

DELAWARE RIVER BASIN COMMISSION

MEETING OF JUNE 14, 2017

Minutes

Commissioners Present: Lieutenant Colonel Michael A. Bliss, United States, Chair
Dana Aunkst, Pennsylvania, Vice Chair
Daniel M. Kennedy, New Jersey, Second Vice Chair
Kenneth Kosinski, New York
Kara S. Coats, Delaware

DRBC Staff Participants: Steven J. Tambini, Executive Director
Pamela M. Bush, Commission Secretary & Assistant General Counsel
Kenneth J. Warren, Warren Environmental Counsel, LLP, General Counsel
Thomas J. Fikslin, Director, Science and Water Quality Management
Richard C. Gore, Director, Finance and Administration
David Kovach, Manager, Project Review
Kenneth F. Najjar, Director, Water Resource Management
Hernan A. M. Quinodoz, Water Resource Operations

The Commission met at the Washington Crossing Historic Park Visitor Center in Pennsylvania on June 14, 2017.

Minutes. The Minutes for the Commission's regularly scheduled Business Meeting of March 15, 2017 were approved unanimously.

Announcements. Ms. Bush announced the following meetings, noting that additional information including, staff contacts, was available on the Commission's website:

- *DRBC Water Management Advisory Committee (WMAC).* Thursday, June 22, 2017 at 10:00 a.m. in the DRBC Goddard Conference Room. Jessica Sanchez is the staff liaison.
- *DRBC Water Quality Advisory Committee (WQAC).* Thursday, August 24, 2017 at 9:30 a.m. in the DRBC Goddard Conference Room. John Yagecic is the staff liaison.

Hydrologic Conditions. Mr. Quinodoz's report on hydrologic conditions in the Basin is summarized as follows:

Hydrologic conditions continue to improve following the drought watch that terminated on January 18, 2017. Nearly all counties in the Delaware River Basin that had been under state-

declared drought conditions have returned to normal status. Hunterdon County, New Jersey is the only county in the basin still under a drought warning. The New Jersey Department of Environmental Protection (NJDEP) will lift the drought warning once the water supply storage in Round Valley and Spruce Run reservoirs recover to normal levels.

The observed precipitation for the portion of the Basin above Montague, New Jersey¹ for the period January 1, 2017 through June 12 was 21.92 inches, or 2.94 inches above normal. The observed precipitation for the Basin above Trenton² for the same period was 21.50 inches, or 1.58 inches above normal and for the Basin above Wilmington, Delaware for this period, 17.68 inches or 0.93 inches below normal.

The average observed streamflow of the Delaware River at Montague, New Jersey in May 2017 was 8,135 cubic feet per second (cfs), or 140.5 percent of the long-term average for the month. The average observed streamflow of the Delaware River at Trenton, New Jersey for the same period was 13,898 cfs, or 119.0 percent of the long-term average for the month.

For June 1st through 12th, the average observed streamflow at Montague was 9,216 cfs, or 291.0 percent of the long-term average for the month. The average streamflow at Trenton, New Jersey during the same period was 14,108 cfs, or 196.4 percent of the long-term average for the month.

In the Lower Basin, as of June 13, 2017, Beltzville Reservoir contained 13.51 bg usable, or 100.1 percent of usable storage; Blue Marsh contained 5.76 bg usable, or 100.0 percent of summer pool usable storage. As of June 12, Merrill Creek contained 13.65 bg usable, or 87.0 percent of usable storage.

In the Upper Basin, as of June 13, Pepacton Reservoir contained 140.2 bg usable or 100.0 percent of usable storage; Cannonsville contained 95.7 bg usable, or 100.0 percent of usable storage. Neversink contained 35.0 bg usable or 100.2 percent of usable storage. The total New York City Delaware Basin reservoir storage was 270.9 bg usable or 100.0 percent of usable storage.

The long-term median storage for the New York City Delaware Basin reservoirs for June 13 is 264.4 bg, or 97.6 percent.

During the month of May 2017, the location of the seven-day average of the 250-parts-per million (ppm) isochlor, also known as the “salt front,” fluctuated between River Miles (RM) 62 and 69. The normal location of the salt front during May is RM 68, which is ten miles downstream of the Delaware-Pennsylvania state line.

As of June 13, the salt front is estimated to be at River Mile 69. This location is the normal location of the salt front during June.

¹ Average observed precipitation is based on the weighted average of nine stations.

² Average observed participation is based on the weighted average of 99 stations.

