

DELAWARE RIVER BASIN COMMISSION

MEETING OF JUNE 7, 2023

Minutes

Commissioners Present: Susan Weaver, Pennsylvania, Chair
Jeffrey L. Hoffman, New Jersey, Vice Chair
Kenneth Kosinski, New York, Second Vice Chair
Steve Williams, Delaware
Lieutenant Colonel Ramon Brigantti, United States

DRBC Staff Participants: Steven J. Tambini, Executive Director
Kenneth J. Warren, General Counsel
Pamela Bush, Commission Secretary and Assistant General Counsel
Kristen B. Kavanagh, Deputy Executive Director
Elba Deck, Director, Finance and Administration
David Kovach, Manager, Project Review
Amy Shallcross, Manager, Water Resource Operations
John Yagecic, Manager, Water Quality Assessment

Chair *pro tem* Susan Weaver, Program Manager of Compacts and Commissions of the Pennsylvania Department of Environmental Protection, and the alternate for Governor Josh Shapiro of the Commonwealth of Pennsylvania, called the meeting to order. Lieutenant Colonel Brigantti led the Pledge of Allegiance.

Ms. Weaver announced that the business meeting was being held in person in Camden, New Jersey, and was open to attendance by the public either in person or virtually via a live streamed broadcast on DRBC's YouTube channel. She commented that the revitalization occurring along the river in Camden was rewarding to see. Ms. Weaver thanked DRBC and the many partners involved in coordinating the day's program, including the business meeting and associated events in Camden. In particular, she acknowledged and thanked Rutgers University Camden and its staff. She also thanked those attending the meeting that day.

Ms. Weaver introduced Nyeema Watson, Senior Vice Chancellor for Diversity, Inclusion and Civic Engagement, Rutgers University Camden.

Welcome by Nyeema Watson, Senior Vice Chancellor for Diversity, Inclusion and Civic Engagement, Rutgers University Camden. On behalf of Chancellor Tillis, Ms. Watson welcomed all in attendance and said the University was proud to host the Commission's meeting that day. She thanked Camden Mayor Vic Carstarphen and Camden County Commissioner Jeffrey Nash for their support of Rutgers Camden. Ms. Watson said the University regards the cities of Camden and Philadelphia as one region united by a body of water, rather than as two cities separated by one river. Citing efforts by the University's chemistry and biology departments, she said Rutgers

Camden faculty and students are engaged in research that seeks to preserve our waterways, including among other efforts, research on microplastics in the Delaware River, on water purification methods, and on the organisms that live in and around the rivers, lakes, and streams adjoining the Delaware and at Rutgers University's Pinelands field research station. She said that because Rutgers Camden faculty and students engage deeply with the region's waterways, the University understands that healthy waterways make healthy communities. She added that water access makes Camden an attractive place for students, faculty, and staff to work and live.

Ms. Watson noted that Rutgers Camden had recently received a grant from the New Jersey Department of Environmental Protection ("NJDEP") to introduce diverse young people, ages 16 to 20, to careers in environmental protection and sustainability. She encouraged attendees to spread the word about this program, especially in the City of Camden and surrounding communities, adding, Rutgers Camden would love to have these young people look at environmentalism and sustainability in new ways. She emphasized that the school is a fully engaged partner in the important environmental work of the entities represented in the room, and she encouraged all of them to call upon the University for its research, its students, and its civic and community engagement. Ms. Watson thanked everyone for the opportunity to address the gathering.

Introductions. At Ms. Weaver's request, the four alternate DRBC Commissioners introduced themselves as: Steve Williams, Delaware Department of Natural Resources and Environmental Control, representing Governor John Carney; Jeff Hoffman, New Jersey State Geologist, representing Governor Phil Murphy; Ken Kosinski, New York State Department of Environmental Conservation, representing Governor Kathy Hochul; and Lt. Col. Ramon Brigantti, representing the U.S. Army Corps of Engineers North Atlantic Division Commander, Col. John Lloyd. DRBC's Executive Director, Steve Tambini, General Counsel, Ken Warren, and Commission Secretary and Assistant General Counsel, Pam Bush, also introduced themselves.

Other Preliminaries. Ms. Weaver announced that following the business meeting, DRBC Executive Director Steve Tambini would conduct an open public comment session, for which he would also review the pertinent procedures. She reminded in-person and virtual attendees that as the Commission's meeting notice explained, although the open public comment session would be broadcast on DRBC's YouTube channel, only those attending the session in person would have microphone access, and thus, the ability to comment during the session.

Minutes. Ms. Bush announced that she had circulated the draft Minutes of the Commission's March 8, 2023 business meeting to the Commissioners and had received no corrections or comments. She recommended that the draft Minutes be approved. Mr. Hoffman so moved, Mr. Kosinski offered a second, and without further discussion, the Minutes of the Commission's March 8, 2023 business meetings were approved by unanimous vote.

Announcements. Ms. Bush announced the following scheduled advisory committee meetings, noting that details, including staff liaisons, Zoom registration links as appropriate, and agendas when available, would be available on the Commission's website:

- DRBC Toxics Advisory Committee (TAC), June 14, 2023 at 9:00 a.m. via Zoom webinar.
- DRBC Water Management Advisory Committee (WMAC), June 28, 2023 and October 12, 2023, both at 10:00 a.m. via Zoom webinar.

A RESOLUTION for the Minutes honoring and recognizing the vital relationship between the City of Camden, New Jersey, its neighborhood and business communities, and its Delaware River waterfront. Mr. Tambini read aloud the resolution for the minutes in its entirety before asking the Commissioners to approve it. Mr. Hoffman offered a motion, Mr. Kosinski a second, and without further discussion, the resolution was approved by unanimous vote. The text of the resolution follows:

RESOLUTION FOR THE MINUTES

A Resolution for the Minutes honoring and recognizing the vital relationship between the City of Camden, New Jersey, its neighborhood and business communities, and its Delaware River waterfront.

WHEREAS, by virtue of its location at the confluence of the Delaware River and Cooper River, the City of Camden, New Jersey has played an important role in the history of the State of New Jersey, the Delaware Valley Region, and the Delaware River Basin;

WHEREAS, Cooper's Ferry and its predecessor operated as early as 1688 and provided the earliest means of communication and transportation across the Delaware River between Philadelphia and Camden;

WHEREAS, access to ocean trade made Camden County a manufacturing hub and contributed to the development of the popular phrase, "On Camden supplies, the world relies;"

WHEREAS, as industry and trade thrived and population grew in the 19th and early 20th centuries, the region's water quality declined and the industrial nature of the waterfront restricted access for Camden communities;

WHEREAS, on December 12, 1972, the Commission amended its Comprehensive Plan to include Camden County Municipal Utilities Authority's ("CCMUA") regional sewage facilities plan. In the decades since, the City of Camden, Camden County, and CCMUA have worked in partnership to provide local and regional water quality improvements through regional wastewater treatment, resilient sewer and stormwater infrastructure, and creative measures to address flooding and reduce combined sewer overflows;

WHEREAS, beginning in the 1980s the State of New Jersey, Camden County, the Delaware River Port Authority, and the City of Camden have worked in partnership to clean up legacy industrial pollution and redevelop the Camden waterfront;

WHEREAS, these efforts have transformed the Camden waterfront both economically and environmentally, and the waterfront and the city are emerging as a home for world-class businesses, tourist attractions, marinas, health care, community organizations, and educational institutions;

WHEREAS, Camden residents and visitors now access and enjoy riverside parks such as Gateway Park, Cooper's Poynt Waterfront Park, Pyne Poynt Park, New Camden Park, Cramer Hill Park, and Wiggins Waterfront Park and Marina, which have reconnected Camden to its waterfront;

WHEREAS, the City, Camden County Parks Department, and State of New Jersey are redeveloping brownfields into public parks and green stormwater infrastructure, and more projects, including the Camden Water Trail, are planned to further enhance access to and enjoyment of the City's waters and waterfront; and

WHEREAS, the Camden Community Partnership continues its mission to serve as the catalyst for the preservation and growth of a vibrant Camden, and the Camden Collaborative Initiative continues to lead the way in planning and developing projects that will further revitalize Camden's waterways and its waterfront.

NOW THEREFORE, BE IT RESOLVED that the Delaware River Basin Commission honors and recognizes the City of Camden, New Jersey and its government and community partners for:

1. Committing to clean, healthy, and sustainable water resources for its residents and the natural environment.
2. Envisioning and investing to create an economically thriving and dynamic waterfront along the Delaware River.
3. Opening additional and improved opportunities for public access to Camden's waterfront and waterways.
4. Nurturing a spirit of community that continues to identify and address water quality and water equity challenges.

