

DELAWARE RIVER BASIN COMMISSION

MEETING OF SEPTEMBER 12, 2013

Minutes

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

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

The Commission met at The Enterprise Center at Burlington County College in Mount Laurel, New Jersey on September 12, 2013.

In the absence of the Commission *Chair Pro Tem*, New Jersey Alternate Commissioner Michele Siekerka, Vice Chair Angus Eaton of New York served as Chair.

Minutes. The Minutes for the Commission Meeting of July 10, 2013 were approved unanimously on a motion by Ms. Heffner, seconded by Lieutenant Colonel Becking.

Announcements. Ms. Bush announced the following:

- *Mid-Atlantic Conference of the American Water Resources Association (AWRA).* Presented by the New Jersey Section of the AWRA in conjunction with the Delaware State Section, National Capital Region Section, Pennsylvania State Section and Philadelphia Metropolitan Area Section and themed *Water Resources: Adaptation and Advancement*, the conference takes place September 26-27, 2013 at Mercer County Conference Center in West Windsor, New Jersey. Register by Friday, September 13. Several DRBC staff will present. For full details, visit the conference web site.

- *Partnership for the Delaware Estuary.* The Partnership's annual banquet and auction takes place October 5, 2013, from 5:00 p.m. to 8:30 p.m. at the Philadelphia Independent Seaport Museum at Penn's Landing.
- *50th Anniversary of President John F. Kennedy's Acceptance of Pinchot's Grey Towers on Behalf of the U.S.* September 2013 is the 50-year anniversary of President John F. Kennedy's acceptance of Grey Towers in Milford, Pennsylvania for the people of the United States and formation of the Pinchot Institute for Conservation. Grey Towers is a national historical landmark and the former home of Gifford Pinchot, the first director of the United States Forest Service and twice-elected Pennsylvania governor.
- *American GeoSciences Institute.* In observance of Earth Science Week the Institute is sponsoring *Mapping Our World* from October 13 through 19. For more information, visit the Institute's web site.
- *Water Resources Association of the Delaware River Basin.* The WRA will hold its fall conference on November 13 from 8:30 a.m. to 4:00 p.m. at the Rutgers EcoComplex in Bordentown, New Jersey. For more information, please visit the WRA's new web site.

Hydrologic Conditions. Ms. Shallcross reported on hydrologic conditions in the Basin:

The observed precipitation for the portion of the Basin above Montague, New Jersey for the period January 1 through September 9, 2013 was 32.6 inches or 1.62 inches above normal. The observed precipitation for the Basin above Trenton for the same period was 32.5 inches or 0.2 inches below normal and for the Basin above Wilmington, Delaware for this period, 36.7 inches or 6.7 inches above normal.

The average observed streamflow of the Delaware River at Montague in August 2013 was 3,665 cubic feet per second (cfs) or 169 percent of the long-term average for the month. For the same period, the average observed streamflow at Trenton was 7,946 cfs, or 179 percent of the long-term average for the month.

For the period of September 1 through September 9, the average observed streamflow at Montague was 3,852 cfs, or 191 percent of the long-term average for the month. The average streamflow at Trenton during the same period was 7,813 cfs, or 176 percent of the long-term average for the month.

In the Lower Basin, as of September 10, 2013, Beltzville Reservoir contained 13.91 billion gallons (bg) usable, or 100.3 percent of usable storage, and Blue Marsh contained 5.78 bg usable, or 100.4 percent of summer pool usable storage. As of September 9, Merrill Creek contained 14.85 bg usable, or 94.7 percent of usable storage.

In the Upper Basin, as of September 10, 2013, Pepacton Reservoir contained 118.1 bg usable or 84.2 percent of usable storage. Cannonsville contained 83.0 bg usable, or 86.7 percent of usable storage. Neversink contained 28.1 bg usable or 80.4 percent of usable storage. The total New

York City Delaware Basin reservoir storage was 229.2 bg usable or 84.6 percent of usable storage.

