



SUSQUEHANNA RIVER  
BASIN COMMISSION

4423 N. Front Street | Harrisburg, PA 17110-1788 | 717.238.0423 | [srbc.net](http://srbc.net)

NY ■ PA ■ MD ■ USA

December 10, 2019

TO ALL CONCERNED:

At the December 5, 2019, Commission meeting, the draft minutes of the September 6, 2019, Commission meeting were approved as written. Please attach this notice to your copy of the September 6, 2019, minutes.



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SUSQUEHANNA RIVER BASIN COMMISSION  
4423 N. FRONT ST.  
HARRISBURG, PA 17110

**MINUTES OF THE  
SUSQUEHANNA RIVER BASIN COMMISSION  
December 5, 2019  
#2019-04**

The meeting was held at the Susquehanna River Basin Commission in Harrisburg, Pa. Commission Chair Atkinson called the meeting to order at 9:00 a.m.

**ROLL CALL**

**Commissioners Present**

*Mr. Paul J. D'Amato*, Region 8 Director, New York  
State Dept. of Environmental Conservation  
(NYSDEC)

*Ms. Aneca Atkinson*, Deputy Secretary, Pennsylvania  
Department of Environmental Protection (PADEP)

*Dr. Suzanne Dorsey*, Assistant Secretary, Maryland  
Dept. of the Environment (MDE)

*Ms. Amy Guise*, Chief, Planning Division, U.S.  
Army Corps of Engineers, (USACE) Baltimore  
District

**Alternate Commissioners  
Present**

*Ms. Jennifer Orr-Greene*, Director, Compact and  
Commissions Office, PADEP

**Staff Present**

*Mr. Andrew D. Dehoff*, Executive Director

*Mr. Andrew J. Gavin*, Deputy Executive Director

*Ms. Marcia Hutchinson*, Director, Administration  
& Finance

*Mr. Jason Oyler*, General Counsel and Secretary

*Mr. Gene Veno*, Director, Governmental Affairs &  
Public Advocacy

*Mr. John W. Balay*, Manager, Planning &  
Operations

*Mr. Todd D. Eaby*, Manager, Project Review

*Mr. Jeremy Hoffman*, Manager, Compliance &  
Enforcement

*Mr. Brydon Lidle*, Manager, Information  
Technology

*Mr. Curtis Sebastian*, Assistant Counsel

**Also Present**

*Ms. Valerie Cappola*, USACE, North Atlantic  
Division

## **1. Opening Remarks**

Commission Chair Atkinson opened the meeting by outlining the rules of conduct for the meeting. She noted that a public hearing was previously held on October 31, 2019 and the written comment period was open until November 12, 2019. The Commissioners introduced themselves.

## **2. Presentation – A Stakeholder-Based Approach to Achieve Nutrient and Sediment Reductions in the Chiques Creek Watershed**

Tyler Shenk, Supervisor of Restoration and Protection, offered a presentation providing an overview of the Commission’s role in assisting Pennsylvania and local stakeholders with the development of an Alternative Restoration Plan to enhance local stakeholder engagement for shared implementation of the measures needed to reduce pollutant loads in a severely impaired watershed in Lancaster County, Pa.

## **3. Minutes of September 6, 2019, Commission Meeting**

On a motion by Commissioner Guise, seconded by Commissioner D’Amato, the minutes of the regular business meeting of September 6, 2019, were unanimously approved as written.

## **4. Fee Schedule**

Director of Administration & Finance Marcia Hutchinson presented Resolution 2019-13 adopting the Commission’s proposed Regulatory Program Fee Schedule, which will become effective on January 1, 2020. The proposed fee schedule provides updates and clarifications to language and waives increases to fees based on changes to the Consumer Price Index and USACE’s Civil Works Construction Cost Index System, which were authorized by previous Commission action.

The proposed fee schedule provides for the possibility that wells in close proximity to each other, with similar construction and aquifer test response, may be determined to be a wellfield. Wellfields are subject to a single aquifer test plan or waiver review and a single groundwater withdrawal application fee. Language has been added to include the possibility that tracking the actual cost of processing an application could lead to a reduced fee as well as an increased fee.