Thanking City of Camden Mayor Victor Carstarphen for his work as a champion of improving the City, its communities, and the waterfront, Mr. Tambini presented Mayor Carstarphen with an engraved plaque displaying the resolution.

Remarks of Camden Mayor Victor Carstarphen. Mayor Carstarphen warmly welcomed the DRBC Commissioners and staff, and said Camden was honored to host the Commission's quarterly business meeting. He thanked Mr. Tambini, the Commissioners, the DRBC member states and the U.S. Army Corps of Engineers, which he acknowledged as the federal representative on the Commission. Mayor Carstarphen acknowledged the vital role of collaboration in efforts to safeguard the Delaware River, a connector of communities across state lines. He acknowledged

that upstream and downstream activities directly affect the well-being of Camden and its neighboring areas, demonstrating the need for a unified approach to water quality.

Mayor Carstarphen commended the work of the DRBC, NJDEP, and other state and federal agencies that has driven significant improvements in water quality within the urban Delaware River Estuary bordering Camden. “We are grateful for the tireless efforts [of these entities] to ensure clean and sustainable water resources for our communities,” he said. Reaffirming the City of Camden’s unwavering commitment to water equity and environmental justice, he re-stated his administration’s firm belief that every resident deserves access to clean and safe water regardless of their socio-economic background or geographic location. “It is our duty to protect our natural resource and ensure that the benefits of revitalization extend to all members of our community,” he said. The Mayor went on to acknowledge collaborative initiatives among Camden County, the Camden County Municipal Utilities Authority, and the State of New Jersey that have improved the resiliency of sewer and stormwater infrastructure, addressed flooding concerns, and substantially reduced combined sewer overflows, accomplishments of which Camden is proud. He said the City remains dedicated to further enhancing Camden’s water management systems.

Citing Gateway Park, Cramer Hill Park, and Wiggins Waterfront Park as “shining examples,” the Mayor also highlighted the City’s transformation of brownfield sites into public parks and green infrastructure projects that reconnect Camden to its waterfront. Upcoming projects, including the Sadler Marina, Petty Island, and a waterfront trail, will enhance recreational opportunities and ecological preservation and continue the momentum created by these projects. “It is crucial to recognize that a healthy environment and clean water resources serve as the foundation for a thriving waterfront economy,” the Mayor said.

The Mayor expressed the City’s gratitude for partnerships such as the Camden Community Partnership and the Camden Collaborative Initiative, which have spearheaded waterfront planning, redevelopment, and revitalization efforts, engaging community leaders, residents, employers, and partners in a holistic approach to revitalization.

He thanked public servants who have supported the City’s revitalization and the day’s events, calling out: Governor Phil Murphy, for sharing his videotaped remarks for this occasion; Congressman Donald Norcross, who was unable to attend the day’s events due to legislative commitments; Camden County Commissioner Jeff Nash; “Camden’s own” Olivia Glenn, Chief of Staff and Senior Advisor for Equity at the U.S. Environmental Protection Agency’s (“EPA”) Region 2; Elizabeth Dragon, Assistant Commissioner of Community Investment and Economic Revitalization at NJDEP; and Nyeema Watson, Senior Vice Chancellor for Diversity, Inclusion and Civic Engagement at Rutgers University, Camden, and also a Camden native.

The Mayor emphasized that while there is more work to be done, the progress achieved in Camden, particularly along its waterfront, had been nothing short of remarkable. Collective efforts, he said, had brought about positive change and set the stage for continued growth and prosperity. Mayor Carstarphen invited those assembled to “take a moment to celebrate this progress and renew the

commitment for preserving our precious water resources for the benefit of current and future generations.”

Recorded Video Message from Governor Murphy. Via a recorded video, Governor Murphy of New Jersey welcomed the DRBC Commissioners and meeting attendees to Camden. He thanked the other speakers and highlighted efforts by the DRBC and NJDEP to improve water quality and revitalize the Camden waterfront.

In particular, the Governor recognized Mayor Carstarphen, Camden County Commissioner Jeff Nash, and EPA Senior Advisor for Equity, Olivia Glenn, who, he noted, is also a former Deputy Commissioner at NJDEP. He specifically thanked the DRBC for leading efforts to work with state and federal partners, including NJDEP, to achieve significant water quality improvements in the urban Delaware River Estuary near Camden. “Our administration is fully committed to environmental justice, water conservation, watershed and resilience planning, and ensuring that every community has access to clean water,” he said. Governor Murphy emphasized that his administration sought to make New Jersey a national leader for environmentalism. He said the state’s Office of Climate Action and the Green Economy would continue its work with a constant and unyielding focus on achieving equity, including water equity.

The Governor reaffirmed his administration’s commitment to redeveloping brownfields into public parks and infrastructure in Camden. Noting that riverside parks such as Gateway Park, Cramer Hill Park and Wiggins Waterfront Park had reconnected the community to its waterfront, he promised more projects still to come. These projects “not only provide our communities with recreational outdoor space and a healthy environment,” he said, “they also support a thriving waterfront economy and create jobs, compounding the benefits of redevelopment.” Governor Murphy recognized that none of the projects he mentioned would have been or would be possible without organizations like the Camden Community Partnership and its Camden Collaborative Initiative. The Governor commended these organizations for their holistic approach to revitalizing Camden, including their engagement of community leaders, residents, employers, and more. “What began as a waterfront project has now expanded citywide,” he said, “and while we still have more work to do, the progress that has been made in Camden is remarkable and worthy of celebration.” He said he looked forward to continuing to work together with Camden partners on many more revitalizing initiatives in the City.

Remarks of Camden County Commissioner Jeff Nash. Mr. Tambini introduced Camden County Commissioner Jeff Nash as a champion for Camden County and the City of Camden. Commissioner Nash welcomed everyone. Highlighting his personal connections to the DRBC member states, he noted that he was born and raised in New York City; his family members—from his grandfather in World War I to his sister who is a Marine—had long been in uniform; he worked for many years in Pennsylvania; and he currently lives in New Jersey.

After recognizing the work of the Mayor and of Olivia Glenn, Commissioner Nash recalled “one of my great heroes who recently passed,” the late Monsignor Michael Doyle of Sacred Heart Church. Monsignor Doyle was the first person who ever spoke to him about the Delaware River

as Camden's life blood, and was a pioneer—"a monument of a man"—who advanced the concept of environmental justice and the importance of access to and interaction with the Delaware River. Commissioner Nash recounted that when Governor Murphy signed New Jersey's environmental justice legislation, the Governor wrote a note to the Monsignor thanking him for paving the way for the state to enact environmental justice legislation. He said the Monsignor had told him, "You always have to have the river flowing and have the residents of the city touch the river in order to sustain the life of the city." The Commissioner believes that statement to be true, not only because the Delaware River provides drinking water for 17 million people, including in New York City, Philadelphia, and forty-two counties in five states, and not only because George Washington crossed the Delaware River "right up the street," during the Revolutionary War, but also because the river provides life. Before the Clean Water Act, the Commissioner said, the life of the river was almost extinguished. He acknowledged the work of the DRBC in restoring water quality and emphasized the need to maintain and further such improvements in a manner the community could afford. The trick going forward, he said, would be to sustain that lifeblood, to make sure that environmental protections for the river last forever, while threading the needle by doing so in a manner affordable to the community. Commissioner Nash expressed his confidence that "the needle will be threaded" and environmental protections will be sustained without overburdening communities financially.

Commissioner Nash presented a proclamation to the DRBC acknowledging the Commission's many accomplishments since its inception in 1961 and thanked Mr. Tambini for the opportunity to address the gathering that day. A photo of the presentation was taken, including the five DRBC Commissioners, County Commissioner Nash, Mayor Carstarphen, NJDEP Assistant Commissioner Elizabeth Dragon, and EPA Senior Advisor Olivia Glenn. Commissioner Nash made an additional point of recognizing and greeting Dalin Hackley, an aide to Congressman Norcross.

Remarks of Elizabeth Dragon, Assistant Commissioner for Community Investment and Economic Revitalization at NJDEP. Ms. Dragon said she was delighted to join in the day's events and to celebrate and honor the remarkable, years-long, effort of the City of Camden to revitalize its waterfront. She congratulated the Mayor and "Team Camden" for their extraordinary achievements in revitalizing the waterfronts of both the Delaware River and the Cooper River and expressed shared pride in the opportunities to access and enjoy the Camden waterfront afforded by Gateway Park, Coopers Point Waterfront Park, Pyne Point Park, New Camden Park, Cramer Hill Waterfront Park, and Wiggins Waterfront Park and Marina. Ms. Dragon recognized County Commissioner Nash and his team; Camden County Parks Director Maggie McCann Johns; the Camden County Collaborative; Joe Myers (Chief Operating Officer of the Cooper's Ferry Partnership), Dana Redd (President and Chief Executive Officer of the Camden Community Partnership) and their teams; Olivette Simpson (Director of Housing/Institutional Development and Interim Executive Director and Board Secretary, the Camden Redevelopment Agency) and her team; and EPA, Region 2, represented by Olivia Glenn, for their efforts in revitalizing the Camden waterfront. Ms. Dragon said their commitment to environmental justice and hard work had transformed Camden's former industrial waterfront into a dazzling parkway and one of New

Jersey's most wonderful places to enjoy. She thanked and congratulated all who had worked on the City's waterfront revitalization projects for their hard work and dedication.