During the month of August 2013, the location of the seven-day average of the 250-parts-per-million (ppm) isochlor, also known as the “salt front,” ranged from River Mile (RM) 69 to RM 71. The normal location of the salt front during August is RM 74, which is four miles downstream of the Delaware-Pennsylvania state line. As of September 9, the salt front was located at RM 71, which is five miles downstream of the normal location of the salt front during September.

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

- *Proposed PCB Regulations.* The proposed regulations were published for comment during early August. A public hearing was held on September 10, and written comments will be accepted through September 20. The draft regulations establish a uniform criterion for PCBs of 16 picograms per liter (pg/L) for the Delaware Estuary and Bay. The public is also invited to comment on a draft implementation strategy describing how the criterion is expected to be implemented by NPDES permitting authorities and co-regulators. Ms. Collier noted that the Stage 1 TMDLs for PCBs, adopted in 2003, have been implemented through a requirement for pollutant minimization plans (PMPs). Through PMPs, the discharges that contribute 90 percent of the point source load have been reduced by 46 percent – tremendous progress. A great deal more progress is required to eliminate fish consumption advisories, however, and the uniform criterion together with an implementation strategy that addresses both point sources and nonpoint sources will constitute the next phase of this effort, Ms. Collier said.
- *Update to State of New Jersey Flood Insurance Rate Maps.* The State of New Jersey is in the process of updating its flood insurance rate maps for both the Atlantic Coast and the Delaware Bay. This undertaking includes outreach and education to help citizens understand how the process may affect them. DRBC will receive \$40,000 to assist the state with outreach in the region from Cape May through Camden County.
- *Dr. Ruth Patrick River Garden.* Transformation of the DRBC courtyard is now 95 percent complete. It is an image of the river basin itself, including the river corridor, physiographic provinces, and native vegetation. There will be chairs, tables and benches. It’s a nice asset, not only to DRBC staff, but for the education of visitors.
- *National Water Assessment.* DRBC Deputy Director Bob Tudor will be in Washington, D.C. on September 13 for a legislative briefing. The U.S. Geological Survey is in the process of conducting a national water census. Currently, no comprehensive water assessment for the nation exists. Bob is one of three speakers who will talk about efforts in the Delaware River Basin, which is one of the pilot areas for this project.
- *Retirement of DRBC Executive Director, Carol R. Collier.* I have informed the Commissioners that I am planning to retire as of March 14, 2014. I recently had my 15-year anniversary at DRBC and it made me think that 15 years as director – both for the position and the person – is long enough. I want to stay in the water field and I am

looking at some other things. I have a to-do list of things to be accomplished before I leave. One is adoption of the PCB rule; a second is establishing a direction forward for dealing with natural gas in the Basin; a third is getting more meat on the bones of DRBC's Sustainable Water Supply 2060 process. To the Commissioners, Ms. Collier noted that they will say she is a real optimist, but she would also like to see the reinstatement of federal funding and full fair-share funding by the State of New York. Ms. Collier said that DRBC is an incredibly important institution, and internationally is held up as *the* model for trans-boundary water management. As the nation moves forward, she observed, we will see that water resources must be managed at a watershed level. Watershed-based management is not only the only approach that works, but there will be increased awareness that it is also the most environmentally sound and cost-effective method. DRBC has been doing it for 50 years. Ms. Collier said she hoped the Commissioners and public believe that some progress has been made over the last 15 years. She closed with a commendation of the DRBC staff. She said considering the staff was the most difficult part of her decision, because they are so capable and so dedicated. She encouraged the Commissioners to meet with staff members – especially mid-level managers – to talk about their capabilities and what they see for the future.