Resolution to Adopt the Commission’s Annual Current Expense and Capital Budgets for the Fiscal Year Ending June 30, 2018 (July 1, 2017 through June 30, 2018). Ms. Deck presented the first of two resolutions for adoption of the Commission’s annual expense and capital budgets for the fiscal year of 2018. Both were subject to public hearings on May 17, 2017 and a written comment period that ran through the close of business on May 22. No oral or written comments were received on either resolution.

Ms. Deck explained that the first of the two resolutions would provide for adoption of the Commission’s current expense and capital budgets for the fiscal year beginning July 1, 2017 and ending June 30, 2018. The expense budget would total \$6,533,300. The capital budget would include Water Supply Storage Facilities Fund (WSF) revenues of \$4,252,000 and expenditures of \$4,132,200. In addition to funds in the amount of \$2,648,500 apportioned by the signatory parties by separate resolution, anticipated revenues in the amount of \$3,884,800 would be appropriated for the expense budget as follows: \$1,975,000 from the WSF; \$265,200 in special project funds; and \$1,644,600 in “other income”. The resolution also would authorize and direct the Executive Director to transmit the budget documents to the primary budget officers of the signatories. Finally, the resolution would provide for the Commission to continue to operate the Pennsylvania Ground Water Protected Area program during the 2018 fiscal year at an estimated cost of \$133,200. The Commission will receive \$133,200 from the Commonwealth of Pennsylvania in the fiscal year 2018 to fully fund this activity.

LTC Bliss invited comment or questions from the Commissioners. Hearing none, he requested a motion to adopt the resolution as proposed. Ms. Coats so moved, Mr. Kennedy seconded her motion and Resolution No. 2017-3, a Resolution to adopt the Commission’s annual Current Expense and Capital Budgets for the fiscal year ending June 30, 2018 (July 1, 2017 through June 30, 2018) was approved by unanimous vote.

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, 2018 (July 1, 2017 through June 30, 2018). The second of the two budget resolutions presented by Ms. Deck would apportion among the signatory parties the following amounts required to support the fiscal year 2018 budget: State of Delaware – \$447,000; State of New Jersey – \$693,000; State of New York – \$359,500; Commonwealth of Pennsylvania – \$434,000; and federal government – \$715,000 for a total of \$2,648,500. These sums would be subject to the executive branch prerogatives of each member jurisdiction in formulating annual budgets.

Hearing no comments or questions from his fellow Commissioners, LTC Bliss requested a motion to approve the proposed resolution. Mr. Kennedy so moved, and Mr. Aunkst seconded his motion. No further comment was offered, and following a roll-call vote in which each of the Commission’s five members voted “Aye,” Resolution No. 2017-2, the 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, 2018 (July 1, 2017 through June 30, 2018) was approved by unanimous vote.

Resolution for the Minutes Providing for Election of the Commission Chair, Vice Chair and Second Vice Chair for the Year Commencing July 1, 2017 and Ending June 30, 2018. Ms. Bush explained that this Resolution for the Minutes would provide for the election of the Commission’s

Chair, Vice Chair and Second Vice Chair for the coming fiscal year, commencing July 1, 2017 and running through June 30, 2018. In accordance with Commission practice, the annual rotation would place Pennsylvania in the Chair position, New Jersey as Vice Chair, and New York as Second Vice Chair.

The text of the resolution follows:

A Resolution for the Minutes providing for election of the Commission Chair, Vice Chair and Second Vice Chair for the year commencing July 1, 2017 and ending June 30, 2018.

WHEREAS, Article 2, Section 2.6 of the *Delaware River Basin 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 rotation of 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 Pennsylvania is hereby elected to serve as Chair for the term July 1, 2017 through June 30, 2018.
2. The Governor of New Jersey is hereby elected to serve as Vice Chair for the term July 1, 2017 through June 30, 2018.
3. The Governor of New York is hereby elected to serve as Second Vice Chair for the term July 1, 2017 through June 30, 2018.

LTC Bliss requested a motion to adopt the resolution. Ms. Coats so moved, Mr. Kosinski seconded her motion, and the Resolution for the Minutes providing for election of the Commission Chair, Vice Chair and Second Vice Chair for the year commencing July 1, 2017 and ending June 30, 2018 was approved by unanimous vote.