Explaining why she was representing NJDEP that day, Ms. Dragon said she loves Camden and spends a great deal of time there with the various partners she named. For the previous decade, she said, through NJDEP she had played a role in Camden redevelopment projects, including through her work with the stormwater management program, on flooding, and on wastewater concerns at Camden's Von Nieda Park. She worked closely with the City of Camden on Phoenix Park and with the Camden County Municipal Utilities Authority in her roles in compliance and enforcement, as well as at Whitman Park. As a member of NJDEP's Office of Natural Resource Restoration, she has continued her involvement in Camden's waterfront revitalization efforts. Ms. Dragon noted that she took particular pride in work completed at Cramer Hill Waterfront Park through a youth inclusion initiative, which had enabled her to work with young people of Camden. She expressed her commitment to continued community-wide revitalization efforts along the City's waterfront.

Ms. Dragon noted that open and green space is a precious commodity throughout New Jersey and that every New Jersey resident, regardless of income, race ethnicity, color, or national origin deserves the opportunity to enjoy quality recreation facilities and to ensure that future generations have the same. She observed that investment in a community's natural, cultural, and historic capital, as exemplified by waterfront revitalization in Camden, raises standards of living and promotes sustainable growth and long-term economic vitality. The projects celebrated that day, she said, strengthen the bonds that link the environment, economy, public health, and community spirit. Acknowledging that there was still much work to do, she invited all who contributed to take pride in how much they had accomplished together, leveraging collective ideas, funding, and other resources. She added that the achievements in Camden demonstrate a profound commitment to water quality through innovative stormwater and flood improvements and set an example for the entire state.

Remarks of Olivia Glenn, Chief of Staff and Senior Advisor for Equity, U.S. EPA, Region 2. Noting that the threads of progress clearly run from community, to city, to county, to state, to interstate, and that federal partners play a key role as well, Mr. Tambini introduced Camden native Olivia Glenn of EPA Region 2. Ms. Glenn thanked everyone for the warm welcome and said it was good to be back home in Camden.

Ms. Glenn expressed her appreciation for the opportunity to attend a morning boat tour, which allowed her to experience Camden's extraordinary waterfront redevelopment achievements from the water. She said that having grown up in Camden, and as an environmental professional, she had witnessed the transformation of the Delaware River and its canals and tributaries. When she was growing up, she said, residents were largely not connected to the City's waterways, primarily because of the legacy industrial uses dominating the waterfront. Over the past 25 years, however, she had witnessed water quality improvements, landscape transformations, and an improved sense of place for Camden residents. She said she sees Camden's success as a model for the nation. Ms. Glenn noted that in honor of the 50th anniversary of the Clean Water Act the previous October,

every EPA region had been invited to select one location within the region for an event highlighting the great work accomplished under that statute. EPA's Region 2, which encompasses New York, New Jersey, Puerto Rico, the U.S. Virgin Islands, and eight federally recognized Indian nations, chose the City of Camden at Cramer Hill Waterfront Park. She offered kudos to all who had contributed to the City's extraordinary accomplishments over the past 50 years.

Ms. Glenn noted that over the past 25 years, EPA had invested over \$312 million dollars to support resilient sanitary and stormwater infrastructure in Camden. Federal investment and partnerships with NJDEP and the New Jersey Infrastructure Bank had helped to fund projects to address street flooding, abate discharges from combined sewer overflows, and redevelop brownfields as public parks, integrating green infrastructure techniques and countering the effects of pollution and climate change that plague environmental justice communities. Ms. Glenn acknowledged EPA's partnerships with the Delaware Estuary Program as well as the Delaware River Urban Waters program, and in doing so, recognized Kathy Klein and Erica Rosetti, respectively, of those programs.

Ms. Glenn related that New Jersey was one of four states (the others being Connecticut, Pennsylvania, and Wisconsin) recently named as part of a new technical assistance initiative known as the Lead Service Line Replacement Accelerator. She said the program will work with 40 communities, including Camden during 2023. Through effective administration of State Revolving Fund investments made possible by the Bipartisan Infrastructure Law, the program will accelerate progress toward the Biden-Harris Administration's goal of 100 percent lead service line removal. The initiative will help water utilities identify and inventory lead service lines, plan and prioritize projects, engage community stakeholders and apply for state revolving loan funding at no cost to the local community.

Ms. Glenn said EPA looks forward to continuing to be a partner for the important work still to be done.

After a short recess, Ms. Weaver resumed the business meeting.

Hydrologic Conditions. Water Resource Operations Manager Amy Shallcross offered a presentation on basin hydrologic conditions. Ms. Shallcross's PowerPoint slides are archived at: [HydrologicConditions_shallcross_060723.pdf](#).

Hydrologic Cycle. Projecting a graphic of the hydrologic cycle, Ms. Shallcross described how and where water interacts among the atmosphere, land, and water bodies. Water evaporates from a water body, forming clouds; it eventually condenses and falls as precipitation; and when it reaches the ground, it may either run off into a surface water body or infiltrate into groundwater. Once water enters a stream or other surface water, the cycle starts anew.

Precipitation. Ms. Shallcross observed that conditions had been dry and air quality in the basin had been affected by wildfires in Canada. She noted that although water needs particles in the air to form droplets, smoke particles from the Canadian wild fires were too large to serve this purpose, and the air over the basin did not contain much water vapor.

She presented bar charts showing monthly observed versus normal precipitation for the upper and lower basin for the period from June 2022 through May 2023. In both regions, precipitation was below normal in the summer of 2022, during the winter of 2022-2023, and in May of 2023.

Ms. Shallcross next presented a graph showing accumulated year-to-date precipitation at Philadelphia Airport for 2023 and for the same period during the drought years of 1964 and 1965. The 2023 levels were similar to or below both comparison years until the beginning of May, and remained lower than 1965 levels through the end of May. A 365-day precipitation graphic, on a base map of the basin, showed that from June 2022 to June 2023, total precipitation across the basin ranged from more than 50 inches in the upper basin and southeast Pennsylvania, to 25-30 inches in the western-most part of the basin, to 40-45 inches elsewhere. Thus, for the 365-day period, the western portion of the basin alone was dry, while precipitation in the upper basin and portions of the lower basin was above normal. Similar graphics illustrating total precipitation and departures from normal for the previous 180 days, 90 days, 60 days, and 30 days, showed dryer than normal conditions across much of the basin.

Streamflow. If water does not infiltrate into the ground, it runs off and contributes to streamflow. Ms. Shallcross displayed a graphic showing that as of June 7, 2023, streamflows at most locations throughout the basin were either below normal or much below normal compared to the historical record. Only a few locations—downstream from reservoirs in the upper basin and in a few spots in the central portion of the basin—had normal flows. An instantaneous streamflow measurement at Trenton at 8:30 a.m. on June 7 was less than the average daily flow at Trenton for that date. Hydrographs (time-series plots of observed flows) for May 2022 through June 7, 2023 at Montague and Trenton, New Jersey, showing the mean and median from the historical record for these locations for comparison, illustrated the low flow periods of the summer of 2022 and spring of 2023. These corresponded to periods of low precipitation. Streamflows at Montague and Trenton are important because reservoir releases are made to ensure flow targets of 1,750 cfs and 3,000 cfs, respectively, are attained at these locations. Releases from the three largest basin reservoirs—Cannonsville, Pepacton, and Neversink—which are owned and operated by the City of New York for drinking water supply, are used to meet the Montague flow objective. The Trenton flow objective is supported by water from Beltzville and Blue Marsh Reservoirs, which are located, respectively, in the Lehigh and Schuylkill river basins in Pennsylvania, and are owned and operated by the U.S. Army Corps of Engineers.

