



SUSQUEHANNA RIVER
BASIN COMMISSION

4423 N. Front Street | Harrisburg, PA 17110-1788 | 717.238.0423 | srbc.net

NY ■ PA ■ MD ■ USA

June 21, 2019

TO ALL CONCERNED:

At the June 14, 2019, Commission meeting, the draft minutes of the March 15, 2019, Commission meeting were approved as written. Please attach this notice to your copy of the March 15, 2019, minutes.

- DRAFT -

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

**MINUTES OF THE
SUSQUEHANNA RIVER BASIN COMMISSION
June 14, 2019
#2019-02**

The meeting was held at the Susquehanna River Basin Commission in Harrisburg, Pennsylvania. Chairman D'Amato called the meeting to order at 9:02 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, Acting Deputy Secretary,
Pennsylvania Department of Environmental
Protection (PADEP)

Ms. Virginia Kearney, Deputy Director, Water
Management Administration, Maryland Dept. of the
Environment (MDE)

Col. John Litz, District Engineer, U.S. Army Corps
of Engineers, (USACE) Baltimore District

**Alternate Commissioners
Present**

Mr. Saeid Kasraei, Program Administrator, Water
Supply Program, MDE

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

Ms. Paula Ballaron, Manager, Policy
Implementation and Outreach

Mr. Todd D. Eaby, Manager, Project Review

Mr. Jeremy Hoffman, Manager, Compliance &
Enforcement

Mr. Brydon Lidle, Manager, Information
Technology

Also Present

Ms. Valerie Cappola, USACE, North Atlantic
Division

Ms. Heather Cisar, USACE, Baltimore District

1. Opening Remarks

Chairman D’Amato opened the meeting by outlining the rules of conduct for the meeting. He noted that a public hearing was previously held on May 9, 2019. The Commissioners introduced themselves.

2. Presentation – Quagga Mussels in the Billmeyer Quarry

Commission Monitoring and Assessment Supervisor Ellyn Campbell gave a presentation on the discovery and eradication of quagga mussels in Billmeyer Quarry.

3. Minutes of March 15, 2019, Commission Meeting

On a motion by Commissioner Kearney, seconded by Commissioner Litz, the minutes of the regular business meeting of March 15, 2019, were unanimously approved as written.

4. Election of Officers

Executive Director Andrew Dehoff explained that, by tradition, the Chair and Vice Chair of the Commission are rotated among the member jurisdictions. In accordance with that rotation, the Commonwealth of Pennsylvania would become the Chair of the Commission, and the State of Maryland would become the Vice-Chair of the Commission for FY2020

Commissioner Kearney moved and Commissioner Litz seconded a motion to elect the member from Pennsylvania as the Chair of the Commission, and the member from the State of Maryland as the Vice-Chair of the Commission for the period of July 1, 2019, to June 30, 2020. The motion was unanimously approved.

5. Current Expense Budget for FY2021

Director of Administration and Finance Marcia Hutchinson then presented Resolution No. 2019-06 (Exhibit A) providing for the adoption of a preliminary FY2021 budget covering the period July 1, 2020, to June 30, 2021. Staff anticipates that the general fund will receive fund transfers from other Commission funds.

On a motion by Commissioner Atkinson, seconded by Commissioner Kearney, the resolution was unanimously adopted.

6. Member Allocation for FY2021

Mrs. Hutchinson presented Resolution No. 2019-07 (Exhibit B) outlining the proposed member allocation for FY2021, which will cover the period July 1, 2020, to June 30, 2021.

On a motion by Commissioner Atkinson, seconded by Commissioner Litz, the resolution was unanimously adopted.

7. **Contracts and Grants**

Ms. Hutchinson presented the following requests:

a. Grant Amendment - Surface Water Monitoring Agreement Amendment (Pennsylvania Department of Conservation and Natural Resources)

Staff requested that the Commission ratify the signing of this grant amendment. Under the grant amendment, staff will continue to monitor water quality indicator parameters through the operation and maintenance of ten (10) continuous instream monitoring stations located on State Forest Lands in the northern tier of Pennsylvania. The Commission will receive data collected by the network, broadcast provisional data via the DCNR website in real time, and make provisional and corrected data available through the Commission's data portal. Commission staff will also perform quarterly aqueous chemistry sampling, annual biological monitoring, and other field data collection and desktop analytics of the data. This amendment extends these monitoring activities for an additional three years, through June 30, 2022. DCNR will provide the total cost of \$359,550.

b. Agreements Approval - Billmeyer Quarry Consumptive Use Mitigation Implementation

In December, 2018 the Commission entered into a water storage agreement with the Lancaster County Solid Waste Management Authority for access to up to 425 million gallons of water contained in Billmeyer Quarry, a 29-acre flooded dolomite and limestone quarry. Staff have completed an operations plan, and now are ready to install additional monitoring wells, and infrastructure needed to pump water from the quarry into the Susquehanna River during Commission-designated low flow periods.