Resolution for the Minutes Authorizing the Executive Director to Enter into a Professional Services Contract with the Academy of Natural Sciences of Drexel University to Support the Continued Development and Execution of the Delaware River Biomonitoring Program. Dr. Fikslin explained that the Commission has conducted a biomonitoring and assessment program since the early 2000's, focused on the upper river. Additional expertise is currently needed for the program, including personnel capable of utilizing the metrics developed by staff to describe the aquatic communities in the study areas as well as to provide other biological services. On April 5 DRBC advertised a request for proposal and quotation, seeking qualified candidates to provide the necessary services. The Commission received a single proposal – from the Academy of Natural Sciences of Drexel University (“Academy”). The Academy has exceptional qualifications for the services to be provided. It is actively involved in a Delaware River Watershed Initiative of its own, and has completed 39 projects that are relevant to the services requested by DRBC. The Academy currently employs scientists who are able to provide not only fresh water biological expertise but also expertise in the Delaware River Estuary. The funds to be allocated for the required services

are available due to the departure of full-time staff members during the 2016-2017 fiscal year. The resolution precludes expenditures in excess of the authorized base amount of \$60,000 unless additional funds are awarded to the Commission or allocated by it for this purpose. The competitive bidding provisions of Section 14.9 of the *Compact* have been satisfied.

LTC Bliss requested a motion to approve the resolution for the minutes as described by Dr. Fikslin. Ms. Coats so moved, Mr. Kosinski seconded her motion, and the Resolution for the Minutes authorizing the Executive Director to enter into a professional services contract with the Academy of Natural Sciences of Drexel University to support the continued development and execution of the Delaware River Biomonitoring Program was adopted by unanimous vote.

The text of the resolution follows:

A RESOLUTION for the Minutes authorizing the Executive Director to enter into a professional services contract with The Academy of Natural Sciences of Drexel University to support the continued development and execution of the DRBC's biomonitoring and assessment program.

WHEREAS, the DRBC has been tasked since 2001 with developing and implementing methodologies for assessing ecosystem health in support of water quality in the Delaware River; and

WHEREAS, on April 5, 2017 the DRBC posted on its web site and caused to be published in publications of *The Intelligencer* and *Burlington Times, Inc.* a Request for Proposal and Quotation seeking qualified contractors to provide professional services in support of DRBC's biological monitoring and assessment program; and

WHEREAS, the sole proposal DRBC received was submitted by The Academy of Natural Sciences of Drexel University ("Academy"); and

WHEREAS, the Academy's exceptional qualifications as set forth in its proposal include demonstrations that the Academy:

- has completed thirty-nine (39) projects relevant to the services DRBC requested, many of which were conducted within the Basin and were directly aligned with DRBC's biological monitoring and assessment needs;
- currently employs eleven (11) personnel qualified to perform the proposed tasks, all with exceptional experience and proven capability; and

WHEREAS, utilizing funds budgeted to support a full time, permanent DRBC staff position, the proposed contract will provide the Commission with access to a diverse scientific skill set and afford it adaptability to shifting needs and resource fluctuations; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that:

1. The Executive Director is hereby authorized to enter into an agreement with The Academy of Natural Sciences of Drexel University to provide professional services to the Commission to support the continued development and execution of DRBC's biological monitoring and assessment program.
2. Expenditures may not exceed the authorized base amount of \$60,000 unless additional funds are awarded to the Commission or allocated by it for this purpose.
3. The competitive bidding provisions of Section 14.9 of the Compact have been satisfied.

This resolution shall take effect immediately.

Executive Director's Report. Mr. Tambini's remarks are summarized below:

- *DRBC Senior Aquatic Biologist Robert L. Limbeck to Retire.* Bob Limbeck, who has been a member of the DRBC staff for over 32 years, has announced that he will retire on August 1. On behalf of the Commissioners and the staff, Mr. Tambini said he wished to publicly recognize Bob's service and wish him the best. The Commission will miss Bob's expertise and his personality.
- *2017 Delaware River Sojourn.* The 2017 Delaware River Sojourn, themed "Flowing Together," runs from June 17 through June 23. Some participants choose to paddle and camp for a day, others for the week. Mr. Tambini thanked Kate Schmidt of the DRBC staff for helping through her work on the Sojourn planning committee to provide everyone with an opportunity to directly connect with the river. Describing the Sojourn as "a great adventure," Mr. Tambini urged anyone who has not experienced it to consider participating this year or in the future.
- *Farewell to LTC Michael A. Bliss.* On behalf of the Commissioners and staff, Mr. Tambini thanked LTC Bliss for his service as the DRBC federal representative over the past three years and as Commission Chair for the past year. He noted that the Philadelphia District and the DRBC would soon be assigned a new district commander. Mr. Tambini added that LTC Bliss had announced he would be retiring from the Army after 25 years of service. On behalf of the Commission, Mr. Tambini wished him well, noting that he and LTC Bliss had both started with the Commission at about the same time and that LTC Bliss had been terrific to work with. The Commission will miss LTC Bliss and wishes him the best.
- *2016 Flexible Flow Management Program (FFMP).* The 2016 FFMP expired on May 31, 2017. Since that date, the parties to the 1954 U.S. Supreme Court Decree have operated under the DRBC Water Code and a DRBC docket that is commonly referred to as "Revision 1" or "Rev. 1". DRBC continues to provide technical support to the Decree Parties in the development of a longer-term program. At the same time, the staff is working with the Decree Parties and the Office of the Delaware River Master to manage the pool of water defined by the Decree as the "excess release quantity" or "ERQ," which is used to support river flows at Trenton, New Jersey. The ERQ consists of 8.34 billion gallons this

