

A RESOLUTION authorizing the Executive Director to enter into an agreement with the University of Maryland for the analysis of ambient water samples collected from the Delaware Estuary for primary productivity and associated nutrient parameters.

WHEREAS, the U.S. Environmental Protection Agency (EPA) Region 3 is providing supplemental funding in the amount of \$150,000 pursuant to Section 106 of the federal Clean Water Act for calendar years 2013 and 2014 to investigate the magnitude, extent and influence of elevated nutrient levels in the Delaware Estuary and Bay; and

WHEREAS, the Eutrophication Model Expert Panel convened by the DRBC in December 2012 advised staff to add the measurement of primary productivity to the monitoring programs underway to prepare for the selection and development of an estuary eutrophication model; and

WHEREAS, the method requirements for primary productivity analyses require highly specialized experience, the use of radioactive Carbon-14 (^{14}C), which is subject to special permitting, and a very short holding time, factors which limit the number of practitioners – either commercial or academic – that have the capacity and are sufficiently proximate to the Estuary to perform the work; and

WHEREAS, Dr. Thomas Fisher of the University of Maryland's Horn Point Laboratory possesses the expertise, experience, and capacity to perform the analyses, the appropriate materials, including ^{14}C , and the necessary permits, and the Horn Point Laboratory is located within a two-hour drive of the Delaware Estuary.

WHEREAS, after a comprehensive search that included among other facilities, laboratories associated with the University of Delaware and Rutgers University, the Commission staff identified no other private or academic organizations within a two-hour drive of the Estuary that are properly equipped and available to perform the work; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

1. The Executive Director is hereby authorized to enter into a two-year cooperative agreement with the University of Maryland, Horn Point Laboratory for performance of primary productivity and nutrient analyses. The total cost of the agreement shall not exceed \$75,000 or the sum of this amount and additional funds expressly awarded to the Commission or allocated by it for this purpose.
2. Analyses will include primary production, planktonic respiration, chlorophyll-a and dissolved nutrients (NH_4^+ , $\text{NO}_2^- + \text{NO}_3^-$, PO_4^{3-}).
3. In accordance with Section 14.9(5) of the Compact, the competitive bidding provisions of the Compact are hereby waived in view of the specialized and professional nature of the services to be procured.

4. This Resolution shall take effect immediately.

/s/ Michele N. Siekerka

Michele N. Siekerka, Esq., Chairwoman *pro tem*

/s/ Pamela M. Bush

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

Commission Secretary/Assistant General Counsel

ADOPTED: July 10, 2013