

A RESOLUTION authorizing the Executive Director to require nutrient monitoring for point source discharges to the Delaware Estuary and Bay (Water Quality Zones 2 – 6).

WHEREAS, point sources are presumed to be significant contributors to the comparatively high nutrient concentrations observed in the Delaware Estuary and Bay (hereinafter “Delaware Estuary” or “the Estuary”) relative to other estuaries of the United States, but the loadings attributable to these discharges remain largely unquantified; and

WHEREAS, for more than 10 years, the development of nutrient criteria for surface waters has been a priority of the U.S. Environmental Protection Agency (EPA); and

WHEREAS, the states of Delaware, New Jersey, and Pennsylvania (“estuary states”) and the EPA have recognized the Commission as the lead agency for developing nutrient criteria for the Estuary; and

WHEREAS, EPA’s recent regulatory intervention to establish nutrient criteria for surface waters in the State of Florida underscores the need for states to make meaningful progress toward developing nutrient criteria if they wish to retain control of this process; and

WHEREAS, although the Delaware Estuary has not in recent years experienced such severe signs of over-enrichment as fish kills and harmful algal blooms, the Estuary is showing signs of poor health, including a persistent dissolved oxygen sag (i.e., low dissolved oxygen during the summer months) and poor benthic diversity; and

WHEREAS, the Commission’s Water Quality Advisory Committee and its Nutrient Management Subcommittee have recommended point source nutrient monitoring as an important initial step in managing nutrient levels in the Delaware Estuary; and

WHEREAS, the Commission’s Water Quality Regulations at Section 4.30.8C authorize the Commission to require sampling by point source dischargers; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. The Executive Director is hereby authorized and directed to require point source dischargers to the Delaware Estuary (Zones 2 – 6) to perform data collection and analysis of their discharges at their own cost and expense in order to characterize point source loadings of nutrients and related parameters to the Delaware Estuary for a period of up to 24 months.
2. The Executive Director will consult with the Commission’s Water Quality Advisory Committee on sampling, analytical, and data quality issues before establishing a schedule for completion of the required monitoring.

3. The Executive Director is further directed to continue to work closely with the Estuary states and EPA to address data collection needs for point and non-point sources for the management of nutrient levels in the Delaware Estuary.
4. The Commission acknowledges and values the cooperation of point source dischargers who have recognized the need for nutrient monitoring and have participated on the Commission's Water Quality Advisory Committee and Nutrient Management Subcommittee.
5. This Resolution shall take effect immediately.

/s/ Katherine E. Bunting-Howarth  
Katherine E. Bunting-Howarth, Chairwoman *pro tem*

/s/ Pamela M. Bush  
Pamela M. Bush, Esquire, Commission Secretary

ADOPTED: July 14, 2010