year. Mr. Tambini said the Commission, the Decree Parties and the Office of the River Master would continue to work together to optimize flow management.

- *Public Comment and Speaker Registration Web-based Systems.* Mr. Tambini thanked the public for its cooperation in using the new web-based written comment and speaker registration systems the Commission had launched. He said he appreciated the public's willingness to use the new procedures.

General Counsel Report. Mr. Warren's report is summarized below:

Mr. Warren noted that as he had previously informed the Commissioners, he was recusing himself from the Commission's consideration of the resolution regarding the Academy of Natural Sciences of Drexel University.

Mr. Warren reported that one piece of litigation – the case of *Wayne Land and Mineral Group v. Delaware River Basin Commission* – remained pending. The complaint in this matter challenges DRBC's authority over natural gas activities, and in particular, whether certain activities are subject to DRBC project review. The U.S. District Court for the Middle District of Pennsylvania dismissed the complaint with prejudice at the end of March, and the plaintiff filed an appeal with the Court of Appeals for the Third Circuit. Plaintiff's brief was due to be filed within a few days of the Commission's June meeting, and DRBC has 30 days after the submission of plaintiff's brief to file a brief in response. Mr. Warren said that most likely, the matter would be pending in the Third Circuit for several months.

Project Review Applications. David Kovach said that the Commission had received oral and written comments from two individuals at a duly noticed public hearing on May 17, 2017 concerning some of the 25 dockets to be presented for the Commission's consideration.

The comments included a general comment by Jeff Tittel of the New Jersey Sierra Club regarding the 13 wastewater discharge renewal projects on the agenda. Mr. Tittel expressed concern that where these wastewater treatment plants discharge to streams that are impaired for nutrients and in some instances for metals, the renewals nevertheless seem to be automatic, with no attempt to reduce the pollutant loads. Mr. Kovach explained that the 13 wastewater discharge renewal projects were meeting all applicable requirements of the *Compact* and implementing regulations. Nine of the projects are located within the drainage area of Special Protection Waters (SPW), and Mr. Kovach said that when upgrades or expansions are planned for these facilities, the SPW rules require the project sponsors to evaluate natural treatment alternatives and in some instances non-discharge alternatives before surface water discharge options can be implemented. These requirements have resulted in reduced pollutant loads in some instances. The *Water Quality Regulations* also provide that when necessary to meet stream quality objectives, the Commission may allocate the assimilative capacity of a stream among dischargers. The Commission has exercised this authority in shared interstate waters, where it has the unique ability to allocate pollutant loads among dischargers in different states.

The second comment concerned hearing item number 25 – Docket No. D-2016-009-1 for the Philmont Country Club. This project is new to the Commission but not to the river basin. Philmont Country Club has a surface water and groundwater withdrawal, which it uses in part to irrigate a

golf course. The comment came from a neighbor, Jennica Nobre, who observed diminished or no flows in the Huntingdon Valley Creek during the summer and fall of 2016, a dry period through much of the basin. These observations prompted a discussion with the golf club about whether and how its withdrawals might be affecting the creek. DRBC staff requested that the country club apply to the Commission for a docket, and it did so. Ms. Nobre expressed her appreciation for the Commission and for staff's work in assessing the situation she had reported and in developing a draft docket. She mentioned some of the docket conditions she found noteworthy. She said that the country club's withdrawals should not significantly impair or reduce the flow of perennial streams in the area once groundwater withdrawals are allocated among the existing rehabilitated wells and the club implements a pass-by flow placed by the docket on Huntingdon Valley Creek. Ms. Nobre said that the withdrawal should not cause substantial, permanent or adverse impacts to the overlying environment and expressed her personal hope that the docket will help both Philmont Country Club and the Huntingdon Valley Creek get the water each needs.