Mr. Eaton congratulated Carol Collier on her planned retirement. He remarked that Carol was the first woman to head an interstate-federal compact agency, adding that if this is taken for granted today, it would have been an entirely different picture 50 years ago. He recognized this as a wonderful thing. He also remarked that Carol has been a tireless advocate for the good of the basin and for the Commission in all kinds of ways. Her efforts have included important initiatives in New York, where Mr. Eaton said government is trying to do as much as it can with partnerships that go beyond what might be considered the traditional way of getting things done, because it has to. Carol also has exemplified the motto, “do as I do, not just as I say,” through stormwater retrofit projects to restore a natural hydrology to the site of the headquarters building. He thanked her. Mr. Eaton added that the Commissioners would echo that she is leaving a really super staff who would help bridge from one leader to the next. He said the Commissioners would begin the process of replacing the director and hoped they would do as well as their predecessors in this task.

General Counsel's Report. Mr. Warren said it had been delightful to have had the opportunity to work with Carol, noting that she is a visionary when it comes to water resources. He said she has the ability to look into the future, which is really the key to professionalism in this area, and to express herself clearly and precisely in terms of what needs to be done to rally support around ideas. Her commitment is unrivaled. To Carol, he said he would sorely miss working with her but is delighted to say that she is now a good friend. He acknowledged that others would certainly share their personal views and feelings with Carol privately.

Mr. Warren reported on the following items.

In the Stone Energy matter there is continued dialogue with respect to a set of core documents to which the Commission has claimed privilege. Plaintiff the Delaware Riverkeeper Network (DRN) has acknowledged that the documents are subject to a privilege, but has maintained that this is a conditional privilege and that DRN has a need for the documents that outweighs the privilege associated with them. If we are unsuccessful in resolving the question of privilege as to

one or more documents, then the magistrate judge will decide whether those documents get produced. Once the parties are through those “scrimmages”, a briefing on the merits of the case will be scheduled. The case involves an appeal of a water withdrawal docket that the Commission issued to Stone Energy Corporation, in part to serve future natural gas drilling wells in the Marcellus Shale within the Pennsylvania portion of the Basin.

Mr. Warren noted two actions by East Brandywine Township Municipal Authority: (1) a request for waiver of a late fee that is levied on untimely renewal applications; and (2) the appeal of a condition of a docket issued in June, requiring payment of an incremental fee upon the completion of construction of the project, if the actual cost of construction exceeds the estimate on which the original fee was based. Mr. Warren recommended that because the appeal involved what in his view are purely legal issues, the Commissioners should authorize him and Ms. Bush to have a dialogue with counsel for East Brandywine Township to see if a resolution can be reached and to report back to the Commissioners at their next meeting.

Mr. Eaton requested a motion to authorize a continued dialogue with counsel for East Brandywine Township Municipal Authority. Ms. Heffner so moved, Ms. Stiller offered a second, and the motion was carried by a unanimous vote.

Mr. Warren reported that additional requests for waiver of the incremental processing fee for late filing of renewal applications had been submitted by the Borough of Bridgeport (on behalf of which the Borough Manager, Mr. Don Curley, addressed the Commissioners during their public hearing on the previous day), the Yardley Country Club and West Bradford Township. He said the Commissioners had discretion to either waive the fees or decline to do so as they have in the past with respect to similar requests, on grounds that even though the entities seeking waivers may have acted in good faith, nonetheless it is their responsibility to file renewal applications in a timely manner, and in the practice of the Commission, failure to do so involves the payment of an additional processing fee.

Ms. Heffner said that in order to support the highest and best use of every dollar that is available to a municipality, she was moving that the Commission agree to waive the incrementally late docket renewal filing fees for East Brandywine Township Municipal Authority, Borough of Bridgeport, Yardley Country Club and West Bradford Township. Mr. Eaton requested a second, and hearing none, announced that the motion had failed.

Mr. Warren said that based upon the lack of a second for that motion, staff would notify the project sponsors that the Commission had declined to act favorably upon their waiver request.

