



SUSQUEHANNA RIVER
BASIN COMMISSION

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NY ■ PA ■ MD ■ USA

April 4, 2019

TO ALL CONCERNED:

At the March 15, 2019, Commission meeting, the draft minutes of the December 6, 2018, Commission meeting were approved as written. Please attach this notice to your copy of the December 6, 2018, minutes.

- DRAFT -

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

**MINUTES OF THE
SUSQUEHANNA RIVER BASIN COMMISSION
March 15, 2019
#2019-01**

The meeting was held at the Crowne Plaza Annapolis in Annapolis, Maryland. Chairman D'Amato called the meeting to order at 9:02 a.m.

ROLL CALL

Commissioners Present

**Alternate 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

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

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

Mr. Todd D. Eaby, Manager, Project Review

Mr. Brydon Lidle, Manager, Information
Technology

Mr. Eric Roof, Manager, Compliance &
Enforcement

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

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 February 7, 2019. The Commissioners introduced themselves.

2. Presentation – Work in the Lower Susquehanna River Region

Secretary Ben Grumbles of the Maryland Department of the Environment offered an overview of strategies and priorities being embraced by Maryland in its efforts to meet Chesapeake Bay pollution reduction goals and improve preparedness for climate change. The Secretary emphasized the importance of collaboration and innovation as key attributes of Maryland's Bay strategy, which includes three components; the state water quality certificate associated with the federal licensing of Conowingo Dam, the Watershed Implementation Plan assigned to the nutrients and sediments attributed to the Conowingo Dam, and a pilot project focused on identifying beneficial reuse of sediments behind the dam. Recognizing that climate change equates to water change, Maryland is committed to increasing adaptation and resiliency from a river ecosystem management perspective. Secretary Grumbles closed by encouraging all partners to embrace the underlying stewardship principles of smart growth, wise floodplain management, conservation and efficiency.

3. Minutes of December 6, 2018, Commission Meeting

On a motion by Commissioner Kearney, seconded by Commissioner Litz, the minutes of the regular business meeting of December 6, 2018, were unanimously approved as written.

4. FY2020 Budget Reconciliation

Director of Administration and Finance Marcia Hutchinson presented a reconciled budget for FY2020, which covers the time period July 1, 2019, through June 30, 2020. This budget was first presented and adopted in June 2018. The budget has been updated to incorporate current financial information that has come to light since it was initially adopted.

On a motion by Commissioner Kearney, seconded by Commissioner Litz, Resolution 2019-01 (Exhibit A) was adopted by unanimous vote.

5. Contracts and Grants

Ms. Hutchinson presented the following requests:

a. Chesapeake Bay Program Technical Assistance & Implementation Grant (Pennsylvania Department of Environmental Protection)

Staff requested authorization to execute a grant amendment with the Pennsylvania Department of Environmental Protection (PADEP) which will extend 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 concluding the pilot county process in support of submission of the state WIP to the EPA during the summer of 2019. Additionally,

staff will assist PADEP during the second half of the calendar year with plan development for the remaining counties using the pilot planning process as a template. PADEP will grant \$282,500 for this project.

b. Chesapeake Bay Enhanced Nutrient Monitoring (Pennsylvania Department of Environmental Protection)

Staff requested ratification of the execution of a grant amendment to extend this grant for one year. Staff will continue to collect, analyze and report New York, Pennsylvania, and Maryland non-tidal tributary monitoring data collected from 26 locations in the Susquehanna River Basin. Monitoring efforts include both monthly monitoring samples and targeted high flow water quality samples. Efforts are designed to measure nutrient and suspended sediment water quality at various sites within the Susquehanna River Basin in support of Chesapeake Bay restoration activities. A grant of \$232,987.02 will be provided by PADEP.

c. Public Water Supply Assistance Program (Pennsylvania Department of Environmental Protection)

Staff requested authorization to execute a grant agreement for a Public Water Supply Assistance Program. The grant will provide fee relief for approximately ten (10) small municipal public water systems. Funding will also supplement \$100,000 of funding provided the SRBC, which provides for development of compliance permitting and action plans, general education and outreach presentations to PWS systems, consultants and other practitioners regarding preparation of aquifer testing plans, aquifer test waivers, and groundwater withdrawal applications, and other assistance related to SRBC's regulatory requirements. PADEP will provide a grant of \$100,000 for this program.

