



SUSQUEHANNA RIVER
BASIN COMMISSION

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

NY ■ PA ■ MD ■ USA

March 24, 2020

TO ALL CONCERNED:

At the March 13, 2020, Commission meeting, the draft minutes of the December 5, 2019, Commission meeting were approved as written. Please attach this notice to your copy of the December 5, 2019, minutes.

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

**MINUTES OF THE
SUSQUEHANNA RIVER BASIN COMMISSION
March 13, 2020
#2020-01**

The meeting was held via conference call from 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) via Conference Call
Ms. Aneca Atkinson, Deputy Secretary, Pennsylvania
Department of Environmental Protection (PADEP) via
Conference Call
Dr. Suzanne Dorsey, Assistant Secretary, Maryland
Dept. of the Environment (MDE) via Conference Call

**Alternate Commissioners
Present**

Staff Present

<i>Mr. Andrew D. Dehoff</i> , Executive Director	<i>Mr. Todd D. Eaby</i> , Manager, Project Review
<i>Mr. Andrew J. Gavin</i> , Deputy Executive Director	<i>Mr. Jeremy Hoffman</i> , Manager, Compliance & Enforcement
<i>Ms. Marcia Hutchinson</i> , Director, Administration & Finance	<i>Mr. Brydon Lidle</i> , Manager, Information Technology
<i>Mr. Jason Oyler</i> , General Counsel and Secretary	<i>Mr. Curtis Sebastian</i> , Assistant Counsel
<i>Mr. Gene Veno</i> , Director, Governmental Affairs & Public Advocacy	
<i>Mr. John W. Balay</i> , Manager, Planning & Operations	

Also Present

Ms. Valerie Cappola, USACE, North Atlantic
Division via Conference Call-

1. Opening Remarks and Introductions

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 February 6, 2020 and the written comment period was open until February 17, 2020. The Commissioners introduced themselves. There was no voting Commissioner from the Federal Government at this meeting. The other Commissioners participated via conference call due to travel restrictions related to COVID-19.

2. Minutes of December 5, 2019, Commission Meeting

On a motion by Commissioner Dorsey, seconded by Commissioner D'Amato, the minutes of the regular business meeting of December 5, 2019, were approved as written by a vote of 3-0.

3. Fiscal Year 2021 Budget Reconciliation

Director of Administration & Finance Marcia Hutchinson presented Resolution 2020-01 adopting the Commission's Fiscal Year 2021 reconciled budget, which covers the time period of July 1, 2020 through June 30, 2021.

The reconciled budget updates the "current expense" (preliminary) budget adopted for FY2021 by the Commission in June 2019, which was the basis for Commission contribution requests to the member jurisdictions for the coming fiscal year. Ms. Hutchinson highlighted and explained significant changes to expected revenue and expenditures, including the transfer of funds from reserves.

On a motion by Commissioner D'Amato, seconded by Commissioner Dorsey, Resolution No. 2020-01 (Exhibit A) was adopted by a vote of 3-0.

4. Contracts and Grants

Ms. Hutchinson presented the following requests:

a. Grant Approval – Tioga Abandoned Mine Drainage Treatment Plant (Pennsylvania Department of Environmental Protection, Bureau of Abandoned Mine Reclamation)

During calendar year 2019, under a grant with the Pennsylvania Department of Environmental Protection (PADEP), Commission staff completed a restoration plan to develop a Qualified Hydrologic Unit Plan (QHUP) for the Tioga River Watershed in Bradford, Potter and Tioga counties in Pennsylvania. The restoration plan included an assesment of the problem, identification of mining sites which are affecting water quality, scientific analysis of pollution load, meaurable restoration goals, cost benefit analysis of meeting proposed goals, and a biological assesment of the Tioga River.

PADEP Bureau of Mine Reclamation has asked for assistance with implementation of the restoration plan. Staff requested authorization to enter into a grant with PADEP to assist with the design and permitting of an acid mine drainage treatment plant to treat dishcharges from

Morris Run and Coal Creek into the Tioga River. Under the proposed grant, Commission staff will provide project management services, to include:

- developing and issuing a Request for Proposals to design an active treatment system
- evaluating proposals and selecting a design contractor
- managing the selected design contractor throughout the treatment system design process
- delivering a proposed design to PADEP
- preparing a bid package for construction of the final design
- evaluating proposals and selecting a construction contractor
- overseeing and managing the selected construction contractor

Initial funding includes the Commission's management services and costs for the design contractor, and are estimated at \$1,800,000. Additional funding for the construction phase of the project will be added at a later date.

b. OASIS Model Updates (Hazen and Sawyer)