Settlement Agreement. Ms. Bush explained that Section 2.7.8 of the Rules of Practice and Procedure provides for settlement in lieu of a penalty wherever settlement is in the interest of the Commission and the regulated party. She asked the Commissioners to ratify a settlement agreement reached between the Executive Director and Hudson Valley Foie Gras, LLC (HVFG) of Ferndale, New York, in connection with alleged violations by the company between August 2008 and June 2013 of effluent requirements for total dissolved solids (TDS). The alleged violations are classified as moderate on the civil penalty matrix that the Commission adopted in 2009, and the settlement amount is the lowest authorized where the docket holder has no record of past violations, has cooperated in good faith with the Commission, has not willfully violated Commission requirements, has incurred only minor economic benefit as a result of the alleged

violations, and where minimal adverse effects on water resources have occurred as a result of the violations. Before Ms. Bush asked the Commissioners to ratify the settlement agreement, Mr. Muszynski described the modifications proposed in response to comments received on the draft docket for HVFG.

TDS. During the Commission's public hearing on July 9, 2013 and by letter of the same date, the Delaware Riverkeeper Network (DRN) objected to renewal of the HVFG docket, in part on grounds that violations by the company of a TDS limit had not been recognized or addressed. In response to these comments and on the recommendation of staff, the Commissioners on July 10 deferred a vote on the HVFG docket renewal pending an investigation by staff into the facts of the alleged violations. Staff reviewed all of HVFG's monitoring data for the period from August 2008 through April 2013 and confirmed that seven violations of the monthly average TDS effluent requirement occurred during that period. DRBC and company personnel then explored changes HVFG could make to ensure violations of this type would not occur in the future. Chemicals used to control pH in the treatment system were found to have contributed to the violations, and HVFG agreed to change its procedures and chemicals immediately to prevent future violations. DRBC staff also reminded HVFG that it is obligated to report violations promptly as they occur.

Emergency Management Plan. One of the July commenters had noted that as a discharger located within the drainage area of DRBC Special Protection Waters (SPW), HVFG is required to have an emergency management plan in place. Mr. Muszynski explained that although the draft docket allowed six months for such a plan to be in effect, between the July meeting and this one, HVFG had submitted a draft plan, the Commission staff had reviewed it and found it acceptable, and the plan is now in place.

Nonpoint Source Controls. One of the comments the Commission received concerned nonpoint source controls, especially with respect to land application of manure. By regulation, DRBC nonpoint source controls above the Mongaup system are not required in SPW drainage areas. Land application of manure is nevertheless regulated by the state.

Macroinvertebrate Study. One of the comments consisted of a request to require a macroinvertebrate study to be performed upstream and downstream of the facility's discharge. Generally the Commission does not require such monitoring unless the docket holder has requested a TDS determination. The Commission's basin-wide TDS effluent limit is one thousand parts per million. Since HVFG will comply with that limit, Commission staff have not proposed such a requirement in the draft docket.

Mr. Eaton requested a motion to ratify the settlement agreement, Ms. Heffner so moved, and Lieutenant Colonel Becking seconded her motion. Mr. Eaton invited further discussion. Ms. Heffner thanked the staff for their follow-up work on this matter after the July meeting. The Settlement Agreement between DRBC and Hudson Valley Foie Gras, LLC was approved by unanimous vote.

Mr. Warren noted for the record that he was recusing himself from hearing item 9, D-1999-071-4 for Sanofi Pasteur, Inc.

Mr. Eaton acknowledged that there had been several comments during the public dialogue portion of the meeting on September 11 concerning natural gas development. He said that the Commissioners and DRBC staff would continue to confer, with the expectation that the Commissioners will reach consensus on a path forward for natural gas on the basin. Commissioners and staff will continue reviewing new scientific studies on water resource impacts of natural gas drilling and studying new regulations, best management practices and performance standards adopted by states and federal agencies or recommended by NGOs. The Commissioners will use these models to guide them in setting minimum standards for the basin. Meanwhile, Mr. Eaton said, DRBC continues to perform water quality and quantity monitoring to establish baseline conditions and with the help of the William Penn Foundation, continues to develop a tool for evaluating the impacts of land-based development on water resources.

