algal blooms (HABs), bacteria, and nutrients. [Click to learn more.](#)



- *Film Screening and Panel Discussion.* Following the business meeting and the Open Public Comment session that day, Mr. Tambini said, there would be a screening of the short film *Our Shared Waters: A Flight Along the Delaware* and a panel discussion highlighting success stories and management challenges for the Upper Delaware Scenic and Recreational River. Meg McGuire of *Delaware Currents* would moderate a panel comprised of Kerry Engelhardt, Resources and Land Use Specialist, Upper Delaware Council; Dan Corrigan, owner of Northeast Wilderness Experience and Sawmill Cycles; and Brent Gotsch, Technical Advisor, NYCDEP. This event was to be free and open to the public.
- *Pride Month, Juneteenth.* Mr. Tambini said that for the month of June, the DRBC was upholding and recognizing Pride Month, celebrating that all belong in the basin, and highlighting support for a safe, respectful and inclusive culture in the DRBC office, in the field, and in interactions with the Commission’s diverse publics and stakeholders. He said staff were also excited to again be a part of the Mercer County Juneteenth Celebration, to be held on June 15 at Mercer County Park.
- *New DRBC Environmental Engineer.* Mr. Tambini welcomed Joseph Fogarty, Ph.D. as the newest DRBC staff member. Dr. Fogarty, who earned his doctorate in Environmental Engineering from Princeton University, would be starting the following week as a Water Resource Engineer in DRBC’s modeling group.

General Counsel Report. The Commission’s General Counsel Ken Warren reported on the matter of *Wayne Land and Mineral Group (WLMG) vs. DRBC*, a case pending in the United States District Court for the Middle District of Pennsylvania. Landowner WLMG, intending to undertake a high volume hydraulic fracturing (HVHF) project in the basin, challenged DRBC’s authority to review such a project. In February 2021, DRBC adopted a regulation prohibiting HVHF in hydrocarbon-bearing rock formations within the basin. As a result, DRBC filed a motion to dismiss the *WLMG* case as moot, a motion that as of the meeting date remained pending before the district court judge.

A Resolution to adopt the Commission’s annual current expense and capital budgets for the fiscal year ending June 30, 2025 (Fiscal Year - July 1, 2024 through June 30, 2025). Ms. Deck reported that in accordance with Section 13.3 of the Delaware River Basin Compact, the Commission on May 8 held a public hearing on its current expense and capital budgets for the fiscal year ending June 30, 2025 (FY2025). An opportunity for written comment on the proposed budgets was also provided. The proposed budgets were set forth in a document dated June 5, 2024, which remained available on the DRBC website. The Commission received no oral or written comments on the proposals.

The proposed FY2025 current expense budget was in the aggregate amount of \$8,079,000. In addition to funds contributed by the signatory parties, DRBC anticipated transfers into the General Fund from the Water Supply Storage Facilities Fund (“WSSFF”) of \$3.1 million, transfers in for special projects of \$407,000, and other income of \$1.3 million. For the capital budget, applicable to the WSSFF, projected revenues of \$3.9 million and expenditures of \$6.3 million were projected.

Ms. Deck explained that under the proposed resolution to approve the FY2025 budgets:

- Should revenue during FY2025 under a federal or state grant-in-aid program exceed the revenue budgeted from the source, the excess was to be applied to additional uses or programs related to the original grant.
- The Executive Director was authorized and directed to transmit to the principal budget officer of each of the signatory parties a certified copy of the approved budget, together with a certified statement of the amount apportioned to that party.
- If signatory party revenue were to fall below the budgeted amount, the Executive Director was to reevaluate the annual work plan, and after consultation with and concurrence by the Commission, to implement any and all actions deemed appropriate to maintain the financial stability of the General Fund and accomplish the Commission’s work plan priorities.
- The Executive Director was to notify the Commissioners in writing of any signatory party revenue shortfalls as soon as the information became available and to implement the appropriate actions as close to the beginning of the fiscal year as possible.

Ms. Deck noted that the Commission would continue to operate the Pennsylvania Groundwater Protected Area program in FY2025. The estimated cost of the program, \$154,000, was expected to be covered in full by the Commonwealth of Pennsylvania. Ms. Deck recommended that the Commission approve the resolution adopting the FY2025 capital and expense budgets as proposed.

Ms. Buchheister so moved, Mr. Williams offered a second, and without further discussion Resolution No. 2024 – 01 to adopt the Commission’s annual current expense and capital budgets for the fiscal year ending June 30, 2025 (July 1, 2024 through June 30, 2025) was approved by unanimous vote.

A Resolution to apportion among the signatory parties the amounts required for the support of the Current Expense and Capital Budgets for the fiscal year ending June 30, 2025 (July 1, 2024, through June 30, 2025), as set forth in Resolution No. 2024 – 01. Ms. Deck explained that the proposed resolution would apportion among the signatory parties the following contributions: State of Delaware \$447,000; State of New Jersey, \$893,000; State of New York, \$359,500; Commonwealth of Pennsylvania, \$893,000; and United States, \$715,000; for a total of \$3,307,500. She recommended that the resolution be approved, noting that a roll call vote was required.

Lt. Col. Beeman so moved, Ms. Buchheister offered a second, and without further discussion, Resolution No. 2024 - 02 to apportion among the signatory parties the amounts required for the support of the Current Expense and Capital Budgets for the fiscal year ending June 30, 2025 (July 1, 2024 through June 30, 2025), as set forth in Resolution No. 2024 - 01 was approved by unanimous vote taken by roll call.

A Resolution for the Minutes authorizing the Executive Director to enter into an agreement for professional services to modernize the Commission’s central database and user interface systems.

Ms. Deck described the Commission’s central database of records and information on proposed and approved withdrawals, water usage, discharges, inter-basin transfers, surface water charges and payments, and contracts, as extremely outdated and inefficient. She reported that on June 13, 2023, following a public procurement process in accordance with a Resolution for the Minutes approved June 7, 2023, the Commission engaged the firm of BGSF, Inc. (“BGSF”) to provide guidance on the project management services that would be needed to modernize the database. With BGSF’s assistance, staff developed and in January 2024, issued a Request for Proposal (“RFP”) for a firm or individual with expertise in relational databases, web interfaces, geographic information systems, and document management software, to work with staff to upgrade the existing system and transition internal and external users to the upgraded system. In response to the January 2024 RFP, the staff received six (6) proposals, conducted interviews with the firms behind three of these, and was prepared to enter into negotiations with the lowest responsible bidder among those interviewed. Ms. Deck said the Commission had reserved a General Fund amount sufficient to cover the anticipated expenses of the database and user interface upgrade she had described. She recommended that the Commission approve the proposed resolution, which would authorize the Executive Director to enter into an agreement with the lowest responsible bidder for the database and user interface system upgrade services along with any ancillary agreements needed for the completion of the upgrade, at a combined total cost not to exceed \$725,000.

Lt. Col. Beeman so moved, and Ms. Buchheister offered a second. Without further discussion, the Resolution for the Minutes authorizing the Executive Director to enter into an agreement for professional services to modernize the Commission’s central database and user interface systems 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 enter into an agreement for professional services to modernize the Commission’s central database and user interface systems.

WHEREAS, the Commission’s central database, which contains records and information on proposed and approved withdrawals, water usage, discharges, inter-basin transfers, surface water charges and payments, and contacts, is outdated and inefficient; and

WHEREAS, on June 13, 2023, following a public procurement process and in accordance with a duly adopted Resolution for the Minutes dated June 7, 2023, the Commission engaged BGSF, Inc. (acting through BGSF Professional LLC) (“BGSF”) to provide guidance and project management services to the Commission in connection with the Commission’s database and user interface systems modernization project; and

WHEREAS, with BGSF's assistance, Commission staff developed and in January 2024 issued a request for proposal ("RFP") for a firm or individual with expertise in relational databases, web interfaces, geographic information systems, and document management software, to work closely with the staff to upgrade the existing system and transition internal and external users to the upgraded system; and

WHEREAS, in response to its January 2024 RFP, the Commission received six proposals, conducted interviews with three of these, and is prepared to enter into negotiations with the lowest responsible bidder among those interviewed; and

WHEREAS, the Commission has reserved a General Fund amount sufficient to cover the anticipated expense of the database and user interface system upgrade described above; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

The Executive Director is hereby authorized to enter into an agreement with the lowest responsible bidder for the database and user interface system upgrade services described above, and any other ancillary agreements necessary for the completion of the upgrade, at a combined total cost not to exceed \$725,000.

A Resolution to adopt the *Water Resources Program FY 2025-2027*. Ms. Bowman Kavanagh noted that the proposed *Water Resources Program FY 2025-2027* and a resolution for its adoption had been furnished to the Commissioners and the public and had been the subject of a duly noticed public hearing on May 8, 2024. The Commission received no comments on either item, either during the public hearing or during the written comment period that ran from April 26 through May 13, 2024. Accordingly, Ms. Bowman-Kavanagh recommended that the Commissioners approve the draft resolution and accompanying WRP document as proposed.

Mr. Williams so moved, Lt. Col. Beeman offered a second, and without further discussion, Resolution No. 2024 - 03 to adopt the *Water Resources Program FY2025-2027* was approved by unanimous vote.

A Resolution directing staff to develop a Climate Resilience Plan that includes elements related to planning, consultation, outreach, education, and rulemaking concerning climate change. Ms. Bowman Kavanagh said that a copy of the resolution had been furnished to the Commissioners and the public and had been the subject of a duly noticed public hearing on May 8, 2024 and a written comment period that ran from April 26 through May 13. The Commission had received five comment submissions from three organizations, including the Delaware Riverkeeper Network, Environment New Jersey, and Damascus Citizens for Sustainability.