Other changes in the fee schedule include:

- a. Combining the fee for 1 mgd with the over 5 mgd fee into a single fee for projects over 1 mgd; revising the fee from a fixed amount to an incremental amount based on the volume consumptively used.
- b. Adding a fee for modifying an Approval by Rule (ABRf) approval. Deleting fees for registering ABRf water sources. Costs for processing ABRf source registrations will be covered by ABRf application fees.

The registration period for projects with grandfathered water uses ends on December 31, 2019. Therefore, beginning January 1, 2020 the registration fee table is no longer needed in the fee schedule.

On a motion by Commissioner D'Amato, seconded by Commissioner Guise, Resolution No. 2019-13 (Exhibit A) was adopted.

## **5. Contracts and Grants**

Ms. Hutchinson presented the following requests:

### **a. Agreement Approval – Dauphin County Flood Study (U.S. Army Corps of Engineers)**

Staff requested that the Commission approve the signing of an Interagency Agreement with the U.S. Army Corps of Engineers (USACE), Baltimore District to provide data collection services in support of a USACE flood study in Dauphin County, PA as contracted by the Federal Emergency Management Agency (FEMA). The study will provide updated hydrology and hydraulics for streams in Dauphin County and will be the foundation for new regulatory mapping. Commission staff will collect channel elevation data at up to 400 locations using a combination of Real Time Kinematic and acoustic Doppler survey techniques. Work is scheduled to begin promptly and will be completed by the end of March 2020. USACE will be providing all the funding to complete the work in the amount of \$66,000.

### **b. Grant Approval - Chesapeake Bay Program Technical Assistance & Implementation Grant (Pennsylvania Department of Environmental Protection)**

Staff requested authorization to execute a grant with the Pennsylvania Department of Environmental Protection (PADEP) which will continue SRBC's assistance to PADEP for one year. Staff will continue to provide assistance to PADEP in fulfilling its Chesapeake Bay Mid-Point Assessment tasks pursuant to its Bay Agreement with the U.S. Environmental Protection Agency. Staff will also continue to support PADEP activities associated with its Phase 3 Watershed Implementation Plan (WIP) development, with special focus on support of implementation of WIP with specific counties. PADEP will supply all the funding in the amount of \$282,500.

### **c. Agreement Approval - Wildwood AMD Passive Treatment System (Clearfield County Conservation District)**

The Clearfield County Conservation District (CCCD) will be constructing a passive abandoned mine drainage treatment system in the Wildwood area of Bilger Run under a Section 319(h) Nonpoint Source Management grant which they received from the Pennsylvania Department of Environmental Protection, Office of Water Resources Planning. The Commission, under a subcontract with CCCD, will support the project by providing revised designs for the treatment system, and construction inspection services during the construction phase. CCCD will provide the funding in the amount of \$40,750.

On a motion by Commissioner Dorsey seconded by Commissioner Guise, the acceptance of the grant approval and agreements was unanimously approved.

## **6. Report on a Delegated Settlement**

Compliance Manager Jeremy Hoffman reported on one delegated settlement to resolve a compliance matter that was entered into within the last quarter pursuant to Commission Resolution No. 2018-08.

A settlement with SWN Production Company, LLC (SWN) – Susquehanna Withdrawal, Oakland Township, Susquehanna County, Pa.:

- SWN is an unconventional natural gas company that operates numerous approved drilling pad sites and water withdrawals within the Susquehanna River Basin.
- During a routine records audit, SWN self-reported several discrepancies between the requested data and the quarterly monitoring data previously reported.
- Notice of violation was issued for failure to maintain a continuous and accurate record of daily water withdrawal volumes.
- SWN expanded its internal review to all other water withdrawals and no other violations were uncovered as a result of these efforts.
- No indications of environmental harm were identified.
- The settlement is \$2,500.