Project Review Applications. A duly noticed public hearing was conducted on September 11, 2013 on draft docket for 22 projects. With the exception of hearing items 21 and 22 for the Rock Tenn Company (D-2006-041-2) and the Tobyhanna Army Depot (D-2009-041 CP-2), both of which, in the view of staff, required additional time for review, staff recommended that the Commission approve this group of dockets. A public hearing for the docket on Hudson Valley Foie Gras, LLC, Docket No. D-2006-037-3, was completed on July 9, 2013. Mr. Muszynski recommended that the Commissioners approve that docket as well, in light of the verbal response to comments he provided earlier in the meeting.

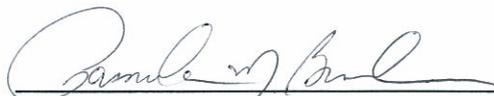
Mr. Eaton requested a motion to approve the renewal docket for Hudson Valley Foie Gras, LLC. Lieutenant Colonel Becking so moved, Ms. Heffner seconded his motion and Docket No. D-2006-037-3 for HVFG was approved by unanimous vote.

Mr. Muszynski reported that no comments had been received on the 20 draft dockets heard on the previous day, September 11, 2013, and recommended that the Commissioners approve all 20 dockets, which are described in the Attachment to these Minutes.

Mr. Eaton asked for a motion to approve hearing items 1 through 20. Ms. Stiller so moved, Ms. Heffner offered a second, and the motion was carried by unanimous vote.

An audio recording of the public hearing held on September 11, 2013 is on file with the Commission Secretary. A list of the approved dockets, with descriptions, is provided as an Attachment to these Minutes.

Mr. Eaton requested a motion to adjourn the meeting. Ms. Heffner so moved, Ms. Stiller seconded her motion, all concurred, and the Commission's business meeting of September 12, 2013 was adjourned.



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

Commission Secretary/Assistant General Counsel

ATTACHMENT

DESCRIPTION OF APPLICATIONS FOR PROJECTS APPROVED BY THE COMMISSION DURING THE BUSINESS MEETING OF SEPTEMBER 12, 2013

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 approved a docket with modifications.

With the exception of Docket No. D-2006-037-3 for Hudson Valley Foie Gras, LLC (HVFG), on which a hearing was conducted on July 9, 2013, the 21 projects approved by the Commission on September 12, 2013 all were subjects of a duly noticed public hearing on September 11, 2013. Descriptions of the dockets follow.

The dockets are customarily presented in three categories – Category A consists of docket renewals involving no substantive changes; Category B consists of renewals involving significant changes, such as an increase or decrease in an authorized withdrawal or discharge and Category C consists of new projects and projects not previously reviewed by the Commission. All of the dockets approved by the Commission on September 12 were from groups A and B.