Staff requested authorization to execute a task order under the Commission's Professional Engineering Services contract with Skelly & Loy for monitoring well construction, the design of water intake and associated infrastructure, procuring required permits, and generation of bid documents for the construction of the designed system, at an estimated cost of \$100,000. In addition, staff is requesting authorization to execute a consulting contract with Keystone Power and Pump for specialized pumping consulting services to assist with the design of the infrastructure and to provide technical assistance to the Commission and Skelly & Loy, at an estimated cost of \$25,000.

c. Agreement Approval - York County Water Quality Monitoring (York County Conservation District)

Staff recommended tabling this request to execute an agreement with the York County Conservation District (YCCD) to provide support for a water quality monitoring network in York County, Pennsylvania. The staff continues to be involved in discussions regarding the level of support the Commission would provide.

d. Agreement Approval - Oakland Dam Removal (American Rivers)

Staff requested approval of the Commission's participation in a project to remove Oakland Dam, located on the Susquehanna River in Susquehanna County, Pennsylvania. Oakland Dam is an abandoned hydropower dam across the Susquehanna River. Currently there is a partial breach approximately in the center section of the dam, which is a safety hazard and an impediment to aquatic habitat access. The dam's owners and the previous hydropower operator are now committed to dam removal and have requested American Rivers' assistance. American Rivers is in the process of securing the necessary funding from various sources in order to complete the project. In support of this project, Commission staff would provide bathymetry and land surveying as in-kind services, at a cost of approximately \$25,000.

On a motion by Commissioner Kearney and seconded by Commissioner Litz, the tabling of the York County Water Quality Monitoring Agreement and acceptance of the grant amendment and agreements were unanimously approved.

8. Emergency Certificate Extensions

Manager of Project Review Todd Eaby presented Resolution Nos. 2019-10 and 2019-11 adopting extensions of the following emergency certificates expiring on June 14, 2019.

a. Aqua Pennsylvania, Inc. (Eagle Rock System) Well ER-8

The Commission granted an emergency certificate to Aqua on June 7 for withdrawal from Well ER-8 to supplement water supply to the Eagle Rock system. Aqua has been working to develop and permit Well ER-8 as a replacement for existing Well ER-2, which is failing due to iron encrustment. SRBC action on Well ER-8 is tentatively scheduled for the September meeting, but summer peak demands in late May necessitated a supplemental source in excess of what had been provided by tanker trucks. Under Commission emergency approval regulations, the certificate issued by staff cannot extend beyond the next regularly scheduled Commission meeting; however, the need for supplemental water supply persists. Aqua is therefore requesting that the Commission extend the emergency withdrawal approval until formal Commission action to approve the withdrawal and issue a docket is taken at a future business meeting. Staff requested that the emergency certificate be extended until the September 6, 2019 Commission meeting.

b. New Enterprise Lime and Stone (Shippensburg Quarry)

New Enterprise Stone and Lime (NESL) owns a quarry that became inundated in 2018 because near record precipitation limited the ability of the receiving stream to accept discharge water from the quarry without flooding nearby properties. To again gain hydraulic control over the quarry, NESL submitted an Emergency Certificate application to request a temporary increase to pumping and discharge limits; the Commission granted the emergency certificate on June 7. Under Commission emergency approval regulations, the certificate issued by staff cannot extend beyond the next regularly scheduled Commission meeting; however, because the inundation condition persists, NESL is requesting that the Commission extend the emergency withdrawal approval until a groundwater withdrawal application for the Quarry Sump is received and acted upon by the Commission. Staff requested that the emergency certificate be extended

until the Commission receives and acts upon a groundwater withdrawal application, unless terminated earlier by the Executive Director.

Commissioner Kearney made a motion that was seconded by Commissioner Atkinson to accept these emergency certificate extensions. The Resolution Nos. 2019-10 (Exhibit C) and 2019-11 (Exhibit D) were adopted by unanimous vote.

9. Docket Actions

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

1. ARD Operating, LLC (Pine Creek) Lycoming County, Pa. (Exhibit E1)
2. BKV Operating LLC (Meshoppen Creek) Wyoming County, Pa. (Exhibit E2)
3. BKV Operating LLC (Susquehanna River) Wyoming County, Pa. (Exhibit E3)
4. BKV Operating LLC (Unnamed Tributary to Middle Branch Wyalusing Creek) Susquehanna County, Pa. (Exhibit E4)
5. Town of Chenango (Well12A) Broome County, N.Y. (Exhibit E5)
6. Epsilon Energy USA, Inc. (East Branch Wyalusing Creek) Susquehanna County, Pa. (Exhibit E6)
- 7.-8. Hydro Recovery LP (Well Hr-1) Tioga County, Pa. (Exhibit E7)
9. Keystone Clearwater Solutions, LLC (Lycoming Creek) Lycoming County, Pa. (Exhibit E8)
10. Ski Roundtop Operating Corporation (Unnamed Tributary to Beaver Creek) York County, Pa. (Exhibit E9)
- 11-13. Stewartstown Borough Authority (Wells 5A4, 5J2, 5R2) York County, Pa. (Exhibit E10)
14. SUEZ Water Pennsylvania Inc. (Dupont Well) York County, Pa. (Exhibit E11)
15. Sunset Golf Course (Well 7) Dauphin County, Pa. (Exhibit E12)
16. Sunset Golf Course (Well 7-Mod) Dauphin County, Pa. (Exhibit E13)
17. Warwick Township Municipal Authority (Well 1) Lancaster County, Pa. (Exhibit E14)