d. Assessment of Environmental Flow Enhancements at USACE Reservoirs in the Susquehanna River Basin (U.S. Army Corps of Engineers)

Staff requested authorization to enter into an agreement with the U.S. Army Corps of Engineers (USACE), Baltimore District, under the planning assistance to states program, to participate as a non-federal sponsor in a study to assess opportunities for improving environmental flows at USACE reservoirs in the Susquehanna River Basin. The USACE and SRBC will review existing Water Control Plans and evaluate reservoir operations to identify opportunities for improving environmental flows for applicable reservoirs. The study will also determine the modeling package(s) needed to evaluate potential operational enhancements, and identify required model refinements and output data types. Finally, the study will develop criteria for assessing the benefits and impacts of potential operational enhancements. SRBC's share of \$25,000 will be provided by the Water Management Fund with USACE providing \$25,000.

e. The Nature Conservancy

Staff requested authorization to enter into an agreement with The Nature Conservancy for independent contractor services for a total of \$30,000 that will support SRBC's work for the following tasks:

- Scope opportunities to advance Ecological Flows in the Susquehanna River Basin.
- Conowingo relicensing support.

- Explore tools to guide watershed management for water quality and resilience to climate change and other environmental factors.
- Advance the water withdrawal risk assessment tool.

f. Jordan Baker

Staff requested ratification of the execution of an agreement with Jordan Baker. Mr. Baker will assist SRBC staff with the PADEP Bay Mid-point grant. More specifically, he will serve as a liaison between Counties, SRBC and DEP during the Pennsylvania Watershed Implementation Plan pilot process, and will further develop the process for implementation for remaining countywide action plans. Throughout the pilot process, he will coordinate efforts from the countywide action teams and act as a liaison between policy efforts and technical support. Based on lessons learned from the pilot efforts, he will then serve in this same role to facilitate completion of the remaining Countywide Action Plans. The agreement covers ten (10) months starting March 4, 2019 at a cost not to exceed \$45,894.

g. Kevin McGonigal

Staff requested ratification of the execution of an agreement with Kevin McGonigal. Mr. McGonigal will provide support to the PADEP Chesapeake Bay Enhanced Nutrient Monitoring grant. More specifically, he will assist SRBC staff with analyzing data sets to derive concentrations, loads, and trends for all monitoring stations, and will assist with the development of all required quarterly and annual reports. The agreement covers a twelve (12) month period beginning January 28, 2019 at a cost not to exceed \$39,780.

h. Comprehensive Plan Update (Snowflake LLC)

Staff will request authorization to enter into an agreement with Snowflake LLC. The SRBC has developed a comprehensive plan which guides immediate and long-range development and use of the water resources of the Susquehanna River Basin. Over the next fifteen (15) months, staff will be consulting with the various agencies of our signatory parties, water users, and other interested public and private bodies as part of developing an update to the SRBC's Comprehensive Plan. Snowflake LLC, who recently assisted with the development of the SRBC's Water Resources Program, and therefore has experience and knowledge directly related to our water planning efforts, will assist with this effort by:

- Developing a questionnaire and conducting interviews of planning committee members
- Developing a project plan for completing the Comprehensive Plan update
- Designing a template format for the final product
- Developing questionnaires and focus group guides which will be used to collect data
- Facilitating industry-based and geographically based discussion groups
- Designing and facilitating planning workshops
- Organizing and presenting outputs based on data collected

The agreement covers a twenty-one (21) month period beginning March 18, 2019. Estimated costs for the agreement are \$60,000 plus travel costs.

On a motion by Commissioner Atkinson and seconded by Commissioner Kearney, the grant amendments and agreements were unanimously approved.

6. Amendment to the SRBC Irrevocable Retiree Health Trust

SRBC General Counsel Jason Oyler presented a resolution authorizing the execution of an amendment to the Commission's irrevocable retiree health trust. The amendment eliminates the mandatory contribution and safeguards the tax-exempt status of investment earnings in the trust.

On a motion by Commissioner Kearney and seconded by Commissioner Atkinson, Resolution No. 2019-02 (Exhibit B) was adopted unanimously.