- A. *Renewals with No Substantive Changes (hearing items 1 through 16 of Sept. 11 and hearing item 11 of July 9).*
1. Bridgeport Borough, D-1970-081 CP-3. An application for the renewal of the applicant's 0.9 million gallons per day (mgd) Bridgeport Borough Wastewater Treatment Plant (WWTP) and its discharge. The WWTP will continue to discharge treated wastewater effluent to the non-tidal portion of the Schuylkill River at River Mile 92.47 - 22.6 (Delaware River - Schuylkill River) in Upper Merion Township, Montgomery County, Pennsylvania.
 2. Minersville Sewer Authority, D-1970-201 CP-2. An application for the renewal of the applicant's 1.0 mgd WWTP and its discharge. Treated effluent will continue to be discharged to the West Branch Schuylkill River at River Mile 92.47 - 119.65 - 7.1 (Delaware River - Schuylkill River - West Branch Schuylkill River) via Outfall No. 001, in the Borough of Minersville, Schuylkill County, Pennsylvania.
 3. Lehigh County Authority, D-1977-041 CP-3. An application for the renewal of the applicant's 0.16 mgd Lynn Township Sewer Authority WWTP and its discharge. The WWTP will continue to discharge treated effluent to the Ontelaunee Creek at River Mile 92.47 - 86.7 - 21.5 - 8.7 (Delaware River - Schuylkill River - Maiden Creek - Ontelaunee Creek) in Lynn Township, Lehigh County, Pennsylvania.
 4. Town of Fallsburg, D-1981-066 CP-2. An application for the renewal of the applicant's 0.79 mgd Avon (formerly Woodridge) WWTP and its discharge. The WWTP will continue to discharge treated effluent to the Neversink River at River Mile 253.64 - 30.0 (Delaware River - Neversink River) via Outfall No. 001, within the drainage area of the Middle Delaware, which is classified as Special Protection Waters, in the Village of Woodridge, Sullivan County, New York.
 5. Boyertown Foundry Company, D-1985-080-4. An application for the renewal of an existing groundwater withdrawal (GWD) project of up to 3.54 million gallons per month (mgm) to supply the applicant's industrial cooling system from existing Well No. 1A completed in Leithsville Dolomite. The requested allocation is not an increase from the previous allocation. The well is located in the Swamp Creek Watershed in Boyertown Borough, Berks County, Pennsylvania.
 6. Reading Regional Airport Authority, D-1986-038 CP-3. An application for the renewal of the applicant's existing 0.42 mgd WWTP and its discharge. Treated effluent will continue to be discharged to the Schuylkill River at River Mile 92.47 - 80.3 (Delaware River - Schuylkill River) via Outfall No. 001, in Bern Township, Berks County, Pennsylvania.
 7. Pike County Environmental, Inc., D-1989-082-2. An application for the renewal of the applicant's 0.1 mgd WWTP and its discharge. Treated effluent will continue to discharge to the Delaware River at River Mile 256.5, within the drainage area of the section of the non-tidal Delaware River known as the Middle Delaware, which the Commission has

classified as Special Protection Waters, in Westfall Township, Pike County, Pennsylvania.

8. Nesquehoning Borough, D-1990-107 CP-2. An application for the renewal of the applicant's 0.65 mgd Borough of Nesquehoning WWTP and its discharge. The WWTP will continue to discharge treated effluent to the Nesquehoning Creek at River Mile 183.66 - 49.2 - 1.52 (Delaware River - Lehigh River - Nesquehoning Creek) via Outfall No. 001, within the drainage are 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 Nesquehoning, Carbon County, Pennsylvania.
9. Sanofi Pasteur, Inc., D-1999-071-4. An application for the renewal of the applicant's existing project, Swiftwater industrial wastewater treatment plant (IWTP) and its related discharge. The IWTP is hydraulically designed to treat up to 0.95 mgd of industrial wastewater. This docket renews the approval of the IWTP to: (1) discharge up to 0.90 mgd of treated wastewater to Swiftwater Creek; (2) spray irrigate up to 0.313 mgd of treated wastewater; and (3) re-use up to 0.05 mgd of treated wastewater. The docket also approves the renewal of a Total Dissolved Solids (TDS) determination of up to 6,430 lbs/day as a monthly average. The IWTP will continue to discharge treated industrial process water generated by the Sanofi research and manufacturing facility to Swiftwater Creek, a tributary of Paradise Creek, which is a tributary of Brodhead Creek, at River Mile 213.0 - 11.4 - 4.4 - 3.5 (Delaware River - Brodhead Creek - Paradise Creek - Swiftwater Creek). The IWTP is located within the drainage area of the section of the non-tidal Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters, in Pocono Township, Monroe County, Pennsylvania.
10. Little Washington Wastewater Company, D-2002-006 CP-2. An application for the renewal of the 0.4 mgd Lake Harmony WWTP and its existing discharge, and transfer of ownership of the facility from Kidder Township to the Little Washington Wastewater Company. Treated effluent will continue to be discharged to Shingle Mill Run at River Mile 183.66 - 83.5 - 4.9 - 0.6 (Delaware River - Lehigh River - Tobyhanna Creek - Shingle Mill Run) via Outfall No. 001, within the drainage area of the section of the non-tidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in Kidder Township, Carbon County, Pennsylvania.
11. Schwenksville Borough Authority, D-2003-029 CP-2. An application for the renewal of an existing GWD project of up to 15.29 mgm to supply the applicant's public water supply system from existing Wells Nos. 3, 4, 5, 7 and 9 in the Brunswick Formation. The requested allocation is not an increase from the previous allocation. The wells are located within the Southeastern Pennsylvania Ground Water Protected Area (GWPA) in the Perkiomen Creek Watershed, in the Borough of Schwenksville, Montgomery County, Pennsylvania.
12. Delaware Valley Fish Company, D-2004-008-2. An application for the renewal of an existing GWD project of up to 5.89 mgm to supply the applicant's fish holding facility