Ms. Bowman Kavanagh summarized the major themes of the comments:

- All were generally supportive of a DRBC climate resilience plan and highlighted the near- and long-term threats to the water resources of the basin as well as impacts already experienced in the basin.
- All suggested that rulemaking and policy to address climate change be priorities of the plan.
- All suggested that the plan focus not only on adaptation, but also on prevention, and in particular, prevention of greenhouse gas emissions.
- Two of the comments said the DRBC should consider denying projects that involve additional greenhouse gas emissions that could negatively impact water resources and that such an approach would support state and federal climate action plans to address greenhouse gas emissions.
- One comment suggested that climate change be considered in DRBC flow management actions and in the Flexible Flow Management Program.
- One comment suggested that the DRBC Advisory Committee on Climate Change advise on the Commission's reviews of dockets.
- One comment provided information on the dumping of waste from oil and gas activities on roadways in Pennsylvania.

On behalf of the DRBC staff, Ms. Bowman Kavanagh offered the following responses to the comments:

- DRBC appreciates the public input and support for the development of a climate resilience plan.
- Paragraph 2.b.vi. of the proposed resolution authorizes the Executive Director to develop a climate resilience plan that includes a list of prioritized DRBC actions for evaluating the impacts of climate change on water resources of the basin and formulating management approaches. The resulting climate resilience plan may further direct the Commission to consider new or revised regulations to address significant climate-related risks and vulnerabilities. Any subsequent DRBC rulemaking action will be informed by scientific study and other policy considerations consistent with the authority of the Commission and will require a separate public input process. This authorizing resolution itself is not the appropriate instrument to address the substance of potential future rulemaking related to climate resilience.
- As the Commission stated as recently as 2022 in its final comment and response document for a rulemaking on importations of water into and exportations of water from the Delaware River Basin and discharges of wastewater from high volume hydraulic fracturing and

related activities, the Commission recognizes the importance of energy policy, including mitigation of climate impacts. However, the Commission does not set energy policy for the nation, the region, or its member states. In accordance with the authority conferred on the Commission by the Compact, any proposed rules would be limited to addressing the planning, development, conservation, utilization, management, and control of the water resources of the basin to meet present and future needs.

- Paragraph 2.b.i. of the draft resolution provides for the staff, in consultation with the Commissioners, to identify and recommend activities and actions within the jurisdiction of the Commission concerning flow and drought management. The Compact requires that any action taken by the Commission that adversely affects the rights and obligations established by the 1954 Supreme Court Decree in *New Jersey v. New York* (the “Decree”) requires unanimous consent of the parties to the Decree. The DRBC staff provides technical support to the Decree parties and was working closely with them to evaluate the impacts of climate change on any future FFMP proposals.
- The Advisory Committee on Climate Change, one of several DRBC advisory committees, serves a valuable role defined by Resolution No. 2019 – 8 of the Commission. Ms. Bowman Kavanagh pointed out that that role does not include the charge *to the Commission* in Section 3.8 of the Compact to review projects having a substantial effect on the basin’s water resources.
- Commenters were also referred to the Commission's comment and response documents from its 2021 and 2022 rulemakings concerning high volume hydraulic fracturing, which addressed concerns regarding the disposal of oil and gas waste.

Ms. Bowman Kavanagh advised the Commissioners that the proposed resolution would meet the needs of the Commission at this time. She reiterated that the public would have an opportunity to comment on any proposed rulemaking or modification of the comprehensive plan as part of or resulting from the Climate Resilience Plan when developed. On behalf of the Commission staff, she recommended and requested that the Commissioners approve the resolution as proposed.

Ms. Buchheister so moved, Lt. Col Beeman offered a second, and without further discussion, Resolution No. 2024 – 04, directing staff to develop a Climate Resilience Plan that includes elements related to planning, consultation, outreach, education, and rulemaking concerning climate change was approved by unanimous vote.

A Resolution establishing a subcommittee on Source Water Protection (SSWP) of the Delaware River Basin Commission’s Water Management Advisory Committee (WMAC). Mr. Pindar said the waters of the Delaware River Basin are a source of more than 800 million gallons per day of drinking water for eight (8) million people in four states. He pointed out that these source waters have the potential to be exposed to contaminants. Protecting source waters, he said, can help to reduce public health risks and treatment costs, and could simultaneously protect water quality for both wildlife and recreational uses.

The proposed subcommittee would report to the WMAC and would provide a forum for knowledge sharing among utilities and state and federal agencies.

The subcommittee would consist of six reserve members, representing the four basin states, the U.S. Environmental Protection Agency, and the City of Philadelphia. Water purveyors that rely on waters of the Delaware River or the Delaware and Raritan Canal would be eligible to join. The subcommittee would have a life of three years unless extended by the Commission.

Mr. Pindar reported that the Commission had received no comments on the draft resolution. He asked the Commissioners to approve the resolution as proposed.

Mr. Williams so moved, Ms. Buchheister offered a second, and without further discussion, Resolution No. 2024 - 05 establishing a subcommittee on Source Water Protection (SSWP) of the Delaware River Basin Commission's Water Management Advisory Committee (WMAC) was approved by unanimous vote.

A Resolution for the Minutes authorizing the Executive Director to enter into a contract for engineering services to evaluate additional selected storage options to meet potential water supply and flow management needs in the Delaware River Basin. Ms. Buchheister moved to table this resolution pending further consideration of the study scope. Lt. Col. Beeman seconded the motion, and without further discussion, the resolution was tabled by unanimous vote.

A Resolution to Amend the *Administrative Manual – Rules of Practice and Procedure.* Ms. Bush related that in September 2023 the Commission issued a Notice of Proposed Rulemaking to amend the Commission's Rules of Practice and Procedure, 18 C.F.R. Part 401 ("RPP"), for the purposes of:

- resolving ambiguities in the language of provisions for the termination or extension of a Commission approval when the approved activities have not been undertaken after three years;
- replacing certain out-of-date provisions that no longer conform to current practice;
- replacing references to the federal Freedom of Information Act ("FOIA") as authority for Subpart H—Public Access to Records and Information with the correct authority for these regulations, the Delaware River Basin Compact.
- making administrative and conforming amendments related to these changes.

The Commission accepted written and oral public comment on the proposal during a period that ran through November 30, 2023, and included two public hearings. In all, the Commission received 199 written submissions, many of which contained multiple comments, and oral comments from ten individuals.

Ms. Bush said the final rule presented for the Commission's consideration and recommended adoption included changes made in consultation with the Commissioners in response to comments

received during the public comment period. Noting that these were discussed in detail in a comment and response docket proposed to be adopted together with the final rule, she said that they primarily concerned the Commission's proposed amendments to § 401.41(a), concerning extension of a docket that was issued without an expiration date.

Ms. Bush briefly described each of the changes. Under the final rule, she said:

1. The Commissioners, not the Executive Director, will approve or deny all requests for extended or renewed approval under § 401.41(a) and (b), respectively. In conjunction with this change, rather than establishing a fixed extension term of five years, the final rule at § 401.41(a) would authorize the Commissioners to grant an extension of *up to* five years.
2. To qualify for extension of a docket approval that would otherwise expire under § 401.41(a), in addition to demonstrating that approved activities, site conditions, and the Comprehensive Plan have not materially changed, the docket holder (project sponsor) would be required to demonstrate that it was “diligently pursuing the project as shown by its planning, construction or project operational activities, its project expenditures, its efforts to secure government approvals necessary for the project, or its active participation in appeals of government decisions on its applications for government approvals.”
3. The Commission will publish notice that it has received a request for a docket extension under § 401.41(a) and provide an opportunity for written comment of at least ten days' length on whether the docket holder has demonstrated all elements requisite for an extension—i.e., that the approved activities, site conditions, and Comprehensive Plan have not materially changed, and that the project sponsor has diligently pursued the project in reliance on the Commission's approval. The project sponsor would be afforded an opportunity to respond to the comments received but would not be obligated to do so. The Commission will provide notice at least ten days prior to the date of a business meeting at which the Commissioners consider action on a request pursuant to § 401.41(a).
4. A public hearing will be provided if three or more Commission members ask the Executive Director to conduct one or direct the Executive Director by vote at a public meeting to hold one.

Additional changes include:

5. The addition of a provision for administrative continuance where a request for extension is timely but final Commission action on the request occurs after the docket would otherwise expire.
6. A provision to make clear that if the authorized activities are limited to construction activities, an extension under § 401.41(a) is no longer required once construction is complete.



7. Certain additional process for the situation where a request for extension is denied and an applicant chooses to re-apply to the Commission.
8. A language change in § 401.41(b) to more accurately reflect that the burden rests with the docket holder to demonstrate eligibility for an extension under § 401.41(a).

Ms. Bush asked the Commissioners to approve the final regulations and the accompanying Comment and Response document circulated to them in advance of the day's meeting.

Ms. Buchheister so moved, Mr. Williams offered a second, and without further discussion, Resolution No. 2024-06 to amend the *Administrative Manual—Rules of Practice and Procedure* was approved by unanimous vote.

A Resolution for the Minutes providing for election of the Commission Chair, Vice Chair and Second Vice Chair for the year beginning July 1, 2024 and ending June 30, 2025. Ms. Bush recited that the Delaware River Basin Compact provides for the election of the Commission's officers every year. In accordance with the customary rotation, she said, presumptive nominees for the fiscal year beginning July 1, 2024 and ending June 30, 2025 would be:

- Governor Kathy Hochul of New York as Chair,
- Governor John Carney of Delaware as Vice Chair, and
- Brigadier General John P. Lloyd, North Atlantic Division Commander and Division Engineer, U.S. Army Corps of Engineers, as Second Vice Chair.