Commissioner Atkinson moved and Commissioner Litz seconded a motion that the Commission adopt the recommendations of staff for the 17 project applications. The motion was unanimously approved.

10. Reports on Delegated Settlements

Jason Oyler, General Counsel and Secretary to the Commission, reported on the following delegated settlements completed over the previous quarter:

A settlement with Meadia Heights Golf Club (Meadia Heights):

- Meadia Heights operates in West Lampeter Township, Lancaster County, Pa.
- Meadia Heights underwent a change of ownership and lost its exemption from Commission regulations for its consumptive use.

- Notice of Violation was issued for failure to file the necessary transfer application within 90 days of the change in ownership.
- There are no prior violations.
- No environmental harm was identified.
- The settlement is \$4,000, including \$2,500 avoided consumptive use mitigation fees.

A settlement with Rockdale Marcellus, LLC (Rockdale):

- Rockdale operates in Liberty Township in Tioga County, Pa.
- Rockdale obtained water from Canton Borough Authority on 7 days and consumptively used the water prior to receiving Commission approval.
- Rockdale has no prior violations.
- No environmental harm was identified.
- The settlement is \$1,700.

A settlement with Sunoco Pipeline L.P. (Sunoco):

- Sunoco is constructing the Mariner East 2 pipeline in various locations within the Susquehanna River Basin. As part of the construction, Sunoco conducted horizontal directional drilling (HDD) under Aughwick Creek in Shirley Township, Huntingdon County, Pa.
- Sunoco consumptively used water in excess of the Commission's regulatory threshold without applying for the necessary approval.
- Notice of Violation was issued citing 54 days of violation.
- Sunoco has no prior violations.
- No environmental harm was identified.
- The settlement is \$18,500 including \$1,575 for the avoided application fee.

A settlement with Titanium Metals Corporation (TIMET):

- TIMET operates in Caernarvon Township in Berks County, Pa.
- During a routine compliance inspection, Commission staff noted TIMET was receiving water from an unmetered connection with Caernarvon Township.
- Commission staff informed TIMET not to use the unmetered connection.
- Commission staff received confirmation from TIMET that the unmetered connection was dismantled.
- Commission staff then received a notification from TIMET that they had resumed using the unmetered connection.
- Notice of Violation was issued citing 28 days of violation for failure to maintain metering so as to provide accurate record of the consumptive use.
- TIMET has no prior violations.
- No environmental harm was identified.
- The settlement is \$6,000.

11. Settlement of Regulatory Violations

Deputy Executive Director Andrew Gavin reported on the settlement of a regulatory violation with Golf Acres, Inc. operating as Chapel Hill Golf Course.

Staff requested approval to agree to a settlement of \$10,000 and to issue and execute a Consent Order and Agreement with Chapel Hill. This Consent Order and Agreement will give Chapel Hill the ability to continue operations until staff is able to review their application and seek Commission approval on docketed action.

Commissioner Kearney made a motion that was seconded by Commissioner Litz to approve this settlement. The motion was unanimously approved.

12. FY2019-2021 Water Resources Program

Planning and Operations Manager Mr. John Balay presented Resolution 2019-08 (Exhibit F) adopting the FY2019-2021 Water Resources Program, in accordance with the requirements of the Compact.

On a motion by Commissioner Kearney, seconded by Commissioner Atkinson, the FY2019-2021 Water Resources Program was unanimously adopted.

13. Comprehensive Plan Amendments

Mr. Balay presented Resolution No. 2019-09 (Exhibit G) amending the Commission's *Comprehensive Plan for the Water Resources of the Susquehanna River Basin*. The proposed amendments include the Water Resources Program (FY2019-2021) as well as all water resources projects approved by the Commission since the last amendments to the Comprehensive Plan.

Commissioner Litz moved and Commissioner Kearney seconded a motion that the Commission adopt the proposed amendments to the *Comprehensive Plan*. The motion was unanimously approved.

ADJOURNMENT

Chairman D'Amato adjourned the meeting at 10:03 a.m.

September 6, 2019

Date Adopted

Jason E. Oyler

Secretary to the Commission