Ms. Shallcross noted that as of June 6, 2023, usable storage in each of New York City's Delaware Basin reservoirs was between 90 and 95 percent. The Corps' Beltzville and Blue Marsh reservoirs were both at normal pool levels for this time of the year, as was a third reservoir owned and operated by the Corps—F.E. Walter Reservoir. Located in the Lehigh basin, F.E. Walter is used primarily for flood control and recreation. DRBC's drought management plan contemplates the use of storage in F.E. Walter to augment main stem Delaware River flows during times of severe drought. During normal (as opposed to drought) operations, recreation releases from F.E. Walter may offset the need for releases from the Beltzville and Blue Marsh Reservoirs that would otherwise be required to meet the Trenton, New Jersey flow objective during dry conditions.

New York City's Delaware Basin Reservoirs. DRBC's basinwide drought management program is based on combined storage in New York City's three Delaware Basin reservoirs. Ms. Shallcross displayed a graph showing the observed combined storage in the three reservoirs for the previous 12 months, along with the long term median storage for the previous 58 years. The graph also showed the storage levels at which drought watch, warning, and emergency operations commence in accordance with the DRBC's drought management plan. Total combined storage for the City's three Delaware Basin reservoirs remained below the median for much of the previous 12 months, except between January and April. As of the meeting date, combined storage in the three reservoirs was at approximately 93.2 percent of capacity, which 14.6 BG below the long-term median but 59.3 BG above drought watch.

Delaware Aqueduct Tunnel Project. Ms. Shallcross explained that over the next twelve months, storage in New York City's Delaware Basin reservoirs was to be affected by an aqueduct shutdown and repair project. The three reservoirs provide water to New York City via the Delaware aqueduct, an 85-miles- (137 km) long tunnel, 13.5 feet (4.1 m) in diameter. The aqueduct was constructed during the period 1939-1945 through geology that in a few locations consisted of fractured rock. Leaks developed in these locations. In response, between 2013 and 2019, the city constructed a bypass around the compromised section of the aqueduct. To complete the project by connecting the bypass to the main tunnel, the tunnel must be temporarily shut down. When completed, the bypass project will result in the recapture of the approximately 20 – 30 million gallons per day (mgd) of water that is currently lost to leaks. The tunnel shutdown was to occur during 2022 but the project was delayed when hydrologic conditions were forecast to remain unusually dry. Although New York City was at present moving ahead with the shutdown, the City was re-evaluating hydrologic conditions daily and could decide at any point to further postpone the project due to unfavorable conditions.

Ms. Shallcross explained that if the tunnel shutdown were to proceed, diversions from the City's Delaware Basin reservoirs from June through September would be maximized and water stored in the City's Croton and Catskill system reservoirs during the shutdown period, which was expected to last between six and eight months, beginning in October 2023. During the shutdown, no water from the City's three Delaware Basin reservoirs would be diverted from the basin via the aqueduct. Although reservoir releases would continue to be made, storage in the three reservoirs would recover during this period. Because the City would draw more than the customary amount of water from its Delaware system reservoirs during June through September, a slight possibility existed that the Delaware Basin could enter drought operations during this period. Extensive modeling performed by New York City and by the DRBC, indicated a slight increase in flood risk during the shutdown within the least serious flood categories, those termed "action" and "minor" stages.

Salinity. The combined freshwater flows from the Schuylkill and Delaware Rivers have a significant impact on the location of the "salt front," defined by the seven-day average location of the 250 milligram per liter chloride concentration (or "isochlor") in the Delaware River Estuary. The salt front is monitored to ensure it remains sufficiently far downstream to protect public water supply intakes in Philadelphia, Pennsylvania and Delran, New Jersey, as well as intakes for certain industries in this region. When these flows are low due to dry conditions in the middle and upper

basin, reservoir releases are used to augment flows to achieve a flow objective at the head of tide (top of the Estuary), at Trenton. Salt cannot be removed from water without costly desalinization. During the drought of record in the basin during the 1960s, the salt front migrated upstream as far as River Mile 102, which is located above the Ben Franklin Bridge. The location of the salt front on June 6, 2023 was River Mile 69.1, which is 0.1 miles upstream of the normal location for June.

Groundwater. Once precipitation falls to the ground, it can infiltrate and be observed as groundwater, which is measured by levels in indicator wells. Such wells are located at more than a dozen locations throughout the basin. Ms. Shallcross presented a map showing the well locations, arrayed beside three additional maps, each color-coded to indicate normal, below or much below normal, and above or much above normal levels by county as of April 6, May 6, and June 5, 2023. As of June 5, 2023, water levels were much below normal in nine counties. Hydrographs showing ground water elevations over the previous 12 months for six wells showed ground water elevations below the normal range, corresponding to periods of low precipitation.

Seasonal Outlook. Ms. Shallcross next presented the U.S. Drought Monitor's Monthly Drought Outlook, an assessment of drought conditions based on a variety of indicators. This outlook showed that much of the basin was in an "Abnormally Dry" condition on the meeting date. The prediction for June was that drought development was likely. According to the National Weather Service Climate Prediction Center, the outlook for the next 90 days indicated an above normal chance of warmer than normal temperatures and higher than normal precipitation. The National Hurricane Center predicted a near normal hurricane season. Ms. Shallcross noted that climate scientists use previous El Niño and La Niña years as analogues to develop precipitation outlooks.

Executive Director's Report. Mr. Tambini's Executive Director's report is summarized below:

Recognition of Camden. Mr. Tambini extended his appreciation to Rutgers University Camden for hosting the business meeting, and congratulated the city of Camden for collectively harnessing the spirit of community.

DRBC Storage Study. On April 26, 2023, DRBC published a technical report entitled *Evaluation of Additional Storage in the Delaware River Basin*, exploring the potential acquisition or development of additional freshwater storage to meet future water availability, climate adaptation, drought management and flow management needs. The study identifies and evaluates the feasibility of options for additional freshwater storage across a range of volumes from one billion gallons to 20 billion gallons. DRBC Manager of Water Resource Planning Chad Pindar led the study, which was conducted with the support of Mott MacDonald, a multinational engineering consulting firm. The study report and related information, including a list of key findings, were available on the DRBC website. Results were to be presented at the next meeting of the Commission's Water Management Advisory Committee, scheduled for June 28.

Monitoring and Community Outreach. DRBC's monitoring and community outreach activities intensify during the summer months. Activities planned or completed during the 2023 season included:

- Continued bacteria indicator monitoring at key locations in the urban Delaware River Estuary, including in Camden. The monitoring was to be performed before, during, and after major storm events for the purpose of evaluating effects potentially linked to runoff and combined sewer overflows on the main stem Delaware River.
- Continued PFAS monitoring in the main stem, with sample collection from fish tissue, sediment, and the water column for the purposes of assessing trends, determining bioaccumulation of PFAS compounds in fish present in urban areas, and supporting fish consumption advisories.
- Deployment of dissolved oxygen sensors at multiple locations throughout the water column in areas where juvenile Atlantic Sturgeon are known to congregate.
- Enhanced nutrients monitoring in the Delaware and Schuylkill rivers to support the evaluation of aquatic life water quality needs in the Estuary and the development of complex water quality models.
- Enhanced monitoring of chlorides and other salinity-related compounds to assess salinity trends in non-tidal headwaters of the Delaware River, an area of exceptional water quality in which previous monitoring has confirmed that exceptionally high water quality has not been degraded.
- Continued “boat run” monitoring for metals, nutrients, and fecal indicator bacteria at 22 sites throughout the Delaware River Estuary from March through October. The DRBC’s Estuary “boat run” monitoring program is one of the longest running monitoring programs in the world.
- Attendance at the recent Lambertville Shad Fest; Narrowsburg Festival of the Founding Fish; Chester River Festival; Hydromania at Cedar Crest College in Allentown, Pa.; Chester River Festival; Camden Environmental Summit; and World Environment Day. Planned participation in Trenton Youth Fishing Derby and Trenton Juneteenth Weekend; and following the DRBC business meeting that day, Camden Community Day.

Mr. Tambini recognized Beth Brown, DRBC’s Director of Communications and External Affairs, and her team for their part in coordinating DRBC’s presence at these events, or in some instances, coordinating the events. He noted that the basin covers 12,000 square miles in four states, and although the staff cannot attend every community event, the Commission does recognize the importance of listening to, supporting, and working with communities that represent the diversity of those who rely on the basin’s water resources. He emphasized that we all belong to this place.

Diversity, Equity, Inclusion, and Belonging. Mr. Tambini noted that during the month of June, DRBC would be joining others to recognize and celebrate our diversity by observing the Juneteenth holiday and Pride Month in support LGBTQ+ members of our communities.