Ms. Bush asked the Commissioners to approve the resolution as drafted.

Lt. Col. Beeman so moved, Ms. Buchheister offered a second, and without further discussion, the Resolution for the Minutes providing for election of the Commission Chair, Vice Chair, and Second Vice Chair for the year beginning July 1, 2024 and ending June 30, 2025 was approved by unanimous vote.

The text of the resolution follows:

#### RESOLUTION FOR THE MINUTES

A Resolution for the Minutes providing for election of the Commission Chair, Vice Chair and Second Vice Chair for the year commencing July 1, 2024 and ending June 30, 2025.

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

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

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

BE IT RESOLVED by the Delaware River Basin Commission:

1. The Governor of New York is hereby elected to serve as Chair for the term July 1, 2024 through June 30, 2025.
2. The Governor of Delaware is hereby elected to serve as Vice Chair for the term July 1, 2024 through June 30, 2025.
3. The Commander and Division Engineer, North Atlantic Division, United States Army Corps of Engineers, on behalf of the United States is hereby elected to serve as Second Vice Chair for the term July 1, 2024 through June 30, 2025.

Project Review Applications. Mr. Kovach reported that at the Commission's duly noticed public hearing of May 8, 2024, he had presented 34 draft dockets for comment, of which 33 were for projects located in Pennsylvania and one for a project located in New York. Of the 34 draft dockets, he noted, 22 involved wastewater discharges and 12 involved water withdrawals.

The Commission received comment on docket agenda items 19 and 32, for the Slatington Borough Authority Wastewater Treatment Plant (D-2003-15 CP-4) discharge project ("Slatington Borough") and the BlueTriton Brands Greenwaltz water withdrawal project (D-1998-055-7) ("BlueTriton"), respectively.

Regarding the Slatington Borough docket, the applicant's engineer had asked whether DRBC would need to approve a Non-point Source Pollution Control Plan ("NPSPCP") if the Authority wished to expand the wastewater treatment plant service area to include an existing facility outside the four municipalities the plant already served. Mr. Kovach said that an additional NPSPCP approval would not be required, provided that the added facility complied with an NPSPCP previously approved by the Commission. However, he advised the Borough that in accordance with the terms of the docket, expansion of the area served would require the Commission's approval. Mr. Kovach noted that this requirement is included in all DRBC dockets that define an area served. Although the Borough's written comments included suggested revisions to the docket that it believed might be appropriate, depending upon the answer to their question. But Mr. Kovach reported that the staff recommended no changes to the docket in response to the comments the Borough offered.

Regarding the BlueTriton water withdrawal docket, the Martins-Jacoby Watershed Association (MJWA) commented on the hydrogeologic report submitted by the applicant for new borehole B-3, described in the draft docket. In response, DRBC prepared a comment and response document

("CRD") that had been shared with the Commissioners. Mr. Kovach noted that half of MJWA's comments were directed to the Pennsylvania Department of Environmental Protection (PADEP). PADEP had responded to those comments in an engineering Internal Review and Recommendations ("IRR") document attached to its public water system construction permit for Borehole B-3. DRBC included PADEP's responses in its own CRD.


Mr. Kovach said the comments directed to the DRBC addressed two concerns. First, they questioned why the Weir 1 and Weir 2 monitoring points had been dropped. Mr. Kovach explained that as described in the CRD, these monitoring points were not dropped; rather, they were renamed "Weir (60 V-notch) and Flume 1" and were included in Appendix C of the applicant's hydrogeologic report. Second, MJWA questioned whether some manual data was missing from the hydrogeologic report and why a complete set of raw electronic transducer data was not included in the report. Mr. Kovach explained that as set forth in the CRD, the blanks in the manual data indicated that no measurement had been taken, not that the data were missing. In response to the MJWA's comment, however, the applicant provided greater clarification regarding how the manual data were collected and presented in the report. This information was shared with MJWA.

Mr. Kovach added that the graphs and text included in the hydrogeologic report displayed and discussed the electronic data collected from the pressure transducers during the test. DRBC staff did not ask BlueTriton to include the raw transducer data, because the hydrographs did not show anomalies that would have prompted the staff to re-analyze the data or investigate further. DRBC has no explicit requirement that project sponsors submit raw transducer data for a project of this type. Rather, DRBC typically requests such additional information during its review only if the test results or report contents otherwise indicate something may be amiss. He concluded by noting that staff recommended no changes to the draft docket based on MJWA's comments. He added that the CRD would be shared with the MJWA as soon as it was finalized.

Mr. Kovach reiterated that the Commission had received no other comments on the draft dockets that had been subjects of the May 8, 2024 public hearing and asked the Commissioners to approve docket agenda items 1 through 34.

Ms. Buchheister so moved, and Lt. Col. Beeman seconded her motion. Without further discussion docket agenda items 1 through 34 were approved by unanimous vote.

Adjournment. There being no other business before the Commission, Lt. Col. Beeman moved that the meeting be adjourned, Mr. Williams seconded his motion, and the meeting was adjourned by unanimous vote at approximately 12:07 p.m.

  
Pamela M. Bush  
Commission Secretary and  
Assistant General Counsel

## ATTACHMENT A

### DESCRIPTION OF PROJECTS APPROVED BY THE COMMISSION DURING THE BUSINESS

#### MEETING OF JUNE 5, 2024

*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 June 5, 2024 are presented below.

*A. Renewals with No Substantive Changes (Items 1 through 28)*

1. Town of Rockland, D-1963-004 CP-3. An application to renew the approval of an existing groundwater withdrawal of up to 5.0 million gallons per month (mgm) from Wells 1 and 2 for public water supply in the Roscoe-Rockland Water District and up to 12.0 mgm of groundwater from Wells 1 and 2 for public water supply in the Livingston Manor Water District. The requested allocations are reductions in the previously approved allocations of 8.928 mgm and 21.39 mgm for the Roscoe-Rockland Water District and the Livingston Manor Water District, respectively. The existing wells are screened in glacial outwash deposits that overly the Upper Walton Formation in the Beaver Kill and Little Beaver Kill Watersheds, within the drainage area of the Upper Delaware, which the Commission has classified as Special Protection Waters, in the Town of Rockland, Sullivan County, New York.
2. Forest Park Water, D-1965-076 CP-13. An application to renew the approval of an existing discharge of up to 1.987 mgd of filter backwash from the Forest Park Water Filtration Plant (WFP). The WFP will continue to discharge treated effluent to Pine Run through Outfall Nos. 1 and 2 at River Mile 115.63 - 40.0 - 0.1 (Delaware River - Neshaminy Creek - Pine Run) and River Mile 115.63 - 40.0 - 0.2 (Delaware River - Neshaminy Creek - Pine Run) in Chalfont Borough, Bucks County, Pennsylvania.
3. Minersville Sewer Authority, D-1970-201 CP-4. An application to renew the approval of the applicant's existing 1.0 mgd WWTP and its discharge. The existing WWTP will continue to discharge treated effluent to the West Branch Schuylkill River at River Mile 92.47 - 119.7 - 7.1 (Delaware River - Schuylkill River - West Branch Schuylkill River), via 4 combined sewer outfalls (CSOs), located in Minersville Borough, Schuylkill County, Pennsylvania.
4. Berks-Montgomery Municipal Authority, D-1973-060 CP-5. An application to renew the approval of an existing 0.32 mgd Morysville WWTP and its discharge. The WWTP will continue to discharge treated effluent to Ironstone Creek at River Mile 92.5 - 54.1 - 4.0 - 4.1 (Delaware River - Schuylkill River - Manatawny Creek - Ironstone Creek) via Outfall No. 001 in Colebrookdale Township, Berks County, Pennsylvania.
5. PA Fish and Boat Commission, D-1980-032 CP-5. An application to renew the approval of an existing groundwater withdrawal of up to 21.39 mgm and an existing surface water withdrawal with an increase in allocation from 43.92 mgm to 60.0 mgm to supply the Pleasant Mount Fish Cultural Station from existing Wells Nos. 1, 2, 3 and an intake on the West Branch Lackawaxen River. The project wells are completed in the Catskill Formation. The project is located in the West Branch Lackawaxen River Watershed in Mount Pleasant Township, Wayne County, Pennsylvania, within the drainage area to section of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters.