7. Adopting Recommendations of the 2017 Pennsylvania Performance Audit

Mr. Oyler outlined SRBC's response requirement in regard to the 2017 Performance Audit by the Pennsylvania Auditor General. Staff recommended that the 120-day response to the findings and recommendations included in this audit be prepared by the executive director for review, approval and implementation by the commissioners.

Commissioner Atkinson moved to direct the executive director to prepare the 120 day response to the Findings and Recommendations of the November 7, 2018 Performance Audit of the Susquehanna River Basin Commission for the review, approval and implementation by the Board of Commissioners to meet the May 3, 2019 deadline. The motion was seconded by Commissioner Kearney and unanimously approved.

8. Balancing Unconventional Natural Gas Water Use Approval Workload

Todd Eaby Manager of Project Review presented Resolution No. 2019-04 (Exhibit C) authorizing the balancing of Approvals by Rule under 18 CFR § 806.22(f) (ABR(f)) renewal cycle workload. To better manage the workflow and avoid having to repeatedly adjust staff assignments, staff proposed that a limited number of the approvals be extended by one or two years to create a more consistent renewal workload.

On a motion made by Commissioner Kearney and seconded by Commissioner Atkinson Resolution 2019-04 was adopted unanimously.

9. Report on Delegated Settlements

Manager of Compliance Eric Roof reported there were no delegated settlements executed since the December business meeting.

10. Emergency Certificate Extension – Knouse Foods Cooperative, Inc.

Mr. Eaby presented Resolution 2019-05 (Exhibit D) extending the emergency certificate for Knouse Foods Cooperative, Inc. until terminated by the Executive Director. The same conditions that led to the issuance of the original emergency approval persist and necessitate an extension of the emergency approval beyond the authority previously delegated to the Executive Director.

Commissioner Kearney made a motion that was seconded by Commissioner Litz to accept this emergency certificate extension. The resolution was adopted by unanimous vote.

11. Docket Actions

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

1. ADLIB Resources, Inc. (Meshoppen Creek) Susquehanna County, Pa. (Exhibit E1)
- 2.-4. Aqua Pennsylvania, Inc. (Beech Mountain Wells 1, 2, 3) Luzerne County, Pa. (Exhibit E2)
5. Chesapeake Appalachia, L.L.C. (Susquehanna River) Wyoming County, Pa. (Exhibit E3)
- 6.-7. Corning Incorporated (Carpenter Road Wells 1 & 2) Chemung County, N.Y. (Exhibit E4)
8. Farmers Pride, Inc. (Well 1) Lebanon County, Pa. (Exhibit E5)
9. Linde Corporation (Lackawanna River) Lackawanna County, Pa. (Exhibit E6)
10. Shadow Ranch Resort, Inc. (Tunkhannock Creek) Wyoming County, Pa. (Exhibit E7)
11. State College Borough Water Authority (Well 57) Centre County, Pa. (Exhibit E8)
- 12.-13. SUEZ Water Pennsylvania, Inc, (Wells 1 & 2) Cumberland County, Pa. (Exhibit E9)
14. Sugar Hollow Water Services LLC (Martins Creek) Susquehanna County, Pa. (Exhibit E10)
15. SWEPI LP (Cowanesque River) Tioga County, Pa. (Exhibit E11)
16. SWN Production Company (Martins Creek) Susquehanna County, Pa. (Exhibit E12)
- 17.-18. Village of Windsor (Wells 1 & 2) Broome County, N.Y. (Exhibit E13)
19. East Donegal Township Municipal Authority (Glatfelter Springs) Lancaster County, Pa. (Exhibit E14)
20. Hanover Country Club (Wells 1 & 2) Adams County, Pa. (Exhibit E15)
21. Mars Wrigley Confectionary US, LLC (Well 6) Lancaster County, Pa. (Exhibit E16)

Commissioner Kearney moved and Commissioner Atkinson seconded a motion that the Commission adopt the recommendations of staff for the 21 project applications, which includes three commission initiated project approval modifications. The motion was unanimously approved.

ADJOURNMENT

Chairman D'Amato adjourned the meeting at 10:00 a.m.

June 14, 2019
Date Adopted

Jason E. Oyler
Secretary to the Commission