from existing Well No. DV-1 in the Stockton Formation. The requested allocation is not an increase from the previous allocation. The well is located within the GWPA in the Stony Creek Watershed, in the Borough of Norristown, Montgomery County, Pennsylvania.

13. Warminster Township Municipal Authority, D-2004-021 CP-2. An application for the renewal of the applicant's 1.2 mgd Warminster Municipal Authority WWTP and its existing discharge. The WWTP will continue to discharge treated wastewater effluent to an unnamed tributary of the Neshaminy Creek at River Mile 115.6 - 23.6 - 3.3 - 1.4 (Delaware River - Neshaminy Creek - Little Neshaminy Creek - UNT to Little Neshaminy Creek), in Warminster Township, Bucks County, Pennsylvania.
14. Alsace Township, D-2006-005 CP-2. An application for the renewal of the applicant's 0.071 mgd Alsace Township WWTP and its existing discharge. The WWTP will continue to discharge treated wastewater effluent to an unnamed tributary of Little Manatawny Creek at River Mile 92.47 - 54.15 - 16.7 - 4.7 - 1.9 (Delaware River - Schuylkill River - Manatawny Creek - Little Manatawny Creek - UNT of Little Manatawny Creek) in Alsace Township, Berks County, Pennsylvania.
15. Brookdale Resort Propco LLC, D-2006-019-3. An application for the renewal of the applicant's 0.084 mgd Brookdale Resorts Propco, LLC WWTP and its existing discharge. The WWTP will continue to discharge to Brookdale Lake at River Mile 213.0 - 3.9 - 0.9 - 11.4 - 2.85 - 0.15 (Delaware River - Brodhead Creek - McMichael Creek - Pocono Creek - Scot Run - Brookdale Lake), within the drainage area of the portion of the non-tidal Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters, in Pocono Township, Monroe County, Pennsylvania.
16. Lehigh County Authority, D-2010-001 CP-2. An application for the renewal of the applicant's 0.06 mgd Wynnewood Terrace WWTP and its existing discharge. Treated effluent will continue to discharge to the Lehigh River at River Mile 183.66 - 28.14 (Delaware River - Lehigh River) via Outfall No. 001, within the drainage area of the section of the non-tidal Delaware River known as the Lower Delaware, which the Commission has classified as Special Protection Waters, in North Whitehall Township, Lehigh County, Pennsylvania.

[Hearing Item No. 11 of July 9, 2013] Hudson Valley Foie Gras, LLC, D-2006-037-3. An application for the renewal of an existing discharge from the 0.02 mgd industrial wastewater treatment plant (IWTP). Treated effluent will continue to discharge to the Middle Mongaup River at River Mile 261.1 - 12.0 - 6.2 - 5.1 - 3.7 (Delaware River - Mongaup River - Swinging Bridge Reservoir - Mongaup River - Middle Mongaup River) via Outfall No. 001, 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 the Town of Liberty, Sullivan County, New York.