6. Melody Lakes Management, LLC., D-1980-079 CP-7. An application to renew the existing 0.072 mgd WWTP and its related discharge. The WWTP will continue to discharge treated effluent to an unnamed tributary of Tohickon Creek at River Mile 157.0 - 11.8 - 6.38 - 9.08 - 0.1 (Delaware River - Tohickon Creek - Lake Nockamixon - Tohickon Creek - UNT) via Outfall No. 001, 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 the Borough of Quakertown, Bucks County, Pennsylvania.
7. Reading City, D-1986-028 CP-5. An application to renew the approval of the applicant's existing 20.5 mgd WWTP and its discharges. The WWTP will continue to discharge treated industrial and municipal effluent to the Schuylkill River at River Mile 92.47 - 72.8 (Delaware River - Schuylkill River), in Reading City, Berks County, Pennsylvania.
8. Monroe Energy, LLC, D-1986-041 -4. An application to renew the approval of the applicant's existing industrial wastewater treatment plant (IWTP) and its 4.3 mgd discharge. The IWTP will continue to discharge treated effluent and NCCW via Outfall No. 001 to the tidal portion of Marcus Hook Creek at River Mile 80.2 - 0.5 (Delaware River - Marcus Hook Creek). The IWTP will continue to discharge steam condensate and heat exchanger cooling water back wash via Outfall No. 002 to the tidal portion of Stoney Creek at River Mile 80.4 - 0.2 (Delaware River - Stoney Creek). The Trainer facility and IWTP are located in Marcus Hook Borough and Trainer Borough, Delaware County, Pennsylvania.
9. Stanley Black and Decker, D-1987-032 -5. An application for the renewal and approval of the decrease in withdrawal, treatment and discharge from 14.663 mgm to 14.19 mgm of groundwater from the applicant's existing groundwater remediation system from existing recovery wells PW-5 and PW-6. The wells are completed in the Buffalo Springs Formation in the Schuylkill River Watershed. The groundwater is treated by air stripping before it is discharged via an existing stormwater outfall to the Schuylkill River at River Mile 92.47 - 75.0 (Delaware River -Schuylkill River), in the City of Reading, Berks County, Pennsylvania.
10. Blue Ridge Real Estate Company, D-1991-046 -4. An application to renew the approval of an existing surface water withdrawal of up to 12.4 mgm from an existing intake on Tobyhanna Creek for golf course irrigation. The surface water intake is located in the Tobyhanna Creek Watershed in Kidder Township, Carbon County, Pennsylvania within the drainage area to section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.
11. East Stroudsburg Borough, D-1992-072 CP-3. An application to renew the approval of a groundwater withdrawal of up to 58.28 million gallons per month from existing Wells 1, 2, 3 and 4 for public water supply. The wells are completed in the Buttermilk Falls Formation and Pleistocene Sand and Gravel Aquifer and are located in the Brodhead Creek watershed within the drainage area to the Middle Delaware, which the Commission has designated as Special Protection Waters, in the Borough of East Stroudsburg, Monroe County, Pennsylvania.
12. JFBB Ski Areas, Inc., D-1993-053 -4. An application to renew the approval of an existing surface water withdrawal of up to 12.4 mgm for snowmaking purposes at the applicant's Big Boulder Ski Area resort from an existing surface water intake on Tobyhanna Creek. The requested allocation is not an increase from the previous allocation. The surface water intake is located in the Tobyhanna Creek Watershed in Kidder Township, Carbon County, Pennsylvania within the drainage area to section of

the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.

13. Lansford-Coaldale Joint Water Authority, D-1995-013 CP-3. An application to renew the approval of a groundwater withdrawal of up to 29.3 mgm from eight existing wells for public water supply. The project wells are completed in the Mauch Chunk Formation in the Nesquehoning Creek watershed, within the drainage area to the Lower Delaware, which the Commission has classified as Special Protection Waters, in Nesquehoning Borough, Carbon County, Pennsylvania.
14. The Pines at West Penn, LLC., D-1999-025 -4. An application to renew the approval of the existing 0.060 mgd The Pines at West Penn WWTP and its discharge. The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) of Lizard Creek at River Mile 183.7 - 38.2 - 15.2 (Delaware River - Lizard Creek - UNT Lizard Creek), via Outfall No. 001, within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in West Penn Township, Schuylkill County, Pennsylvania.
15. Northeastern Schuylkill Joint Municipal Authority, D-1999-033 CP-4. An application to renew the approval of the existing 0.245 mgd Northeastern Schuylkill Joint Municipal Authority (NESJMA) WWTP and its discharge. The WWTP will continue to discharge treated effluent to Pine Creek at River Mile 92.47 - 102.1 - 27.6 - 1.2 (Delaware River - Schuylkill River - Little Schuylkill River - Pine Creek) via Outfall No. 001, in Rush Township, Schuylkill County, Pennsylvania.
16. Leesport Borough, D-2001-012 CP-3. An application to renew the approval of a groundwater withdrawal of up to 16.37 million gallons per month from Wells 3, 4 and 5 for public water supply. The project wells are completed in the Hamburg Sequence and Ontelaunee Formation in the Schuylkill River Watershed in Leesport Borough and Ontelaunee Township, Berks County, Pennsylvania.
17. SR Water, LLC, D-2001-056 CP-3. An application to renew the approval of an existing groundwater withdrawal of up to 14.467 mgm to supply the applicant's public water supply distribution system and to irrigate their golf course from existing Wells Nos. 1, 2, and 3. The project wells are completed in the Poplar Gap Member of the Catskill Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Tunkhannock Creek Watershed in Kidder Township, Carbon County, Pennsylvania within the drainage area to section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.
18. Slatington Borough, D-2003-015 CP-4. An application to renew the approval for the applicant's existing 1.5 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to the Lehigh River at River Mile 183.67 - 33.7 (Delaware River - Lehigh River), in Slatington Borough, Lehigh County, Pennsylvania, within the drainage area to the classified Lower Delaware Special Protection Waters (SPW).
19. Delaware Valley Fish Company, D-2004-008 -3. An application to renew the approval of an existing groundwater withdrawal with a decrease in allocation from 5.89 mgm to 4.464 mgm to supply the applicant's fish holding facility from existing Well No. DV-1. The project well is completed in the Stockton Formation. The project is located in the Commission's designated Southeastern Pennsylvania

Ground Water Protected Area (SEPA GWPA) in the Stony Creek Watershed, in Norristown Borough in Montgomery County, Pennsylvania.

20. Warminster Municipal Authority, D-2004-021 CP-4. An application to renew the approval of the applicant's existing 3.0 mgd WWTP and its discharge. The WWTP will continue to discharge to an unnamed tributary (UNT) to Little Neshaminy Creek at River Mile 115.6 - 23.6 - 3.3 - 1.4 (Delaware River - Neshaminy Creek - Little Neshaminy Creek - UNT to Little Neshaminy Creek) via Outfall No. 001, in Warminster Township, Bucks County, Pennsylvania.
21. Refresco North America, D-2007-006 -4. An application to renew the approval of the existing 0.08 mgd IWTP and its discharge. The IWTP will continue to discharge treated effluent to an unnamed tributary to West Branch Chester Creek, at River Mile 82.93 - 8.37 - 6.30- 0.1 (Delaware River - Chester Creek - West Branch Chester Creek- UNT West Branch Chester Creek) via Outfall No. 001, in Concord Township, Delaware County, Pennsylvania.
22. Constellation Energy, D-2008-038 CP-3. An application to renew the approval of an existing surface water withdrawal of up to 25,892 million gallons per month (mgm) from Intake 2 on the Delaware River for industrial processes and cooling at the Eddystone Generating Station. The surface water withdrawal is located in Water Quality Zone 4 of the Delaware River in the Borough of Eddystone, Delaware County, Pennsylvania.
23. Heidelberg Materials US Cement LLC, D-2009-016 -4. An application to renew the approval of the existing Heidelberg Materials US Cement LLC 0.35 mgd discharge of non-contact cooling water (NCCW) and stormwater. The NCCW and stormwater will continue to be discharged to the unnamed tributary (UNT) of Shoeneck Creek at River Mile 184.03 - 5.9 - 3.5 - 0.6 (Delaware River - Bushkill Creek - Shoeneck Creek - UNT Shoeneck Creek), via Outfall No. 002, 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 Lower Nazareth Township, Northampton County, Pennsylvania.
24. Lehigh Water Authority, D-2014-006 CP-3. An application to renew the approval of the applicant's 1.6 mgd Lehigh Water Treatment Plant (WTP) and its discharge of up to 0.023 mgd. The WTP will continue to discharge process wastewater and filter backwash to Long Run at river mile 183.67 - 44.0 - 2.0 (Delaware River - Lehigh River - Long Run), located in Franklin Township, Carbon County, Pennsylvania, within the drainage area to section of the main stem Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.
25. Concord Township, D-2014-012 CP-3. An application to renew the approval of the existing 0.0635 mgd Riviera at Concord WWTP and its discharge. The WWTP will continue to discharge treated effluent to Green Creek at River Mile 82.9 - 8.9 - 3.3 - 0.9 (Delaware River - Chester Creek - West Branch Chester Creek - Green Creek), via Outfall No. 001, in Concord Township, Delaware County, Pennsylvania.
26. Becker, Richard. C., D-2014-021 CP-3. An application to renew the approval of the existing 0.05 mgd Walnutport Mobile Court WWTP and its discharge. The WWTP will continue to discharge treated effluent to Bertsch Creek at River Mile 183.7 - 30.7 - 0.16 (Delaware River - Lehigh River - Bertsch Creek) via Outfall No. 001, within the drainage area of the section of the non-tidal Delaware River



known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Lehigh Township, Northampton County, Pennsylvania.

27. Upper Makefield Township, D-2016-006 CP-3. An application to renew the approval of the existing 0.0202 mgd Dutchess Farms WWTP and its discharge. The WWTP will continue to discharge treated effluent to land via a constructed wetland and discharge to an Unnamed Tributary (UNT) to Jericho Creek at River Mile 143.2 - 3.7 - 0.85 (Delaware River - Jericho Creek - UNT Jericho Creek) via Outfall No. 001, within the drainage area to the portion of the Delaware River classified as Lower Delaware SPW, in Upper Makefield Township, Bucks County, Pennsylvania.
28. Brodhead Creek Regional Authority, D-1986-011 CP-6. An application to renew the approval of the existing 4.5 million gallon per day (mgd) Brodhead Creek Regional Authority (BCRA) WWTP and its discharge. The docket holder is also seeking to expand the service area to include certain additional areas within Pocono Township, Stroud Township, and Paradise Township. The docket holder is also seeking approval for a process change amendment to retrofit the existing two aerobic digestion tanks and to replace the existing jet aeration mixing system with a coarse bubble mixing/ aeration system. The BCRA WWTP will continue to discharge to McMichael Creek at River Mile 213.0 - 4.0 - 0.2 (Delaware River - Brodhead Creek - McMichael Creek) and is located within the drainage area to the Middle Delaware, which is classified as Special Protection Waters, in the Borough of Stroudsburg, Monroe County, Pennsylvania.