Delaware River Sojourn. The 20th Annual Delaware River Sojourn was planned for June 17 through June 23. This event offers seven days of paddling, excursions, educational programs, camping and camaraderie. Mr. Tambini thanked Kate Schmidt of the DRBC staff for her work in organizing the Sojourn each year. More information about the Delaware River Sojourn can be found at www.delawareriversojourn.com

USACE Alternate Commissioner Changes. This was the final DRBC business meeting for Lt. Colonel Ramon Brigantti, Commander of the Philadelphia District of the U.S. Army Corps of Engineers. On behalf of the entire staff, Mr. Tambini thanked Lt. Colonel Brigantti for his service to the Commission and to the country, and for his support of cooperative water resources management in the basin. Mr. Tambini wished Lt. Colonel Brigantti and his family the best at his next post and beyond.

New DRBC Staff Member. Mr. Tambini welcomed Avery Lentini, DRBC's new Community Engagement Specialist. Ms. Lentini previously served as a policy advocate for a non-governmental organization supporting New Jersey's Barnegat Bay.

General Counsel's Report. DRBC's General Counsel Kenneth Warren reported on the following litigation matters involving the Commission.

Damascus Citizens for Sustainability (DCS) vs. DRBC. In this case, which was previously pending in the United States District Court for the Eastern District of Pennsylvania, DCS challenged two aspects of the rulemaking DRBC completed on December 7, 2022. The rule the Commission adopted on that date prohibits the discharge of wastewater from high volume hydraulic fracturing ("HVHF") and HVHF-related activities to water or land within the basin and established updated standards for the importation and exportation of water and wastewater into and from the basin. Damascus's complaint challenged the rule in two respects. First, DCS contended that DRBC must single out and prohibit the importation of all oil and gas waste and wastewater, not merely subject proposed importations to the standards in the new regulations that apply equally to all wastewater. Second, DCS challenged what it misperceived as DRBC's intent to exempt certain HVHF wastewater discharges from the HVHF wastewater discharge prohibition based on the type of well generating the HVHF wastewater. After DCS filed its complaint, DRBC reiterated and clarified in updated guidance that its prohibition on the discharge of HVHF wastewater in the basin applies to all discharges of HVHF wastewater, regardless of the type of well generating that wastewater. Thereafter, DCS voluntarily dismissed its case without prejudice, and the matter is no longer pending.

Delaware Riverkeeper Network (DRN) vs. DRBC. This case was previously pending in the United States District Court for the District of New Jersey. DRN appealed the DRBC's decision affirming its earlier issuance of a docket for the Gibbstown Logistics Center Dock 2 project. The United States District Court was fully briefed on the merits, and the court issued a judgment upholding the docket. DRN decided not to appeal, and this case is therefore also no longer pending. Mr. Warren expressed his appreciation to Pam Bush, DRBC's Assistant General Counsel, and outside counsel John Stapleton for their excellent work on the case.

Wayne Land and Mineral Group (WLMG) vs. DRBC. This case is pending in the United States District Court for the Middle District of Pennsylvania. An energy developer commenced this case challenging DRBC's exercise of its project review authority relating to an HVHF project that WLMG plans to conduct within the basin. Following the DRBC's adoption in 2021 of a regulation prohibiting HVHF in the basin, the DRBC filed a motion to dismiss the case as moot. With the advice of the court, the parties agreed to stay the matter until a separate case, *Yaw vs. DRBC*, was decided. The *Yaw* case, brought by two Pennsylvania State Senators, the Pennsylvania Republican Senatorial Caucus, and certain municipalities, challenged the DRBC's prohibition of HVHF in the basin. The District Court dismissed the case in June and July of 2021 for lack of standing. On September 16, 2022, a panel of the Court of Appeals for the 3rd Circuit unanimously affirmed the district court's judgement in *Yaw*. The DRBC's motion to dismiss the *WLMG* case as moot is currently pending a decision by the court.

A RESOLUTION to Adopt the Fiscal Year 2024–2026 Water Resources Program. Deputy Executive Director Kristen Bowman Kavanagh explained that the 2024–2026 Water Resources Program (“WRP”) set forth the projects, plans, programs, services, and activities that the Commission planned to undertake over the ensuing three years. The WRP had been the subject of a public hearing on May 10, 2023, in connection with which copies of the resolution and the draft WRP had been posted online for public inspection. The Commission had received no written or oral comments on the resolution or the WRP. However, minor revisions to the WRP draft were proposed by the staff, as follows:

- The first paragraph of Section 2.2.1.2.1.1 on flow management contained a brief description of the 2017 Flexible Flow Management Program (“FFMP”), a two-part, 10-year agreement signed by the parties to the 1954 U.S. Supreme Court Decree that had granted certain rights to New York City and the State of New Jersey to export water out of the basin. Revisions to the paragraph were proposed to reflect that on May 8, 2023, the parties to the Decree had signed an amendment extending their 2017 agreement, with certain modifications to studies outlined in the 2017 FFMP.
- Typographical corrections were also proposed.

A full copy of the revised WRP had been shared with the Commissioners on May 31, 2023. Ms. Bowman Kavanagh recommended that the Commissioners approve the resolution adopting the Water Resources Program for fiscal years 2024–2026, as revised.

Mr. Kosinski so moved, LTC Brigantti offered a second, and, in the absence of further discussion, Resolution No. 2023-01 to Adopt the Fiscal Year 2024 – 2026 Water Resources Program was approved by unanimous vote.

A RESOLUTION to adopt the Commission's annual current expense and capital budgets for the fiscal year ending June 30, 2024. Director of Finance and Administration Elba Deck said the draft resolution and accompanying budget documents had been posted on the DRBC website for public

inspection and had been subjects of a public hearing on May 10, 2023. The Commission had received no oral or written comments on these documents.

The proposed expense budget for the 2024 fiscal year totaled approximately \$8.0 million. The capital budget for the Commission's Water Supply Storage Facilities Fund reflected revenues of approximately \$3.8 million and expenditures of approximately \$6.2 million. In addition to signatory member contributions (to be approved by separate resolution), projected revenues included approximately \$3.1 million to the Water Supply Storage Facilities Fund, \$386,700 for Special Projects, and \$1.2 million in Other Income.

Ms. Deck highlighted paragraphs of the proposed resolution providing that:

- should signatory party revenues fall below the budgeted amount, the Executive Director would be authorized and directed 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 Commissioners' work plan priorities.
- the Commission would continue to operate the Pennsylvania Groundwater Protected Area Program in fiscal year 2024 at an estimated cost of \$154,000 and would receive this sum from the Commonwealth of Pennsylvania to fully fund this activity.

Ms. Deck recommended that the Commissioners approve the budget as proposed, noting that a second resolution would apportion signatory party funding. Mr. Hoffman so moved, Mr. Williams offered a second, and, in the absence of further discussion, Resolution No. 2023-02 to adopt the Commission's annual current expense and capital budgets for the fiscal year ending June 30, 2024 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, 2024. Ms. Deck noted that the draft resolution had been a subject of the Commission's duly noticed public hearing on May 10, 2023 but had elicited no oral or written comment.

Ms. Deck explained that, subject to such review and approval as the respective budgetary processes of the signatory parties required, the resolution would apportion among the parties the following amounts: State of Delaware – \$447,000, State of New Jersey – \$893,000, State of New York – \$359,500, Commonwealth of Pennsylvania – \$893,000, and Federal Government – \$715,000, for a total of \$3,307,500.

Ms. Deck recommended that the Commissioners approve the resolution as proposed. Mr. Hoffman so moved, LTC Brigantti offered a second, and in the absence of further discussion, Resolution No. 2023-03 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, 2024 was approved by a unanimous vote.

A RESOLUTION to reauthorize the Toxics Advisory Committee. Water Quality Assessment Manager John Yagecic said the resolution had been a subject of the Commission’s duly noticed public hearing on May 10, 2023, but had elicited no written or oral comment.

Mr. Yagecic explained that the Commission’s Toxics Advisory Committee (“TAC”) had been instrumental in developing and reviewing DRBC policies and technical procedures relating to water quality criteria, ambient sampling, total maximum daily loads, and wasteload allocations for toxic pollutants. He flagged as matters that would benefit from the TAC’s attention: updating DRBC water quality criteria for toxic pollutants; development of uniform water quality criteria for toxic pollutants in Zone 1 of the Delaware River; issues relating to contaminants of emerging concern, including ambient screening surveys and the review and development of fish tissue data; and chronic toxicity testing in ambient waters of the estuary and its tributaries. He said the resolution would reauthorize the TAC for a period of 10 years.

Mr. Yagecic recommended that the Commissioners approve the resolution as presented. Mr. Williams so moved, Mr. Kosinski offered a second, and in the absence of further discussion, Resolution No. 2023-04 to reauthorize the Toxics Advisory Committee (TAC) 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, 2023 and ending June 30, 2024. Ms. Bush explained that the Delaware River Basin Compact provides for the election of the Commission’s officers every year, and that in accordance with the customary rotation, for the fiscal year beginning July 1, 2023 and ending June 30, 2024, the governor of New Jersey would serve as chair, the governor of New York as vice chair, and the governor of Delaware as second vice chair. She asked the Commissioners to approve these presumptive nominees.