Mr. Kovach said that after considering the concerns raised by commenters, staff determined that no modifications to the draft dockets were appropriate. He recommended that the Commission approve the dockets comprising hearing items 1 through 25.

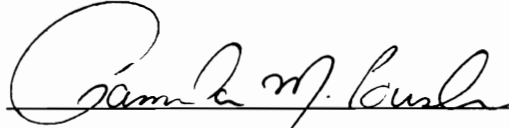
LTC Bliss thanked Mr. Kovach and requested a motion to approve the 25 dockets that had been subjects of the public hearing on May 17. Ms. Coats so moved, and Mr. Aunkst seconded her motion. Hearing no further comments, the 25 docket applications were approved by unanimous vote.

Parting Statement of Lieutenant Colonel Michael A. Bliss. Upon the conclusion of the Commission's business, LTC Bliss said that it had been his privilege to be a part of the DRBC for three years. He said he viewed the experience as a lesson in democracy and civics and said he felt it was an honor and privilege to officiate at the Commission's public meetings in uniform. LTC Bliss added that he loved the Washington Crossing Park venue, with its prominent display of [a replica of] Emanuel Leutze's 1851 painting "Washington Crossing the Delaware". He said that the Commissioners were public servants from imperfect agencies, and yet they truly serve. He challenged the audience to continue to bring passion to this forum, noting that service members around the world have fought for the freedom enjoyed here, and of course, George Washington led the charge. He said how much he valued the open public comment period and asked for participants to adopt the perspective that the Commissioners and staff are their neighbors. He urged everyone to value this forum always, wished the Commission well, thanked everyone for listening, and wished all the best of luck.

Adjournment. LTC Bliss asked the Commissioners and staff whether there were any other matters to be considered that day. Hearing none, he requested a motion to close the business meeting prior to the commencement of the Open Public Comment session. Ms. Coats so moved, Mr. Kennedy seconded her motion, and the business meeting was adjourned by unanimous vote at approximately 11:05 a.m.

Audio Recording. An audio recording of the public hearing of May 17, 2017 and of the business meeting of June 14 are on file with the Commission Secretary. A description of each of the applications for the dockets approved during the Business Meeting of June 14, 2017 is provided as an attachment to these Minutes.

Open Public Comment. After the business meeting adjourned, Mr. Tambini conducted an Open Public Comment session for off-the-record comment by stakeholders on water resource issues affecting the basin.

A handwritten signature in black ink, appearing to read "Pamela M. Bush", written over a horizontal line.

Pamela M. Bush, J.D., M.R.P.

Commission Secretary and Assistant General Counsel

ATTACHMENT

DESCRIPTIONS OF PROJECTS APPROVED BY THE COMMISSION DURING THE BUSINESS MEETING OF JUNE 14, 2017

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 on the DRBC website. This report includes the applicant's name and project location, a description of the proposed project, the docket number assigned to the project, and the name of the staff member reviewing the project. A list of applications received also is compiled approximately five times a year and posted on the Commission's website as a "Notice of Applications Received" (NAR). An "Interested Parties List" (IPL) is created for each project under review. Anyone can have his or her name added to the IPL for a given project. All those listed on the IPL receive email notification of public notices for the project as they are posted on the Commission's website, including the notice advertising the public hearing. Members of the public seeking additional information about a project may contact the staff member reviewing the project or arrange by appointment to review the relevant Project Review file at any time that is mutually convenient for the staff and the party.

Approximately six weeks before the Commission's scheduled public hearing date, draft dockets are circulated to the Commission's members for review and comment by the appropriate state and federal agencies. Shortly thereafter, a public notice, including descriptions of the draft dockets, is filed with state and federal bulletins or registers. Ten or more business days prior to the hearing date, the hearing notice, along with draft dockets, is posted on the Commission's website. Written comment on hearing items is accepted through the close of the public hearing. At the Commissioners' regularly scheduled public meetings, the Commissioners may approve, disapprove or postpone consideration of any docket for which a hearing has been completed. Approved dockets are posted on the Commission's website as quickly as possible following the date on which the Commission acted. Delay of a few days may occur to complete clerical work, particularly in instances in which the Commissioners 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. All the projects approved by the Commission on March 15, 2017 were subjects of a duly noticed public hearing on May 17, 2017. Descriptions of the projects (based on the applications received, which may vary from final projects) for which the Commission issued approvals on June 14 are listed below, in the order in which the dockets were presented at the May 17 public hearing.