*B. Renewals with Substantive Changes (Items 29 through 33)*

29. Pennsylvania American Water Company, D-1990-027 CP-2. An application to renew the approval of an existing surface water withdrawal with a increase in allocation from 5.0 mgd (155 mgm) to 6.6 mgd (204.6 mgm) to supply the applicant's Royersford public water supply distribution system from an existing surface water intake on the Schuylkill River. The applicant is also planning to construct the Lock 57 water treatment plant (WTP) and a new intake at the facility to replace their Shady Lane WTP and intake at that location. The surface water intake is located in East Vincent Township, Chester County, Pennsylvania.
30. Tamaqua Borough Authority, D-1990-060 CP-2. An application to approve the applicant's WWTP and its proposed construction improvements. The proposed project includes the construction of a new headworks building and system, replacement of primary and secondary mechanisms, replacement of water, return, and waste sludge pumps, a new disinfection system, new aeration blowers and diffusers, conversion of two aeration tanks to flow equalization tanks, and other associated upgrades. The WWTP will continue to discharge up to 2.6 mgd of treated effluent to the Little Schuylkill River at River Mile 92.47 - 102.1 - 23.3 (Delaware River - Schuylkill River - Little Schuylkill River), in Walker Township, Schuylkill County, Pennsylvania.
31. BlueTriton Brands, Inc., D-1998-055 -7. An application to renew the approval of an existing groundwater withdrawal of up to 13.21 million gallons per month (mgm) from Borehole B-1, up to 3.84 mgm from Borehole B-2 and approve the withdrawal of up to 13.21 mgm from new Borehole B-3 for use at the docket holder's bottled water facility. The total combined groundwater allocation from all sources will remain at the previously approved rate of 17.05 mgm. Additionally, borehole B-3 is to be used in conjunction with boreholes B-1 and B-2 and the previously approved maximum combined pumping rate of 439 gpm will not increase because of this project. The boreholes are completed in the Martinsburg Formation and glacial outwash overlying the Martinsburg Formation.

The project is located in the Waltz Creek Watershed in Washington Township, Northampton County, Pennsylvania within the drainage area to the non-tidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters.

32. Northampton Bucks County Municipal Authority, D-2001-013 CP-4. An application to renew the approval of an existing groundwater withdrawal with an increase in system allocation from 68.2 mgm to 86.692 mgm to supply the applicant's public water supply distribution system from Well Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16 and 17. The project wells are completed in the Stockton Formation. The project is located in the Commission's designated Southeastern Pennsylvania Ground Water Protected Area (SEPA GWPA) in the Neshaminy Creek and Ironworks Creek Watersheds in Northampton Township, Bucks County, Pennsylvania.
33. Upper Makefield Township, D-2002-017 CP-4. An application to renew the approval of the applicant's existing 0.173 mgd Heritage Hills WWTP and its discharge to surface water and land via underground recharge basins. The docket holder has requested to allow full capacity (0.173 mgd) to be discharged to surface water (Delaware River) at all times due to problems with recharge basins and draining. The WWTP surface water discharge is to Water Quality Zone 1E of the Delaware River at River Mile 141.9, which is located in the section of the main stem Delaware River known as the Lower Delaware, which is classified as Special Protection Waters, in Upper Makefield Township, Bucks County, Pennsylvania.

*C. Projects not previously reviewed by the Commission (Item 34)*

34. Avondale Borough, D-2023-003 CP-1. An application to approve a groundwater withdrawal of up to 6.0 mgm to supply the applicant's public water supply distribution system from existing Wells South Well 1, North Well 2, PW-1 and PW-2. The project wells are completed in the Cockeyville Marble Formation. The project is located in the White Clay Creek Watershed, in the Borough of Avondale, Chester County, Pennsylvania.

**ATTACHMENT B**

**RESOLUTIONS NOS. 2024-01 – 2024-06**

**APPROVED AT THE  
BUSINESS MEETING OF JUNE 5, 2024**

NO. 2024 – 01

A RESOLUTION to adopt the Commission’s annual current expense and capital budgets for the fiscal year ending June 30, 2025 (July 1, 2024, through June 30, 2025).

WHEREAS, in accordance with the Delaware River Basin Compact and the Commission’s Administrative Manual, the Commission on May 8, 2024, held a duly noticed public hearing on its current expense and capital budgets for the fiscal year ending June 30, 2025; now therefore,


BE IT RESOLVED by the Delaware River Basin Commission:

1. The Current Expense Budget of the Commission for the fiscal year ending June 30, 2025, in the aggregate amount of \$8,078,600 and a Capital Budget (Water Supply Storage Facilities Fund) reflecting revenues of \$3,948,900 and expenditures of \$6,283,080, as set forth in the document dated June 5, 2024, and titled “Delaware River Basin Commission Current Expense and Capital Budgets for the Period July 1, 2024, through June 30, 2025” as incorporated herein, are hereby approved, and adopted.
2. In addition to funds in the amount of \$3,307,500 apportioned by the signatory parties by separate resolution, the Commission hereby appropriates for the support of the Fiscal Year 2025 Current Expense Budget the following anticipated revenue:

<u>SOURCE</u>	<u>ANTICIPATED REVENUE</u>
Transfer In – Water Supply Storage Facilities Fund	\$3,112,100
Transfer In – Special Projects	406,700
<u>Other Income</u>	<u>1,252,300</u>
TOTAL	\$4,771,100

3. To the extent that revenue received during fiscal year 2025 under any Federal or State grant-in-aid program exceeds the revenue budgeted from such source, any such excess is hereby appropriated for additional uses or programs related to the original grant.
4. The Executive Director is authorized and directed to transmit to the principal budget officers of the respective signatory parties certified copies of the budget hereby adopted, together with a certified statement of the amount hereby apportioned to

- each signatory party, in accordance with the requirements of the Compact and Administrative Manual.
5. Should signatory party revenue fall below the budgeted amount, the Executive Director is authorized and directed to reevaluate the annual work plan and after consultation with and concurrence by the Commission, to implement any or all of the actions that are deemed appropriate to maintain the financial stability of the General Fund and accomplish the Commissioners' work plan priorities. These actions may involve but are not limited to the management of vacant staff positions, deferring maintenance and improvements on the Commission's West Trenton office building, and controlling other Commission expenses.
  6. Actual signatory party contributions have in recent history fallen short of the Commission's adopted contributions (see Attachment A or: <https://www.nj.gov/drbc/library/documents/ContributionHistoryJune2024.pdf>.) The Executive Director will notify the Commissioners in writing of any signatory party revenue shortfalls as soon as that information is made available and will implement the actions as close to the beginning of the fiscal year as possible.
  7. The Commission will continue to operate the Pennsylvania Groundwater Protected Area Program in fiscal year 2025. The estimated cost of the program for fiscal year 2025 is \$154,000. The Commission will receive \$154,000 from the Commonwealth of Pennsylvania in fiscal year 2025 to fully fund this activity.
  8. This Resolution shall take effect immediately.



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Chair Pro Tem



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Commission Secretary

Adopted: June 5, 2024

# Delaware River Basin Commission

## Signatory Funding by DRBC Fiscal Year (7/1 to 6/30) - General Fund

### Actual FY 1963 to FY 2024 (FY25 Projected)

Fiscal Year	Delaware	New Jersey	New York	Pennsylvania	United States	Totals
1963	13,000	80,000	80,000	80,000	80,000	333,000
1964	16,000	117,000	117,000	117,000	117,000	484,000
1965	16,000	117,000	117,000	117,000	92,000	459,000
1966	19,500	125,800	125,800	125,800	96,000	492,900
1967	22,800	142,000	142,000	142,000	115,000	563,800
1968	58,000	232,500	192,500	237,500	134,000	854,500
1969	59,300	275,900	235,900	280,900	154,000	1,006,000
1970	68,500	279,500	239,500	251,900	153,000	992,400
1971	76,800	318,400	278,400	315,000	175,000	1,163,600
1972	84,500	349,500	308,500	355,000	179,000	1,276,500
1973	121,300	355,900	313,900	383,900	216,000	1,391,000
1974	138,400	378,346	307,900	434,200	220,000	1,478,846
1975	129,300	357,700	282,900	410,700	209,000	1,389,600
1976	112,600	297,190	252,800	407,800	177,000	1,247,390
1977	120,080	297,190	101,435	390,830	181,250	1,090,785
1978	114,400	297,190	91,435	352,800	163,750	1,019,575
1979	118,300	330,100	260,000	363,000	294,750	1,366,150
1980	124,000	330,100	270,000	381,000	254,000	1,359,100
1981	130,500	346,600	270,000	400,200	266,000	1,413,300
1982	138,400	367,700	250,000	424,600	269,000	1,449,700
1983	149,800	391,784	180,000	459,600	269,000	1,450,184
1984	158,800	398,000	180,000	487,200	269,000	1,493,000
1985	166,800	443,000	200,000	511,600	279,500	1,600,900
1986	175,300	473,000	263,000	543,500	268,000	1,722,800
1987	184,000	497,000	269,600	571,000	215,750	1,737,350
1988	203,600	550,000	269,600	631,900	263,000	1,918,100
1989	203,600	550,000	269,600	631,900	263,000	1,918,100
1990	226,900	613,000	269,600	704,200	345,000	2,158,700
1991	253,500	554,000	269,600	633,800	427,750	2,138,650
1992	253,500	510,000	246,700	625,400	470,500	2,106,100
1993	282,000	510,000	246,700	625,400	475,000	2,139,100
1994	285,800	510,000	246,700	672,200	484,750	2,199,450
1995	300,000	620,000	246,700	609,000	478,000	2,253,700
1996	344,000	620,000	481,500	688,000	440,500	2,574,000
1997	344,000	688,000	481,500	688,000	107,000	2,308,500
1998	344,000	688,000	481,500	688,000	0	2,201,500
1999	392,000	792,000	481,500	813,000	0	2,478,500
2000	392,000	784,000	481,500	784,000	0	2,441,500
2001	392,000	787,000	485,000	784,000	0	2,448,000
2002	392,000	867,000	485,000	867,000	0	2,611,000
2003	392,000	867,000	485,000	867,000	0	2,611,000
2004	392,000	857,000	485,000	867,000	0	2,601,000
2005	434,000	857,000	485,000	867,000	0	2,643,000
2006	434,000	857,000	485,000	867,000	0	2,643,000
2007	434,000	857,000	608,000	867,000	0	2,766,000
2008	434,000	893,000	608,000	893,000	0	2,828,000
2009	434,000	893,000	590,920	893,000	536,250	3,347,170
2010	447,000	893,000	472,800	893,000	178,750	2,884,550
2011	127,000	893,000	370,505	893,000	0	2,283,505
2012	447,000	893,000	355,000	493,000	0	2,188,000
2013	447,000	893,000	246,000	948,350	0	2,534,350
2014	447,000	693,000	246,000	998,350	0	2,384,350
2015	447,000	693,000	359,500	434,000	0	1,933,500
2016	447,000	693,000	359,500	434,000	0	1,933,500