Mr. Hoffman so moved, Mr. Kosinski offered a second, and in the absence of 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, 2023 and ending June 30, 2024 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, 2023 and ending June 30, 2024.

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 Jersey is hereby elected to serve as Chair for the term July 1, 2023 through June 30, 2024.
2. The Governor of New York is hereby elected to serve as Vice Chair for the term July 1, 2023 through June 30, 2024.
3. The Governor of Delaware is hereby elected to serve as Second Vice Chair for the term July 1, 2023 through June 30, 2024.

A RESOLUTION for the Minutes authorizing the Executive Director to enter into an agreement for the abatement of asbestos-containing ceiling tiles in the Commission's West Trenton office building. Ms. Bowman Kavanagh explained that the proposed resolution would approve an expenditure of up to \$272,000 for the removal of asbestos-containing ceiling tiles in the majority of the Commission's West Trenton office building and replacement of those tiles with non-asbestos-containing materials. She recommended that the Commissioners approve the resolution as proposed.

Mr. Kosinski so moved, Lt. Colonel Brigantti offered a second, and in the absence of further discussion, the Resolution for the Minutes authorizing the Executive Director to enter into an agreement for the abatement of asbestos-containing ceiling tiles in the Commission's West Trenton office building was approved by unanimous vote. The text of the Resolution follows:

RESOLUTION FOR THE MINUTES

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

WHEREAS, the Commission in October 2022 contracted with Accredited Environmental Technologies, Inc. ("AET") to perform asbestos sampling of the ceiling tiles in the Commission's West Trenton, New Jersey office building; and

WHEREAS, the sampling performed by AET resulted in a determination that certain of the ceiling tiles in the Commission's office building contain asbestos; and

WHEREAS, to support a safe and healthy working environment, the Commission desires to remove and replace all the ceiling tiles in the office building with non-asbestos-containing ceiling tiles; and

WHEREAS, the Commission in January 2023 contracted with AET to assist the Commission in developing a request for proposal and accompanying technical specification documents (collectively, the "RFP"), with which, in accordance with Section

14.9 of the Delaware River Basin Compact, the Commission plans to solicit sealed bids from qualified asbestos abatement professionals during the last quarter of DRBC's fiscal year 2023 for performance of the described activities during fiscal year 2024; and

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

BE IT RESOLVED by the Delaware River Basin Commission:

1. In accordance with Section 14.9 of the Compact, the Executive Director is hereby authorized to select the lowest responsible bidder in response to an RFP for the removal of asbestos-containing ceiling tiles and replacement of all ceiling tiles within the Commission's office building.
2. The Executive Director is hereby further authorized to negotiate and execute on behalf of the Commission such contracts and other instruments as the Executive Director deems necessary to perform these activities.
3. The total cost of the authorized activities shall not exceed \$272,000.

A RESOLUTION for the Minutes authorizing the Executive Director to enter into an agreement for professional services to advise on and manage an upgrade of the Commission's database system. Ms. Deck explained that the Commission's database, which contains information and related documents on proposed and approved withdrawals, water usage, discharges, inter-basin transfers, surface water charges and payments, contracts, communications, and other matters requires an upgrade. In January of 2023, staff issued a request for proposal ("RFP") for an individual or firm to advise and work closely with the staff on the development of a second RFP for the services of a firm capable of performing the required system upgrade and to assist the staff in reviewing responses to the second RFP and in awarding a contract for the upgrade. The Commission received two proposals from qualified bidders, each of which was carefully reviewed by the staff selection committee, including through the use of an interview process.

Ms. Deck said the resolution would direct and authorize the Executive Director to enter into an agreement with the lowest responsible bidder for the services described above at a cost not to exceed \$70,000. She requested that the Commissioners approve the resolution as presented.

Mr. Hoffman so moved, Mr. Kosinski offered a second, and in the absence of further discussion, the Resolution for the Minutes authorizing the Executive Director to enter into an agreement for professional services to advise on and manage an upgrade of the Commission's database system 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 advise on and manage an upgrade of the Commission's database system.

WHEREAS, the Commission's database, which contains information on proposed and approved withdrawals, water usage, discharges, inter-basin transfers, and surface water charges and payments, as well as contacts, communications, and other documents, requires upgrading; and

WHEREAS, the staff in January 2023 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 advise and work closely with staff to: develop an RFP for upgrade of the existing system; assist in reviewing RFP responses and selecting a service provider; supervise the selected vendor or vendors in the development and implementation of the upgrade; and assist the Commission in managing the work of the vendor or vendors in accordance with the agreed-upon deliverables, schedule, and budget; and

WHEREAS, the Commission received proposals from two qualified bidders, each of which was carefully reviewed by a staff selection committee, and after which both bidders were interviewed by members of the selection committee; and

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

BE IT RESOLVED by the Delaware River Basin Commission:

The Executive Director is hereby directed and authorized to enter into an agreement with the lowest responsible bidder for the services described above in the development and upgrade of the Commission's database system, at a cost not to exceed \$70,000.

Project Review Docket Applications. Mr. Kovach reported that 26 draft dockets had been subjects of a duly noticed public hearing on May 10, 2023, with a written comment period that extended through May 15, 2023. Twenty-four of the projects were located in the Commonwealth of Pennsylvania, one in the State of New York, and one in the State of Delaware. Of the 26 projects, fifteen were for wastewater discharges and eleven for water withdrawals. DRBC received no substantive comments from the public on any of the 26 dockets. Mr. Kovach recommended that the Commissioners approve the dockets identified as project review agenda items one through 26.

Messrs. Kosinski and Williams so moved, Lt. Col. Brigantti offered a second, and in the absence of further discussion, project review agenda items one through 26, described in Attachment A of these Minutes, were approved by unanimous vote.

Mr. Kovach reported that one additional project, the E. Tetz and Sons, Inc. Mongaup Quarry groundwater and surface water withdrawal project ("E. Tetz and Sons"), had been the subject of a duly noticed public hearing on November 9, 2022. The Commission had received comments from 23 individuals on the draft E. Tetz and Sons docket. The staff's responses were set forth in a Comment and Response Document that had been furnished to and discussed with the Commissioners in advance of the June 7, 2023 business meeting. The commenters had expressed concerns about the potential discharge of pollutants from the quarry and the effects of such

discharges on the Mongaup River and Swinging Bridge Reservoir; the effects of water withdrawals on the Mongaup River and Swinging Bridge Reservoir; and dust emissions from quarry operations.

Mr. Kovach summarized the staff's responses as follows:

Discharges from the quarry will consist of intermittent discharges of stormwater and groundwater that have collected on the quarry floor due to precipitation and groundwater seepage. Precipitation and groundwater that collects in the quarry will continue to be discharged from the quarry sump pond to a surface drainage channel along the northern perimeter of the active mining area, ultimately discharging into the Mongaup River above Swinging Bridge dam. Solids in the precipitation and groundwater will settle in the quarry sump pit and discharge pond before pond overflow is discharged to the river. The only constituent of concern in these discharges is total suspended solids ("TSS"). A TSS effluent limitation is imposed on the discharge by the New York State Department of Environmental Conservation's multi-sector general permit ("MSGP") for stormwater discharges from the facility.

Stormwater and groundwater seepage collected in the mining expansion area will be pumped to infiltration trenches outside of the active mine area. Through infiltration, the trenches will recharge groundwater that supports flows in the unnamed tributary of Kinne Brook.

The bedrock being mined at the Tetz Mongaup Quarry is part of the Walton Formation and consists primarily of graywacke sandstone with argillite. The rock is crushed, sized, and separated using a washing process, by which finer materials are removed. Wash water from the main processing plant has been and will continue to be piped to the closed loop settling pond system, which is a series of ponds in the quarry floor used to remove sediment from wash water through settling. No water or fine-grained sediment from this process is discharged to the Mongaup River, and thus none will flow into the Swinging Bridge Reservoir. The project is expected to have no adverse effect on water quality in the river or the reservoir.

Neither the existing quarry operation nor the proposed expansion involves a withdrawal from the Mongaup River or Swinging Bridge Reservoir. Precipitation and groundwater accumulate on the quarry floor and are pumped to the Mongaup River as needed to keep the quarry floor in a dry working condition. The accumulated precipitation and groundwater would enter the Mongaup River and the reservoir if the quarry were not present. Accordingly, no adverse impact on flows in the Mongaup River or water elevations in the Swinging Bridge Reservoir are expected as a result of the quarry expansion.