B. Renewals with Substantive Changes (items 17 through 20).

17. Brightsmith, LLC, D-1985-059 -2. An application for the renewal of the existing 0.050 mgd Brightsmith IWTP project and its associated discharge of treated industrial wastewater and non-contact cooling water (NCCW). This docket also continues a TDS determination of 2,500 mg/l (average monthly effluent concentration). No modifications to the IWTP facilities are proposed. The IWTP will continue to discharge combined treated industrial wastewater and NCCW to a stormwater ditch (unnamed tributary) of Biles Creek, which is a tidal tributary of the Delaware River in Water Quality Zone 2 at River Mile 130.3 - 1.9 (Delaware River - Biles Creek) in Falls Township, Bucks County, Pennsylvania.
18. Brodhead Creek Regional Authority, D-1991-001 CP-3. An application for the renewal of an existing water supply project to continue the withdrawal of up to a combined total of 217.97 mgm of surface water and groundwater for use in the applicant's existing public water supply system. The combined allocation of surface water and groundwater represents a decrease from the combined source allocation of the previous docket. The groundwater sources include existing groundwater Wells Nos. 1 and 2 completed in unconsolidated glacial deposits, and Well No. 3, completed in the Buttermilk Falls Formation. Surface water sources include the Brodhead Creek and Stokes Mill Spring intakes. The applicant also has a bulk water purchase agreement with the Borough of East Stroudsburg, Monroe County, Pennsylvania. The applicant has requested a modification of its service area to include an expansion that will extend the system into Tobyhanna Township to provide water service to the planned Kalahari Resort and Pocono Manor Development, to provide for the anticipated acquisition of the Pocono-Jackson Joint Water Authority system by BCRA, and to expand the current service area in Smithfield Township to additional areas within Smithfield Township. Additionally, the area currently served by the Pocono Manor Investors water system located in Pocono Township is proposed to be removed from BCRA's previously approved service area. The existing project withdrawals are located in the Brodhead Creek and McMichael Creek watersheds, within the drainage area of the section of the non-tidal Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters, in Stroud Township, Monroe County, Pennsylvania.
19. Upper Uwchlan Township Municipal Authority, D-2000-055 CP-3. An application for the renewal of the applicant's 0.3 mgd Route 100 Regional WWTP and its existing discharge. Additionally, the applicant requested approval to construct improvements at the WWTP comprising Phase 2 of 3, which would result in the WWTP's expansion to 0.6 mgd. The existing WWTP and its proposed expansion will continue to land discharge treated effluent to on-site spray fields and drip irrigation systems in the Pickering Creek Watershed near River Mile 92.47 - 36.45 - 14.6 (Delaware River - Schuylkill River - Pickering Creek) in Upper Uwchlan Township, Chester County, Pennsylvania.
20. CBH2O LP, D-2001-040-2 (The applicant is listed in DRBC's Pennsylvania Bulletin hearing notice as "Camelback Mountain Resort"). An application for the renewal of an existing allocation project and an increase in the approved allocation to 160 mgm of surface water from Intake No. 1 on the Pocono Creek for snow making operations at the

docket holder's Camelback Mountain Resort. The docket holder's current allocation limits withdrawals to 120 mgm of surface water from Intake No. 1. The increase in allocation is necessary to expand snow making capabilities to make as much snow as possible when climate conditions are ideal and to support possible future expansion of the ski and snow tubing areas. This docket also approves a seasonal allocation of up to 30 million gallons and 15 million gallons of surface water, respectively from intakes located in Massad Pond and Barneys Pond. These existing surface water withdrawals were not previously approved by the Commission. The project is located within the drainage area of the section of the non-tidal Delaware River known as the Middle Delaware, which the Commission has classified as Special Protection Waters, in Pocono Township, Monroe County, Pennsylvania.