2017	447,000	693,000	359,500	434,000	0	1,933,500
2018	447,000	693,000	359,500	217,000	0	1,716,500
2019	447,000	693,000	359,500	217,000	0	1,716,500
2020	447,000	571,255	359,500	217,000	0	1,594,755
2021	447,000	693,000	359,500	217,000	0	1,716,500
2022	447,000	693,000	359,500	217,000	0	1,716,500
2023	447,000	693,000	359,500	217,000	715,000	2,631,500
2024	447,000	693,000	359,500	217,000	715,000	2,631,500
2025 (Projected)	447,000	893,000	359,500	893,000	715,000	3,307,500

*Under the tacit agreement reached by the commission members in 1988 to apportion signatory party contributions, the annual contributions since 2008 would be as follows: Delaware \$447,000 (12.5%), New York \$626,000 (17.5%), New Jersey \$893,000 (25%), Pennsylvania \$893,000 (25%) and the United States \$715,000 (20%). The FY 2025 is available at [https://www.nj.gov/drbc/library/documents/budgetFY25\\_adopted060524.pdf](https://www.nj.gov/drbc/library/documents/budgetFY25_adopted060524.pdf).*

A RESOLUTION to apportion among the signatory parties the amounts required for the support of the Current Expense and Capital Budgets for the fiscal year ending June 30, 2025 (July 1, 2024, through June 30, 2025), as set forth in Resolution No. 2024 – 01.

WHEREAS, in accordance with the Delaware River Basin Compact and the Commission's Administrative Manual, the Commission on May 8, 2024 held a duly noticed public hearing on its current expense and capital budgets for the fiscal year ending June 30, 2025; now therefore,

BE IT RESOLVED by unanimous vote of the Delaware River Basin Commission:

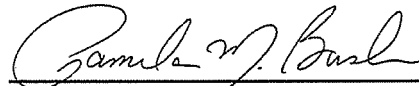
1. Pursuant to Section 13.3 of the Compact, and subject to such review and approval as may be required by the respective budgetary processes of the signatory parties, there are hereby apportioned among the parties the following amounts, together with such other funds as may be available to the Commission for the support of the budget for the fiscal year ending June 30, 2025. All requested contributions are expressly subject to the executive branch prerogatives of each member jurisdiction in formulating annual budgets, and this Commission Resolution is not intended to be an endorsement of any appropriation request to the extent that it is inconsistent with such executive branch priorities or policies.

<u>Signatory Party Share</u>	<u>Current Expense Budget</u>
Delaware	\$ 447,000
New Jersey	893,000
New York	359,500
Pennsylvania	893,000
<u>Federal Government</u>	<u>715,000</u>
Signatory Party Contribution	\$ 3,307,500

2. This Resolution shall take effect immediately.



Chair Pro Tem



Commission Secretary

Adopted: June 5, 2024



NO. 2024 – 03

A RESOLUTION to adopt the *Water Resources Program FY 2025-2027*.

WHEREAS, Section 13.2 of the *Delaware River Basin Compact* requires the Commission to “annually adopt a water resources program, based upon the comprehensive plan, consisting of the projects and facilities which the commission proposes to be undertaken by the commission and by other authorized governmental and private agencies, organizations and persons during the ensuing six years or such other reasonably foreseeable period as the commission may determine”; and

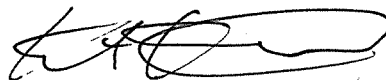
WHEREAS, the *Water Resources Program FY 2025-2027* was developed by the DRBC staff in consultation with the Commissioners and identifies the projects, including plans, programs, services, and activities, to be undertaken to address the water resources needs of the Basin over the next three fiscal years; and

WHEREAS, the projects, including the plans, programs, services, and activities set forth in the *Water Resources Program FY 2025-2027*, guided the development of the Commission’s current expense and capital budgets for FY 2025; and

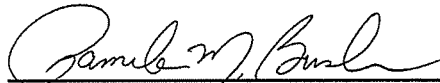
WHEREAS, on May 8, 2024, the Commission held a duly noticed public hearing on the proposed *Water Resources Program FY 2025-2027*; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

The *Water Resources Program FY 2025-2027*, including the projects, plans, programs, services, and activities set forth therein, is hereby adopted in satisfaction of Section 13.2 of the *Compact*.



Chair Pro Tem



Commission Secretary

Adopted: June 5, 2024

A RESOLUTION directing staff to develop a Climate Resilience Plan that includes elements related to planning, consultation, outreach, education, and rulemaking concerning climate change.

WHEREAS, the Third National Climate Assessment<sup>1</sup> summarized climate change impacts on the water cycle as follows:

Water cycles constantly from the atmosphere to the land and the oceans (through precipitation and runoff) and back to the atmosphere (through evaporation and the release of water from plant leaves), setting the stage for all life to exist. The water cycle is dynamic and naturally variable, and societies and ecosystems are accustomed to functioning within this variability. However, climate change is altering the water cycle in multiple ways over different time scales and geographic areas, presenting unfamiliar risks and opportunities.<sup>2</sup>

WHEREAS, the Fourth National Climate Assessment<sup>3</sup> cautioned:

Changes in the frequency and intensity of climate extremes relative to the 20th century and deteriorating water infrastructure are contributing to declining community and ecosystem resilience. Climate change is a major driver of changes in the frequency, duration, and geographic distribution of severe storms, floods, and droughts.<sup>4</sup>

WHEREAS, the Fifth National Climate Assessment<sup>5</sup> reinforced that:

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<sup>1</sup> The Third National Climate Assessment was a three-year analytical effort by a team of over 300 experts, overseen by a broadly constituted Federal Advisory Committee of 60 members. The group's 2014 report was subjected to extensive review by the public and by scientific experts in and out of government, including a special panel of the National Research Council of the National Academy of Sciences. See the full report at: <https://nca2014.globalchange.gov/report/sectors/water>.

<sup>2</sup> Melillo, Jerry M., Terese (T.C.) Richmond, and Gary W. Yohe, Eds., 2014: Climate Change Impacts in the United States: The Third National Climate Assessment. U.S. Global Change Research Program, 841 pp. doi:10.7930/J0Z31WJ2. Page 71.

<sup>3</sup> The Fourth National Climate Assessment was thoroughly reviewed by external experts and the general public, as well as by the federal government. An expert external peer review of the entire report was performed by an *ad hoc* committee of the National Academies of Sciences, Engineering, and Medicine. <https://nca2018.globalchange.gov/chapter/front-matter-about/>.

<sup>4</sup> AghaKouchak, Amir, *et al.*, He, Minxue, Ed., 2018: Fourth National Climate Assessment Chapter 3: Water, available at: <https://nca2018.globalchange.gov/chapter/3/> (internal citations omitted).

<sup>5</sup> The Fifth National Climate Assessment analyzes the impacts of climate and global change in the United States. The development of the Fifth National Climate Assessment was overseen by a Federal Steering Committee

Climate change will continue to cause profound changes in the water cycle, increasing the risk of flooding, drought, and degraded water supplies for both people and ecosystems. These impacts will disproportionately impact frontline communities.<sup>6</sup>

WHEREAS, the Intergovernmental Panel on Climate Change noted:

Widespread and rapid changes in the atmosphere, ocean, cryosphere and biosphere have occurred. Human-caused climate change is already affecting many weather and climate extremes in every region across the globe. This has led to widespread adverse impacts and related losses and damages to nature and people (high confidence). Vulnerable communities who have historically contributed the least to current climate change are disproportionately affected (high confidence).<sup>7</sup>

WHEREAS, in its *2019 State of the Basin Report* the Commission recognized potentially significant impacts and threats to the Basin's water resources posed by climate change; and

WHEREAS, the Governors of the four Basin states—Delaware, New Jersey, New York and Pennsylvania—are all members of the United States Climate Alliance,<sup>8</sup> a bipartisan coalition of Governors focused on smart, coordinated state action that can ensure the United States continues to contribute to the global effort to address climate change; and

WHEREAS, Governors of all four of the Basin states have issued executive orders directing that studies be conducted, and in certain instances, that rulemaking be initiated, to help mitigate the impacts of climate change on their states' natural resources, environment, and economies;<sup>9</sup> and

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appointed by the Subcommittee on Global Change Research and comprising representatives from U.S. Global Change Research Program agencies. The full report is available at: <https://nca2023.globalchange.gov/>.