The main source of dust at the operation is from roads, aggregate stockpiles, rock crushing and aggregate sorting. The operator utilizes a water truck to wet hauling roads as needed to control fugitive dust. The main hauling roads are located on the lowest practicable mine floor. Water is used for dust suppression in aggregate processing areas. Soil piles and berms are stabilized by seeding and mulching. The entrance road has been paved to a point west of the scale house and is swept as needed to prevent tracking of dust onto Route 17. These best management practices are employed to prevent dust from causing off-site impacts.

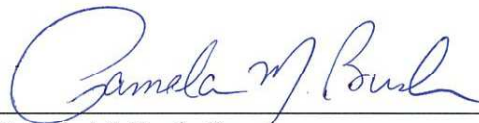
One commentor asked DRBC to consider holding an additional public hearing on the project. After carefully considering and responding to the comments the Commission received, Mr. Kovach explained, the staff's view was that another hearing would not be necessary to determine whether the project would substantially impair or conflict with the Commission's Comprehensive Plan. In the view of the staff, when operated in accordance with the draft docket and other approvals, the project as proposed will not substantially impair or conflict with the Comprehensive Plan.

Mr. Kovach concluded by recommending that the Commissioners approve docket agenda item 27 (Docket D-2020-001-1) for the E. Tetz and Sons, Inc. Mongaup Quarry groundwater and surface water withdrawal project as proposed. Mr. Kosinski so moved, Mr. Hoffman offered a second, and in the absence of further discussion, the docket was approved by unanimous vote.

Adjournment. Mr. Kosinski moved for adjournment, and Lt. Col. Brigantti offered a second. Without further discussion, the Commission's business meeting of June 7, 2023 was adjourned by unanimous vote at approximately 2:58 p.m.

Audio Recording. Audio recordings of the public hearing of May 10, 2023 and business meeting of June 7, 2023 are on file with the Commission Secretary.

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



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

ATTACHMENT A

DESCRIPTION OF PROJECTS APPROVED BY THE COMMISSION DURING THE BUSINESS MEETING OF June 7, 2023

Background. Projects subject to Commission review in accordance with the Delaware River Basin Compact and Commission regulations must have the Commission's approval in the form of a docket, permit, or resolution (collectively, "docket").

The Commission's project review process takes six to nine months to complete, and the public is informed of the status of project applications by a variety of means during that period:

- Each project for which an application is received is added to the "Project Review Status Report" maintained at https://www.nj.gov/drbc/programs/project/project-review_status-pg.html. 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 7, 2023 are presented below.

A. Renewals with No Substantive Changes (Items 1 through 22)

1. Kent County Levy Court, D-1977-087 CP-5. An application to approve the existing 20 mgd Kent County Levy Court WWTP. The WWTP will continue to discharge to "The Gut," a tidal tributary to the Murderkill River, which is a tidal tributary to Delaware River Water Quality Zone 6, at River Mile 23.0 - 6.4 - 0.8 (Delaware River - Murderkill River - The Gut), near Frederica Town, Kent County, Delaware.
2. Catasauqua Borough, D-1986-032 CP-4. An application to renew the approval of the applicant's existing 2.25 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to the Lehigh River at River Mile 183.7 - 20.2 (Delaware River - Lehigh River) within the drainage area of the section of the main stem Delaware River known as the Lower Delaware, which the Commission has designated as Special Protection Waters, in Catasauqua Borough, Lehigh County, Pennsylvania
3. Upper Merion Township, D-1987-013 CP-4. An application to renew approval of the existing 6.88 mgd Matsunk WWTP and its discharge. The WWTP will continue to discharge treated wastewater effluent to Frog Run, which is tributary to the Schuylkill River at River Mile 92.47 - 21.6 - 0.3 (Delaware River - Schuylkill River - Frog Run) in Upper Merion Township, Montgomery County, Pennsylvania.
4. Robesonia - Wernersville Municipal Authority, D-1988-023 CP-4. An application to renew the approval of an existing 1.4 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to Spring Creek, at River Mile 92.47 - 76.8 - 10.4 - 5.4 (Delaware River - Schuylkill River - Tulpehocken Creek - Spring Creek via Outfall No. 001 in Heidelberg Township, Berks County, Pennsylvania.
5. Delaware County Solid Waste Authority, D-1989-018 CP-8. An application to renew approval of the docket holder's existing 0.087 million gallons per day (mgd) Rolling Hills WTS and its discharge. The renewal of this docket includes provisions and contingencies for the recommissioning of the docket holder's Rolling Hills Leachate Treatment System (LTS) and discharge of up to 0.12 mgd. The Rolling Hills WTS will continue to discharge treated effluent to Furnace Run, at River Mile 92.5 - 54.2 - 13.9 - 1.4 (Delaware River - Schuylkill River - Manatawny Creek - Furnace Run) via Outfall No. 006, in the event of recommissioning the Rolling Hills LTS, treated effluent will discharge at River Mile 92.5 - 54.2 - 12.2 (Delaware River - Schuylkill River - Manatawny Creek) via Outfall No. 001. The facilities are located on the border of Earl and Oley Townships, Berks County, Pennsylvania.

6. Schuylkill County Municipal Authority, D-1991-016 CP-4. An application to renew the approval of the applicant's existing 0.164 mgd Broad Mountain Water Filtration Plant (WFP) and its discharge. The existing Broad Mountain WFP will continue to discharge backwash wastewater from its water treatment facility via Outfall No. 001 to Wolf Creek, at River Mile 92.47- 125.2 - 4.0 - 0.5 (Delaware River - Schuylkill River - Mill Creek - Wolf Creek), in Blythe Township, Schuylkill County, Pennsylvania.
7. South Whitehall Township, D-1991-082 CP-4. An application to renew the approval of an existing groundwater withdrawal of up to 60.0 million gallons per month (mgm) from Wells 1, 2, 3, 5, 6, 9, 10, 11, 13, and 14 and up to 1.2 mgd of water from an interconnection with the City of Allentown for public water supply. The wells are completed in the Beekmantown Group and the Allentown and Epler Formations in the Cedar Creek and Jordan Creek Watersheds within the drainage area to the section of the non-tidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters in South Whitehall Township, Lehigh County, Pennsylvania.
8. Upper Merion Township, D-1992-051 CP-4. An application to renew approval of the existing 6.0 mgd Trout Run WWTP and its discharge. The WWTP will continue to discharge treated wastewater effluent to the Schuylkill River at River Mile 92.47 - 27.5 (Delaware River - Schuylkill River) in Upper Merion Township, Montgomery County, Pennsylvania.
9. Whitemarsh Township Authority, D-1993-037 CP-6. An application to renew the approval of the existing 2.0 mgd Water Pollution Control Center (WPCC) WWTP and its discharge. The WWTP will continue to discharge treated effluent to Schuylkill River at River Mile 92.47 - 18.6 (Delaware River - Schuylkill River) via Outfall No. 002, in Whitemarsh Township, Montgomery County, Pennsylvania.
10. North Coventry Municipal Authority, D-1997-001 CP-5. An application to renew the approval of the applicant's existing 2.01 mgd WWTP and its discharge. The WWTP will continue to discharge to the Schuylkill River at River Mile 92.47 - 52.0 (Delaware River - Schuylkill River), in North Coventry Township, Chester County, Pennsylvania.
11. Deposit Village, D-1999-064 CP-3. An application to renew the approval of an existing groundwater withdrawal project to supply up to 15.5 mgm of water from Wells 1, 2, 4, and 5 for public water supply. Wells 1, 2, and 4 are screened in glacial outwash deposits and Well 5 is cased into the Devonian-aged Upper Walton Formation. The wells are located in the West Branch Delaware River Watershed in the Village of Deposit, Broome and Delaware Counties, New York within the drainage area to the section of the non-tidal Delaware River known as the Upper Delaware, which the Commission has designated as Special Protection Waters.
12. Sanofi Pasteur, Inc., D-1999-071 -6. An application to renew approval of the docket holder's existing 0.55 million gallons per day (mgd) Swiftwater IWTP and its discharge. This renewal recognizes the termination of the docket holder's discharge to land which ended in 2014. Also, approval to continue the facility's total dissolved solids (TDS) determination consisting of an average monthly effluent concentration limit of 1,200 mg/l

and a daily maximum effluent concentration limit of 1,752 mg/l. The IWTP will continue to discharge treated process wastewater to Swiftwater Creek at River Mile 213.0 - 11.4 - 4.4 - 3.5 (Delaware River - Brodhead Creek - Paradise Creek - Swiftwater Creek), within the drainage area to the Middle Delaware Special Protection Waters (SPW) are in Pocono Township, Monroe County, Pennsylvania.