## **7. Northern Cambria Municipal Authority Request for Waiver of 18 CFR §806.4(A)(3)**

Project Review Manager Todd Eaby presented a request from Northern Cambria Municipal Authority (Authority) to waive regulation 18 CFR §806.4(A)(3) with respect to the into-basin diversion of water from public water supply sources outside of the Susquehanna River Basin. The basis for the waiver request is that the waters diverted are contained within pipelines from the public water supply sources outside the basin and into the basin through the public water supply distribution system.

The primary management concern regarding into-basin diversions is to manage and avoid the importation and discharge of water of poor quality or containing invasive species into the waters of the basin. The well sources located outside the basin are PADEP-permitted public water supply sources and meet drinking water standards. The importation of the water is accomplished through pipelines and a public water supply distribution system providing potable water. Due to this the Commission management concern of water quality and invasive species introduction into the basin waters has been addressed.

Staff recommended that the Commission waive 18 CFR §806.4(A)(3) with respect to the requirement for Commission review of the into-basin diversion of water by the Authority.

Commissioner D'Amato made a motion that was seconded by Commissioner Dorsey to grant the waiver request. The waiver was approved by unanimous vote.

## 8. Docket Actions

Mr. Eaby presented a staff memorandum containing details and recommendations regarding the following list of project applications:

1. Cabot Oil & Gas Corporation (Tunkhannock Creek) Susquehanna County, Pa. (Exhibit B1)
2. Chester Water Authority (East Nottingham Township) Chester County, Pa.
- 3.-5 Town of Cortlandville (Wells 2, 7 and Terrace Road Well) Cortland County, N.Y. (Exhibit B2)
6. Graymont (PA) Inc. (Pleasant Gap Facility) Centre County, Pa. (Exhibit B3)
7. Hazleton City Authority (Barnes Run Well 3) Luzerne County, Pa. (Exhibit B4)
8. Upper Leacock Township Municipal Authority (Well 16) Lancaster County, Pa. (Exhibit B5)
9. New Holland Borough Authority (Well 5) Lancaster County, Pa.
10. Pennsylvania State University (College Township) Centre County, Pa. (Exhibit B6)
11. Pennsylvania State University (Well UN-33) Centre County, Pa. (Exhibit B7)
12. Pennsylvania State University (Well UN-34) Centre County, Pa. (Exhibit B8)
13. Pennsylvania State University (Well UN-35) Centre County, Pa. (Exhibit B9)
14. Pixelle Specialty Solutions LLC (Codus Creek-New Filter Plant Intake) York County, Pa.
15. Pixelle Specialty Solutions LLC (Codus Creek-Old Filter Plant Intake) York County, Pa.
16. Pixelle Specialty Solutions LLC (Codus Creek-Kessler Pond Intake) York County, Pa.
17. Sugar Hollow Water Services LLC (Susquehanna River) Wyoming County, Pa. (Exhibit B10)
18. SWN Production Company, LLC (Susquehanna River) Susquehanna County, Pa. (Exhibit B11)
19. City of Aberdeen (Aberdeen Proving Ground) Harford County, Md. (Exhibit B12)
20. Chester Water Authority, (Susquehanna River and Octoraro Reservoir) Chester County, Pa.
21. New York State Canal Corporation (Middle Branch Tioughnioga Creek) Onondaga County, N.Y. (Exhibit B13)
22. Seneca Resources Company, LLC (Impoundment 1) McKean County, Pa. (Exhibit B14)
23. Bucknell University (Wells 2 and 3) Union County Pa. (Exhibit B15)
24. Manada Golf Club, Inc. (4<sup>th</sup> & 5<sup>th</sup> Tee Wells and Barn Well) Dauphin County, Pa. (Exhibit B16)
25. Pennsylvania Fish & Boat Commission (Pleasant Gap State Fish Hatchery) Centre County, Pa. (Exhibit B17)

Highlight = tabled.

Commissioner Guise moved and Commissioner Dorsey seconded a motion that the Commission adopt the recommendations of staff for the 25 project applications, 6 of which were tabled. The motion was unanimously approved.

**ADJOURNMENT**

Commission Chair Atkinson adjourned the meeting at 9:45 a.m.

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March 13, 2020  
Date Adopted

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Jason E. Oyler  
Secretary to the Commission