<sup>6</sup> Payton, E.A., *et al.*, Crimmins, A.R., *et al.*, Eds., 2023: Ch. 4. Water: *Fifth National Climate Assessment*, available at: <https://nca2023.globalchange.gov/chapter/4/>.

<sup>7</sup> IPCC, 2023: Summary for Policymakers. In: *Climate Change 2023: Synthesis Report*. Contribution of Working Groups I, II and III to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change [Core Writing Team, H. Lee and J. Romero (eds.)]. IPCC, Geneva, Switzerland, pp. 1-34, doi: 10.59327/IPCC/AR6-9789291691647.001 at 5 (references omitted).

<sup>8</sup> U.S. Climate Alliance, *Members* web page, <https://usclimatealliance.org/members/>.

<sup>9</sup> See, e.g., Del. Exec. Order No. 41 (Sept. 12, 2013), [https://archivesfiles.delaware.gov/Executive-Orders/Markell/Markell\\_EO41.pdf](https://archivesfiles.delaware.gov/Executive-Orders/Markell/Markell_EO41.pdf); N.J. Exec. Order No. 89 (Oct. 29, 2019), <https://www.state.nj.us/infobank/eo/056murphy/pdf/EO-89.pdf>; E.O. 22 of Sept. 20, 2022; N.Y. Exec. Order No. 22 (Sept. 20, 2022), [https://www.governor.ny.gov/sites/default/files/2022-09/EO\\_22.pdf](https://www.governor.ny.gov/sites/default/files/2022-09/EO_22.pdf); and Pa. Exec. Order No. 2019-07 as Amended (June 22, 2020), <https://www.oa.pa.gov/Policies/eo/Documents/2019-07.pdf>.

WHEREAS, each of the four basin states has adopted a Climate Resilience Plan<sup>10</sup> that considers observed and anticipated climate-related water resource impacts within the state. These plans also include mitigation measures related to energy, transportation and other sectors that contribute significant green house gas emissions. The DRBC's activities will focus on water resources matters within the authority and jurisdiction of the Commission. These do not include setting or implementing broad GHG reduction goals across sectors .

WHEREAS, Presidential Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, announced the policies, among others, of (a) making climate considerations an essential element of foreign policy and national security, and (b) implementing a coordinated, government-wide approach to meeting climate-related challenges;<sup>11</sup> and

WHEREAS, Presidential Executive Order 14096, *Revitalizing Our Nation's Commitment to Environmental Justice for All*, launched a whole-of-government approach to environmental justice and equity, including in response to climate change and its effects;<sup>12</sup> and

WHEREAS, evaluations and studies conducted by, among others, the Commission,<sup>13</sup> United States Army Corps of Engineers,<sup>14</sup> and United States Geological Survey<sup>15</sup> have shown the enhanced threats to water supplies, water infrastructure, water quality, and the health of aquatic ecosystems due to potential changes in the seasonality and volume of streamflows, which cause

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<sup>10</sup> Del. Dep't of Nat. Res. & Env'tl. Control, *Delaware's Climate Action Plan* (Nov. 2021), available at: <https://documents.dnrec.delaware.gov/energy/Documents/Climate/Plan/Delaware-Climate-Action-Plan-2021.pdf>; N.J. Dep't of Env'tl. Prot., *Strategic Climate Action Plan (Draft)* (Sept. 2023), available at: <https://dep.nj.gov/wp-content/uploads/strategic-climate-action-plan/strategic-climate-action-plan-draft.pdf>; N.Y. Climate Action Council, *Scoping Plan Full Report* (Dec. 2022), available at: <https://climate.ny.gov/resources/scoping-plan/>; Pa. Dep't of Env'tl. Prot., *Pennsylvania Climate Action Plan* (Sept. 2021), available at: <https://greenport.pa.gov/elibrary//GetDocument?docId=3925177&DocName=2021%20PENNSYLVANIA%20CLIMATE%20ACTION%20PLAN.PDF%20%20%3cspan%20style%3D%22color:green%3b%22%3e%3c/span%3e%20%3cspan%20style%3D%22color:blue%3b%22%3e%28NEW%29%3c/span%3e%209/21/2023>.

<sup>11</sup> Exec. Order No. 14008, 86 Fed. Reg. 7619 (Feb. 1, 2021), <https://www.federalregister.gov/documents/2021/02/01/2021-02177/tackling-the-climate-crisis-at-home-and-abroad>.

<sup>12</sup> Exec. Order No. 14096, 88 Fed. Reg. 25251 (Apr. 21, 2023), <https://www.federalregister.gov/documents/2023/04/26/2023-08955/revitalizing-our-nations-commitment-to-environmental-justice-for-all>.

<sup>13</sup> Shallcross, Amy. (2017). Analyzing Climate Change Impacts to Water Resources in the Delaware River Basin - Big Picture Risks. [https://www.nj.gov/drbc/library/documents/Shallcross\\_climate-change-wrm\\_WRADRBnov2018.pdf](https://www.nj.gov/drbc/library/documents/Shallcross_climate-change-wrm_WRADRBnov2018.pdf).

<sup>14</sup> Johnson, Billy H., (2010). Report prepared for: U.S. Army Engineer District, Philadelphia: Application of The Delaware Bay and River 3d Hydrodynamic Model to Assess the Impact of Sea Level Rise on Salinity. Available from U.S. Army Engineer District, Philadelphia or Delaware River Basin Commission.

<sup>15</sup> Williamson, T.N., Lant, J.G., Claggett, P.R., Nystrom, E.A., Milly, P.C.D., Nelson, H.L., Hoffman, S.A., Colarullo, S.J., and Fischer, J.M., 2015, Summary of hydrologic modeling for the Delaware River Basin using the Water Availability Tool for Environmental Resources (WATER): U.S. Geological Survey Scientific Investigations Report 2015–5143, 68 p., <http://dx.doi.org/10.3133/sir20155143>.

more frequent and severe floods and droughts; changes in the location of the salt front due to sea level rise; and insufficient storage to manage salinity in the Delaware River Estuary; and

WHEREAS, the Commission is committed to the principles of diversity, equity, inclusion, and justice and recognizes that certain overburdened and under-represented communities, including those with a high percentage of minority and low-income populations, may be disproportionately affected by the impacts of climate change on water quantity and quality; and

WHEREAS, the Commission employs the best available science to promote sustainable water resource management within the Basin, increase water conservation and efficiency, and enhance the resilience of aquatic ecosystems and water infrastructure to the impacts of flood and drought events; and

WHEREAS, in December 2019, the Commission formed the Advisory Committee on Climate Change (“ACCC”) to provide the Commission and the Basin community with vital expertise, information, and advice in the face of changing hydrologic conditions and sea level rise resulting from climate change, and the ACCC has reviewed this Resolution (including the attachments described below) and has recommended its adoption; and

WHEREAS, the Commission is charged with developing and adopting, and with periodically reviewing and revising, a Comprehensive Plan for the optimum planning, development, conservation, utilization, management and control of the water resources of the Basin to meet present and future needs; and the Delaware River Basin Compact (the “Compact”) provides the Commission with a range of tools for developing and implementing its Comprehensive Plan, including powers to conduct and sponsor research; to plan, design and construct projects, activities and services; to establish rules; and to review projects sponsored by other entities that may have a substantial effect on the Basin’s water resources to ensure such undertakings do not substantially impair or conflict with the Comprehensive Plan; now therefore,

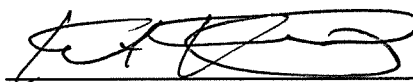
BE IT RESOLVED by the Delaware River Basin Commission:

1. Finding. Climate change has caused and will continue to produce impacts on the water cycle, including on water availability; water quality; the management and uses of Basin water for economic, recreational, ecosystem sustainability, and other purposes; and the functionality and resilience of water infrastructure and other vital projects and activities within the Delaware River Basin.
2. Directive.
  - a. Water Resources Program: Each year, the Commission’s Water Resources Program shall include a section or sections dedicated to climate change, associated impacts on the water resources of the Basin, and any proposed additions or revisions to work


plans and rules to address climate change resilience, adaptation, or mitigation within the scope of the Commission’s authority to manage the Basin’s water resources.

- b. Climate Resilience Plan: The Executive Director is hereby authorized and directed to develop a plan of prioritized DRBC actions for evaluating the impacts of climate change on water resources of the Basin and formulating management approaches, including recommended policies and rules, for improving resilience and adaptation to a changing climate. In consultation with the Commissioners, advisory committees and other stakeholders, the Commission staff are directed to identify and recommend activities and actions within the authority, jurisdiction, and expertise of the Commission, which may include, but are not necessarily limited to, the following:
  - i. Flow and Drought Management: Evaluate and propose responses to seasonal and long-term hydrologic changes affecting rainfall-runoff, groundwater recharge, reservoir inflows, snowpack, sea levels, changes in salinity, and freshwater storage and flow management needs.
  - ii. Flood Loss: Evaluate the impacts of climate change on the frequency and extent of main stem and tidal flooding. Review and propose updates to DRBC’s *Flood Plain Regulations*.
  - iii. Water Quality: Evaluate water quality trends for interstate waters and determine whether amendments to the Commission’s *Water Quality Regulations* (including Article 3 of the *Water Code*, “Water Quality Standards,” and Article 4, “Application of Standards”) are advisable as a result of the impacts of climate change on the designated uses of these waters.
  - iv. Water Use and Water Efficiency: Re-evaluate water use (withdrawal) and consumptive use projections based upon climate trends. Evaluate and consider additional water efficiency needs, standards, and impacts related to climate change.
  - v. Water Equity and Environmental Justice: Identify and propose actions consistent with the Commission’s Policy on Diversity, Equity, Inclusion, Justice and Belonging; design and implement measures that will enhance the resilience of overburdened and under- represented communities; and integrate measures to promote equity and environmental justice into the activities and actions recommended in the Climate Resilience Plan.
  - vi. Regulations: Consider new or revised regulations under the Compact to address significant climate-related risks and vulnerabilities .