A. *Renewals with No Substantive Changes (hearing items 1 through 20).*

1. Palmerton Borough, D-1964-028 CP-3. An application to renew the approval of the applicant's existing 0.75 million gallons per day (mgd) Wastewater Treatment Plant (WWTP) and its discharge. The WWTP will continue to discharge treated effluent to

Aquashicola Creek, which is a tributary of the Lehigh River, at River Mile 183.7 - 36.3 - 0.8 (Delaware River - Lehigh River - Aquashicola Creek). The WWTP discharge is located 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 the Borough of Palmerton, Carbon County, Pennsylvania.

2. Borough of Phoenixville, D-1967-080 CP-4. An application to renew the approval of the existing 4.0 mgd Phoenixville Borough WWTP and its discharge. No modifications to the WWTP are proposed. The WWTP will continue to discharge treated effluent to the Schuylkill River at River Mile 92.47 - 35.0 (Delaware River - Schuylkill River) in the Borough of Phoenixville, Chester County, Pennsylvania.
3. Borough of Phoenixville, D-1967-123 CP-3. An application to renew the approval of an existing surface water withdrawal of up to 182.311 million gallons per month (mgm) to supply the applicant's public water supply system. Surface water will continue to be withdrawn from two existing intakes (Nos. 1 and 2) located in the Schuylkill River. The requested allocation is not an increase from the previous allocation. The water treatment plant is located within the Commission's designated Ground Water Protected Area (GWPA), in the Borough of Phoenixville, Chester County, Pennsylvania.
4. Kutztown Borough, D-1983-023 CP-4. An application to renew the approval of a groundwater withdrawal project to continue to supply up to 62 mgm from Wells Nos. 1, 2, 3A and 4 for use as public supply without an increase in the existing allocation or expansion of the docket holder's service area. The wells are completed in the Epler Formation in the Saucony Creek Watershed in Maxatawny Township, Berks County, Pennsylvania.
5. Pike County Environmental, Inc., D-1989-082-3. An application to renew the approval of the applicant's existing 0.1 mgd WWTP and its discharge. No modifications to the WWTP are proposed. The WWTP will continue to discharge treated effluent directly to Water Quality Zone 1B at River Mile 256.5 to the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in Westfall Township, Pike County, Pennsylvania.
6. Bethlehem City, D-1995-019 CP-2. An application to renew an allocation of 12 mgd based on an annual average of surface water from Tunkhannock Creek and to approve an allocation of 30.32 mgd (939.92 mgm) of surface water from the Wild Creek Reservoir on Wild Creek for continued use in the docket holder's existing public water supply system. This docket consolidates and updates previous Commission approvals issued to the City of Bethlehem. The Wild Creek intake is located in the Pohopoco Creek Watershed in Towamensing Township, Carbon County, Pennsylvania and the Tunkhannock Creek intake located in the Tobyhanna Creek Watershed in Tunkhannock Township, Monroe County, Pennsylvania, 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.

7. Philadelphia City – Aviation Division, D-1996-036 CP-3. An application to renew the approval of an existing groundwater withdrawal of up to 30.69 mgm for remediation purposes from existing Wells Nos. EW-A, EW-1, EW-2 and EW-3. The project wells are completed in the Pleistocene Trenton Gravel. The requested allocation is not an increase from the previous allocation. The project is located in the City of Philadelphia, Philadelphia County, Pennsylvania.
8. Milford Senior Care and Rehabilitation Center, D-1998-051 CP-4. An application to renew the approval of the existing 0.015 mgd Milford Senior Care and Rehabilitation Center WWTP and its discharge. The WWTP will continue to discharge treated effluent directly to Water Quality Zone 1C at River Mile 251, within the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in Westfall Township, Pike County, Pennsylvania.
9. Penn Estates Utilities Inc., D-1999-020 CP-4. An application to renew the approval of the applicant's existing 0.56 mgd WWTP and its discharge. The WWTP will continue to discharge treated effluent to an unnamed tributary (UNT) of Brodhead Creek at River Mile 213.0 - 8.7 - 1.5 (Delaware River - Brodhead Creek - UNT of Brodhead Creek) via Outfall No. 1, within the drainage area of the section of the non-tidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in Stroud Township, Monroe County, Pennsylvania.
10. Rivercrest Homeowners Association, D-2001-045 CP-4. An application to renew the approval of the applicant's 0.115 mgd WWTP and its related seasonal discharges to surface water and to land via spray irrigation. The WWTP will continue to discharge treated effluent to an UNT of the Schuylkill River at River Mile 92.47 - 36.3 - 0.5 (Delaware River - Schuylkill River - UNT of the Schuylkill River), in Upper Providence Township, Montgomery County, Pennsylvania.
11. Beach Lake Municipal Authority, D-2001-052 CP-3. An application to renew the approval of the 0.09 mgd Beach Lake WWTP and its discharge. No modifications are proposed to the WWTP. Treated effluent will continue to discharge to Beach Lake Creek, a tributary of Masthope Creek at River Mile 282.5 - 6.98 - 3.1 (Delaware River - Masthope Creek - Beach Lake Creek) via Outfall No. 001, located within the drainage area of the section of the non-tidal Delaware River known as the Upper Delaware, which is classified as Special Protection Waters, in Berlin Township, Wayne County, Pennsylvania.
12. SC Stream PA, LLC, D-2006-020-3. An application to renew the approval of the existing 0.05 mgd Paradise Stream Resort WWTP and its discharge. The WWTP will continue to discharge treated effluent to Paradise Creek, which is a tributary of Brodhead Creek at River Mile 213 - 13.7 - 7.7 (Delaware River - Brodhead Creek - Paradise Creek) in Paradise Township, Monroe County, Pennsylvania, within the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters.