13. Ravens Claw Golf Course, D-2001-008 -3. An application to renew the approval of an existing groundwater withdrawal of up to 6.7 mgm to irrigate the applicant's golf course from existing Wells TW-1 and TW-2. The project wells are completed in the Brunswick Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Commission's designated Southeastern Pennsylvania Ground Water Protected Area (SEPA GWPA) in the Hartenstine Creek Watershed in Limerick and Pottsgrove Townships, Montgomery County, Pennsylvania.
14. Strausser Enterprises Inc., D-2002-043 -3. An application to renew the approval of an existing groundwater withdrawal of up to 9.31 mgm to irrigate the applicant's golf course from existing Wells ITW-1, ITW-2, ITW-3 and ITW-4. Wells Nos. ITW-1 and ITW-2 are completed in the Allentown Formation, Well No. ITW-3 is completed at the contact between the Allentown Formation and the Leithsville Formation and Well No. ITW-4 is completed in the Leithsville Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Delaware River Watershed in Forks Township, Northampton County, Pennsylvania 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.
15. Bedminster Municipal Authority, D-2004-002 CP-3. An application to renew the approval of an existing groundwater withdrawal of up to 11.062 mgm to supply the applicant's public water supply distribution system from Well Nos. 2, 9, A and E. The project wells are completed in the Brunswick Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Commission's designated Southeastern Pennsylvania Ground Water Protected Area (SEPA GWPA) in the Deep Run Watershed, in Bedminster Township, Bucks County, Pennsylvania.
16. East Greenville Borough, D-2004-003 CP-3. An application to renew the approval of an existing groundwater and surface withdrawal of up to 10.85 mgm to supply the applicant's public water supply distribution system from Well No. 1 and a surface water intake on the Perkiomen Creek. The project well is completed in the Brunswick Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Commission's designated Southeastern Pennsylvania Ground Water Protected Area (SEPA GWPA) in the Perkiomen Creek Watershed in Upper Hanover Township, Montgomery County, Pennsylvania.
17. To-Jo Mushrooms, Inc., D-2007-003 -4. An application to renew approval of the docket holder's existing 0.049 million gallons per day (mgd) IWTP and its discharge. The docket holder additionally maintains the ability to discharge up to 0.035 mgd of non-contact cooling water (NCCW) no discharge has occurred from the NCCW-dedicated outfall in the past nine years; however, this docket continues limitations and requirements if the outfall

is recommissioned. The IWTP will continue to discharge treated process water to an unnamed tributary (UNT) to Trout Run, which is tributary to East Branch White Clay Creek, which is tributary to White Clay Creek, which is tributary to the Christina River at River Mile 70.7 - 18.5 - 5.2 - 7.4 - 0.8 - 0.1 (Delaware River - Christina River - White Clay Creek - East Branch White Clay Creek - Trout Run - UNT Trout Run).

18. London Grove Township Municipal Authority, D-2008-033 CP-4. An application to renew the approval of the applicant's existing 0.143 mgd WWTP and its discharge to land via spray irrigation. The WWTP will continue to discharge treated effluent to the Kauffman Farms Spray Fields, located in the Middle Branch White Clay Creek watershed, in London Grove Township, Chester County, Pennsylvania.
19. Lake Adventure Comm. Assoc., D-2011-002 CP-2. An application to renew the approval of an existing groundwater withdrawal to supply up to 5.55 mgm of water to the applicant's public water supply system from existing Wells 1, 2 and 3. The project wells are completed in the Catskill Formation and located in the Birchy Creek Watershed within the drainage area to the section of the non-tidal Delaware River known as the Upper Delaware, which the Commission has designated as Special Protection Waters in Dingman Township, Pike County, Pennsylvania.
20. Spring Mill Associates, D-2011-013 -2. An application to renew the approval of an existing groundwater withdrawal with a decrease in allocation from 7.75 mgm to 6.5 mgm to irrigate the applicant's golf course from existing Well 10. 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 Little Neshaminy Creek Watershed in Northampton Township, Bucks County, Pennsylvania.
21. Cambridge-Lee Industries, LLC, D-2012-025 -2. An application to renew the approval of an existing surface water withdrawal of up to 30.0 million gallons per month (mgm) from an existing intake on the Schuylkill River for industrial cooling. The surface water withdrawal is located in Ontelaunee Township, Berks County, Pennsylvania.
22. Schuylkill County Municipal Authority, D-2013-012 CP-3. An application to renew approval of the applicant's existing Indian Run Water Filtration Plant and its discharge of 0.187 mgd of filtration system backwash. Backwash will continue to be discharged to the West Branch Schuylkill River at River Mile 92.47 - 117.75 - 4.67 (Delaware River - Schuylkill River - West Branch Schuylkill River) via Outfall No. 001, in Branch Township, Schuylkill County, Pennsylvania.

B. Renewals with Substantive Changes (Items 23 through 26)

23. Bucks County Water and Sewer Authority, D-1999-066 CP-3. An application to renew the approval of an existing groundwater withdrawal with an increase in system allocation from 6.61 mgm to 8.624 mgm to supply the applicant's public water supply distribution system from existing Wells S-1, S-2 and S-3. The project wells are completed in the Brunswick Formation. The project is located in the Aquetong Creek Watershed in Solebury Township, Bucks County, Pennsylvania 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.

24. Upper Uwchlan Township, D-2000-055 CP-5. An application to re-approve an upgrade and expansion to the docket holder's existing 0.60 million gallons per day (mgd) WWTP and its discharge. The proposed project consists of the addition of an influent pump station and the installation of two sequential batch reactor (SBR) basins with ancillary equipment and increase the facility's hydraulic design capacity to up to 0.80 mgd. The WWTP will discharge to a proposed constructed drip disposal system in addition to its existing nine drip/spray irrigation disposal systems. The WWTP and its related discharge is located in Upper Uwchlan Township, Chester County, Pennsylvania.
25. CMBK Resort Holdings, LLC, D-2001-040 -3. An application to renew the approval of an allocation of up to 160 million gallons per month (mgm) of surface water from Intake No. 1 on the Pocono Creek and seasonal allocations of 40 million gallons and 15 million gallons from Intakes in Massad Pond and Barney's Pond, respectively. The requested seasonal allocation of 40 million gallons from Massad Pond is an increase from the previously approved seasonal allocation of 30 million gallons. Water is used for snow making purposes at the Camelback Mountain Resort. The increase in allocation is necessary to expand snow making capabilities to make as much snow as possible when climatic conditions are ideal and support possible future expansion of the ski and snow tubing areas. The project is located within the drainage area of the Middle Delaware, which the Commission has classified as Special Protection Waters, in Pocono Township, Monroe County, Pennsylvania.
26. Wayne Economic Development Corporation, D-2007-018 -5. An application to renew approval of the docket holder's existing 0.014 million gallons per day (mgd) Sterling Business Park (SBP) WWTP and its discharge. The renewal includes the approval of the proposed project to expand to 0.035 mgd as indicated in Docket No. 2007-018-1, previously approved in March 2008. The WWTP will continue to discharge treated effluent to the West Branch of the Wallenpaupack Creek, upstream of the Lake Wallenpaupack, at River Mile 277.7 - 17.5 - 11.5 - 5.0 (Delaware River - Lackawaxen River - Lake Wallenpaupack - West Branch Wallenpaupack Creek) and is located in the drainage area to the Upper Delaware Special Protection Waters (SPW).

Projects Not Previously Reviewed by the Commission (Item 27)

27. E. Tetz & Sons, D-2020-001 -1. An application to approve an existing surface water withdrawal of up to 100 million gallons per month (mgm) from an existing intake located in the Quarry Sump Pond for the purpose of quarry dewatering and dust control and up to 65 mgm per month from an intake located in a pond in an adjacent abandoned sand and gravel mine for quarry wash plant operations. The docket holder is planning an expansion of the existing mining operations, which will result in increased surface water withdrawals at the project site. This docket approves increases in allocations from the quarry sump pond dewatering intake and wash plant intake contingent on the docket holder first obtaining all necessary New York State Department of Environmental Conservation (NYSDEC) mining approvals. Until approved, the allocations for the Quarry Sump Pond Intake and the Wash

Plant Intake are limited to 65.0 mgm and 43.5 mgm, respectively. The docket also approves groundwater allocations of up to 0.5 mgm each from the existing Scale House Well and the Dust Well for potable use and dust control. The project is located in the Mongaup Watershed above the Swinging Bridge Reservoir in the Town of Thompson, Sullivan County, New York, within the drainage area of the section of the non-tidal Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters (SPW).