- c. Metrics: Identify available metrics or develop new ones to measure the impacts of climate change on the Basin's water resources and the performance of resilience and adaptation measures.
- d. Advisory Committee on Climate Change: Consult the ACCC on the Water Resources Program and the above Climate Resilience Plan.
- e. Action by Other Entities: It is recognized that the scope of impacts of climate change on the water cycle and the water resources of the Basin warrant activity and action by entities in addition to or other than the Commission. After consultation with the ACCC, staff may identify potential activities and actions more appropriately undertaken by other entities.
- f. Outreach and Education: The Commission shall continue to provide the Basin community with science-based information and data about the relationship of climate change to the water cycle and water resources of the Basin and the measures that the Commission, other government entities, and the Basin community may take to mitigate or adapt to climate change impacts.
- g. Funding Priorities: The Commission recognizes that funding resources are limited and that available resources have not always been commensurate with the importance of developing and implementing a basin-scale action plan to support water management in the face of climate change. The Commission is committed to supporting staff in securing supplemental resources, including through grants and collaboration with other Basin organizations, to advance and accelerate the development and implementation of a Climate Resilience Plan for the Basin.



Chair Pro Tem



Commission Secretary

Adopted: June 5, 2024

NO. 2024 – 05

A RESOLUTION establishing a subcommittee of the Delaware River Basin Commission's Water Management Advisory Committee, focused on Source Water Protection.

WHEREAS, the water resources of the Delaware River Basin provide a source of public water supply, including drinking water, for over 8 million people in four states; and

WHEREAS, on average, over 800 million gallons of water are withdrawn throughout the Basin each day for public water supply; and

WHEREAS, protecting sources of public drinking water has multiple benefits, including among others: preventing exposure to contaminants, reducing risks to public health, reducing treatment costs, and protecting water quality for wildlife and recreational uses; and

WHEREAS, Section 7.1 of the Delaware River Basin Compact provides that "[t]he commission shall promote sound practices of watershed management in the basin," and source water protection is a vital consideration in watershed management; and

WHEREAS, the Basin states have developed Source Water Assessment Plans consistent with the requirements of the Federal Safe Drinking Water Act; and

WHEREAS, drinking water public utilities, government agencies and water users throughout the Basin have a common interest in protecting source water quality; and

WHEREAS, source waters of the Delaware River Basin face potential threats that include, but are not limited to: spills and releases of hazardous materials; salinity from road salts and sea level rise; emerging contaminants, including per- and polyfluoroalkyl substances (PFAS); unregulated contaminants; non-point sources of pollution, such as nutrients with the potential to cause harmful algal blooms (HABs), and pathogens; and

WHEREAS, the DRBC's Water Management Advisory Committee (WMAC) and Water Quality Advisory Committee (WQAC) were created to engage diverse sectors in advising the Commission and its staff and to provide a forum for the exchange of information and viewpoints on a variety of watershed and water quality issues. Each has the authority, along with the Commission, to establish subcommittees to address specific issues; and

WHEREAS, a subcommittee can be an effective vehicle for defining, elevating awareness of, and developing strategies to address source water protection concerns for drinking water supplies in the Delaware River Basin; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. The Executive Director is authorized and directed to:



- a. Convene a Subcommittee on Source Water Protection (SSWP) constituted as set forth in paragraph 4 below, to report to the WMAC.
  - b. Provide a staff liaison to assist the SSWP chair in scheduling meetings, developing and distributing agendas, and preparing meeting summaries and recommendations for the WMAC.
2. The primary objectives of the SSWP are to:
  - a. Provide a regional forum for knowledge sharing and dialogue, and to promote cooperation in addressing source water protection issues and best practices across the Basin.
  - b. Establish and maintain a regular dialogue among public drinking water suppliers and government agencies involved in source water protection within the Basin.
  - c. Coordinate with and support the Delaware Valley Early Warning System.
  - d. Advance to the Executive Director and the WMAC any recommendations that could require Commission action.
3. The SSWP may establish and pursue such other objectives as it deems necessary and appropriate. These may include, but are not limited to:
  - a. Identifying and examining regional source water protection concerns and priorities.
  - b. Coordinating or supporting source water and drinking water protection efforts that benefit multiple water systems.
  - c. Coordinating approaches for funding drinking water supply source protection programs and measures, as needed.
  - d. As appropriate, coordinating with other groups, including the Schuylkill Action Network, that are working to advance and implement source water and watershed protection projects and programs within the Delaware River Basin.
4. The SSWP shall be constituted as follows:
  - a. Reserved Members: Six (6) of the SSWP's members shall be representatives of the states of Delaware, New Jersey, New York, and Pennsylvania; the U.S. EPA; and the City of Philadelphia who possess expertise relevant to the SSWP objectives set forth in paragraph 2 above.
  - b. Other Eligible Organizational Members (Non-Reserved): The number of non-reserved organizational members shall be unlimited, provided each falls within one of the classes defined by i. and ii. below. Non-Reserved organizational

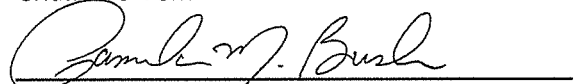
members shall be appointed by the Executive Director, either upon the organization's or the Executive Director's request.

- i. Drinking water utilities that obtain their source water from and provide service to customers within the Delaware River Basin.
    - ii. Drinking water utilities that obtain their source water from the Delaware and Raritan Canal.
  - c. Each organizational member may name one SSWP representative and if desired, one alternate representative. For matters that require a subcommittee vote, each member will have one vote that can be cast by either the member or the named alternate. Members and alternates can be added or revised by eligible organizations and recognized by the chair at any time, with notice to the DRBC staff liaison.
  - d. There are no term limits for members.
  - e. Drinking water utilities that withdraw surface waters from the main stem Delaware River or from the Delaware & Raritan Canal will be encouraged to join and participate in the SSWP.
5. The SSWP shall elect a Chair and a Vice Chair. A nomination and vote for this position shall occur at least once every year. There are no limitations as to how long a chair or vice chair can serve if willing and if duly elected.
  6. The SSWP may consider and establish task- or working groups if needed, with membership determined by needs.
  7. All meetings of the SSWP shall be open to the public, and input from any interested stakeholders should be considered, as needed and as appropriate to the objectives of the SSWP.
  8. The SSWP will meet at least once per calendar year.
  9. The SSWP shall be organized as a subcommittee of the WMAC; however, members are encouraged to coordinate with both the WMAC and the WQAC on matters of interest to both.
  10. All advisory sub-committee members shall serve at the pleasure of the Executive Director and Commissioners and may be removed by either without cause.
  11. Unless renewed, the SSWP shall expire three years from the effective date of this Resolution. Before the end of its three-year term, the SSWP shall make a recommendation to the WMAC and the Commission regarding a path forward for the SSWP. The SSWP shall review the following options:

- a. Continue the SSWP as constituted and request that the Commission renew and extend the term of the SSWP.
- b. Continue the SSWP with recommendations for structural changes, which may include objectives, governance provisions, and/or membership eligibility.
- c. Transition of the SSWP to another form of voluntary source water protection collaborative with similar goals.
- d. Terminate the SSWP with no further action.



Chair Pro Tem



Commission Secretary

Adopted: June 5, 2024

A RESOLUTION to amend the Commission's *Administrative Manual—Rules of Practice and Procedure*.

WHEREAS, the Commission on September 28, 2023 issued a [Notice of Proposed Rulemaking](#) and proposed [amended rule text](#) to amend the Commission's Rules of Practice and Procedure, 18 C.F.R. Part 401 ("RPP"), to:

- resolve ambiguities in the language of § 401.41(a) ("Limitation of approval");
- replace certain out-of-date provisions that no longer conform to current practice;
- eliminate references to the federal Freedom of Information Act ("FOIA") in Subpart H—Public Access to Records and Information, because the Commission is expressly exempt by section 15.1(m) (U.S. reservation clauses) of the Delaware River Basin Compact from the federal Administrative Procedure Act, of which FOIA is a part; and
- make administrative and conforming amendments related to the above; and

WHEREAS, during a comment period that ran through November 30, 2023, including two public hearings on November 13, 2023, the Commission heard oral comment from ten individuals and received 199 written submissions, many of which included multiple comments. Copies of all comments received are posted on the Commission's website; and

WHEREAS, the Commission staff, in consultation with the Commissioners and their advisors, has developed a detailed response to comments and a set of final regulations; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. The Commission hereby finds and determines that it is in the best interest of the Commission to amend the RPP as set forth in the attached revised regulations.
2. The June 2024 Comment and Response Document is hereby adopted in its entirety.
3. The attached Amendments to the *Administrative Manual—Rules of Practice and Procedure*, 18 C.F.R., Part 401, are hereby adopted as final regulations.



Chair Pro Tem



Commission Secretary

Adopted: June 5, 2024