13. Teva Pharmaceuticals, D-2006-022-2. An application to renew the approval of an existing groundwater withdrawal of up to 5.14 mgm from existing Well No. PW-1 for irrigation purposes on the Teva property. Well No. PW-1 is completed in the Wissahickon Schist Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Pennypack Creek Watershed in the City of Philadelphia, Philadelphia County, Pennsylvania.
14. East Brandywine Township Municipal Authority, D-2007-002 CP-3. An application to renew the approval of an existing discharge from the 0.3 mgd Applecross WWTP. The Pennsylvania Department of Environmental Protection (PADEP) Water Quality Monitoring (WQM) Permit limits the existing WWTP to an average flow of 0.138 mgd. During April through November, treated effluent is land-applied via spray irrigation located at the Applecross Golf Course. During December through March, treated effluent is stored in lagoons. Excess treated effluent is discharged to two drip disposal areas or conveyed to surface waters via Outfall No. 001 to Beaver Creek at River Mile 70.73 - 1.77 - 20.22 - 8.7 - 6.1 (Delaware River - Christina River - Brandywine Creek - East Branch Brandywine Creek - Beaver Creek), in East Brandywine Township, Chester County, Pennsylvania.
15. To-Jo Mushrooms, Inc., D-2007-003-3. An application to renew the approval of the applicant's existing 0.049 mgd Industrial Wastewater Treatment Plant (IWTP) and its discharge. No modifications to the IWTP are proposed. The IWTP will continue to discharge to an UNT of Trout Run 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), in New Garden Township, Chester County, Pennsylvania.
16. Bath Borough Authority, D-2007-016 CP-2. An application to renew the approval of an existing groundwater withdrawal of up to 15.5 mgm to supply the applicant's public water supply distribution system from existing Wells Allen Street, Smith Street and Holiday Hill. Wells Allen Street and Smith Street are both completed in the Ontelaunee Formation and Well Holiday Hill is completed in the Jacksonburg Formation. The requested allocation is not an increase from the previous allocation. The project is located in the Monocacy Creek Watershed in Bath Borough, Northampton County, Pennsylvania 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.
17. Wayne Economic Development Corporation, D-2007-018-4. An application to renew the approval of the existing 0.014 mgd Wayne Economic Development Corporation (WEDCO) Sterling Business Park WWTP. Treated effluent will continue to discharge to the West Branch Wallenpaupack Creek at River Mile 277.7 - 17.5 - 11.5 - 5.0 (Delaware River - Lackawaxen River - Lake Wallenpaupack - West Branch Wallenpaupack Creek) within the drainage area of the section of the main stem Delaware River known as the Upper Delaware, which is classified as Special Protection Waters, in Sterling Township, Wayne County, Pennsylvania.

18. PaperWorks Industries, Inc., D-2007-020-2. An application to renew the approval of an existing surface water withdrawal of up to 217 mgm to supply water to the applicant's manufacturing facility for industrial process and cooling purposes from an existing intake on the Schuylkill River. The requested allocation is not an increase from the previous allocation. The project is located in the Schuylkill River Watershed in the City of Philadelphia, Philadelphia County, Pennsylvania.
19. East Stroudsburg Borough, D-2007-039 CP-3. An application to renew the approval of the applicant's 2.1 mgd water filtration plant (WFP) and its discharge of up to 0.09 mgd of filter backwash. The WFP will continue to discharge to Sambo Creek, which is a tributary of Brodhead Creek, at River Mile 213.5 – 5.2 – 3.5 (Delaware River – Brodhead Creek – Sambo Creek). The project discharge is located within the drainage area of the non-tidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters, in Smithfield Township, Monroe County, Pennsylvania.
20. Morrisville Municipal Authority, D-2008-006 CP-3. An application to renew the approval of an existing discharge of up to 0.15 mgd of filter backwash from the 6.0 mgd Municipal Authority of the Borough of Morrisville water filtration plant (WFP). The WFP will continue to discharge directly to Water Quality Zone 1E at River Mile 134.6 (Delaware River). The discharge is within the drainage area of the section of the main stem Delaware River known as Significant Resource Waters of the Lower Delaware, which is classified as Special Protection Waters, in Lower Makefield Township, Bucks County, Pennsylvania.

B. Renewals with Substantive Changes (hearing items 21 through 24).

21. Fleischmanns Village, D-2009-008 CP-2. An application to renew the approval of an existing withdrawal of up to 4.95 mgm of spring water from Springs Nos. 3, 4 and 5 and groundwater from Wells Nos. 2, 3, 4 and 5 for continued use in the docket holder's public water system. The allocation approved by this docket is a decrease from the 9.75 million gallons per 30 days (mg/30 days) approved in the previous docket and is based on the docket holder's estimated 10-year demands. The project sources are located in the Lower Walton Formation in the Vly Creek-Bush Kill Watershed in the Village of Fleischmanns and the Town of Middletown, Delaware County, New York within the drainage area of the section of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters.
22. Wallenpaupack Lake Estates, D-1971-150 CP-2. An application to approve the Beaver Well, Ski Bluff Well and new Well No. 6 for inclusion into the applicant's public water supply system and to renew the approval of an existing groundwater withdrawal of up to 10.0 mgm. The Beaver and Ski Bluff wells are existing wells that are in operation but were never approved by the Commission. The requested allocation is not an increase from the previous allocation. The project wells are completed in the Long Run and Walcksville Members of the Catskill Formation in the Wallenpaupack Lake Watershed, within the drainage area of the section of the main stem Delaware River known as the Upper Delaware, which is classified as Special Protection Waters, in Paupack Township, Wayne County, Pennsylvania.

23. New York State Department of Corrections and Community Supervision, D-2007-028 CP-2. An application to approve an increase in the total allocation from 7.44 mgm to 9.40 mgm of groundwater from existing Wells Nos. 2, 3, 4, 6 and 7 used for water supply at the Woodbourne Correctional Facility. This docket also approves the withdrawals from existing Well No. 7, which was included in but not used at the time of the previous docket approval. The increase in allocation is necessary to meet the current and future water demands of the facility. The wells are screened in unconsolidated glacial outwash sand and gravel in the Neversink River Watershed in the Town of Fallsburg, Sullivan County, New York within the drainage area of the section of the main stem Delaware River known as the Middle Delaware, which is classified as Special Protection Waters.
24. Friesland Campina Domo, D-2010-010-2. An application to approve the withdrawals from existing Well No. 2 and new Wells Nos. 1A, 3 and 4 and renew the previously approved total groundwater allocation of 24.8 mgm used for non-contact cooling water (NCCW), industrial processes and potable use at the docket holder's vitamin manufacturing facility. New Well No. 1A was installed to replace former Well No. 1 and Wells Nos. 3 and 4 were installed for supplemental supply purposes so that the other wells could be taken off-line for maintenance purposes and to provide additional instantaneous capacity to meet short-term facility processing demands. New Wells Nos. 1A, 3 and 4 and existing Wells Nos. 1 and 2 are completed in unconsolidated sand and gravel deposits in the West Branch Delaware River Watershed within the drainage area of the section of the main stem Delaware River known as the Upper Delaware, which the Commission has classified as Special Protection Waters in the Town of Delhi, Delaware County, New York.
- C. *Project Not Previously Reviewed by the Commission (hearing item 25).*
25. Philmont Country Club, D-2016-009-1. An application to approve groundwater and surface water withdrawals of up to 10.0 mgm to irrigate the docket holder's golf course from Wells Nos. 1, 2, 3 and 4 and a run of stream irrigation pond on the Huntington Valley Creek, which is a tributary of the Pennypack Creek. The project wells are completed in felsic gneiss. The project is located in the Commission's designated GWPA in the Pennypack Creek Watershed, Lower Moreland Township, Montgomery County, Pennsylvania.
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