Staff is engaged in a study with the U.S. Army Corps of Engineers, Baltimore District to assess opportunities for improving environmental flows at Corps reservoirs located in the Susquehanna River Basin. This requires updates to the Commission's OASIS hydrologic model, which was developed and is supported by Hazen & Sawyer. Under the agreement Hazen & Sawyer will develop two new inflow time series for Almond Lake reservoir (located in Steuben County, NY) and Stillwater Lake reservoir (located in Lackawanna County, PA), and make any required modifications to inflows that are already part of the model. The cost of the updates will not exceed \$28,000.

c. Lease for Tenant Space – Headquarters Building

Staff requested authorization for the Executive Director to execute a lease for the rental of 5,080 square feet of vacant office space located in the Commission's headquarters building. Staff have been negotiating with a global commercial real estate service provider. Key provisions of the proposed lease include:

- base rent of \$21.00 per square foot with annual increases of 2%
- initial term of 5 years 6 months, with five (5) additional terms of one (1) year each
- move in date of June 1, 2020
- one month security deposit
- removal of two walls to expand existing rooms to accommodate the tenant's needs

d. Lease for Space in Sayre, Pennsylvania (Dandy Corporate Center, LLC)

Staff requested authorization for the Executive Director to execute a new lease for Commission office space located in Sayre, Pennsylvania. The Commission has rented office space from Dandy Corporate Center, LLC since April, 2010. The current lease for 1,885 square feet will expire on March 31, 2020. Staff is currently negotiating a new lease for an initial term of one (1) year with four (4) additional terms of one (1) year each. Base rent is expected to be

\$10 per square foot with annual increases of 2%. The Commission will also continue to pay 24% of common area costs, which include property taxes, snow removal, landscaping and other maintenance costs.

On a motion by Commissioner D'Amato seconded by Commissioner Dorsey, the acceptance of the grant approval, agreement, and lease executions were approved by a vote of 3-0.

5. Final Rulemaking Regarding Consumptive Use Mitigation and Adoption of Consumptive Use Mitigation Policy

General Counsel and Secretary to the Commission Jason Oyler presented Resolution 2020-02 adopting and promulgating a final rulemaking action amending the regulations related to consumptive use and consumptive use mitigation and adoption of a consumptive use mitigation policy and providing for implementation.

The rulemaking and policy were subject to an extended public comment period. Of the four comments received, two were entirely supportive. The other two comments suggested editorial changes or requested clarification; rather than modify the rule or policy, staff will address the suggestions through fact sheets and other clarifications.

In advance of the proposed effective date of April 1, 2020, staff has begun evaluating potential alternative mitigation projects to undertake, and has assessed the implications of the policy clarification eliminating the requirement to mitigate evaporative consumptive use off the surface of certain impoundments. The resolution authorizes staff to take actions to equitably and efficiently enact the provisions of the policy.

On a motion by Commissioner D'Amato seconded by Commissioner Dorsey, Resolution 2020-02 (Exhibit B) adopting and promulgating a final rulemaking action and Policy 2020-01 were approved by a vote of 3-0.

6. Adoption of Guidance for the Preparation of a Metering Plan & Groundwater Elevation Plan

Mr. Oyler presented Resolution 2020-03 adopting a policy that will provide guidance and assistance to project sponsors in meeting the existing requirements for metering or monitoring of withdrawals, consumptive uses, or diversions of water. The Commission's goal with this policy is to serve the regulated community and continue to best manage the water resources of the Basin in an effective and efficient manner.

Action: By motion by Commissioner D'Amato seconded by Commissioner Dorsey, Resolution 2020-03 (Exhibit C) and the accompanying Policy 2020-02 were adopted by a vote of 3-0.

8. Docket Actions

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

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| 1. ARD Operating, LLC (Lycoming Creek) Lycoming County, Pa. (Exhibit D1) | 6. SWN Production Company, LLC (Tunkhannock Creek) Susquehanna County, Pa. (Exhibit D6) |
| 2. EQT Production Company (Wilson Creek) Tioga County, Pa. (Exhibit D2) | 7. Towanda Municipal Authority, Bradford County, Pa. (Exhibit D7) |
| 3. New Holland Borough Authority, Lancaster County Pa. (Exhibit D3) | 8. York Haven Power Company, LLC, Dauphin County, Pa. (Exhibit D8) |
| 4. New Morgan Borough Utilities Authority, Berks County, Pa. (Exhibit D4) | 9. Gas Field Specialists, Inc. McKean County, Pa. (Exhibit D9) |
| 5. SWN Production Company, LLC (Susquehanna River) Susquehanna County, Pa. (Exhibit D5) | 10. Susquehanna Valley County Club (Front Nine Well) Snyder County, Pa. (Exhibit D10) |

Commissioner D’Amato moved and Commissioner Dorsey seconded a motion that the Commission adopt the recommendations of staff for the 10 project applications, including one diversion and two Commission initiated modifications. The motion was approved by a vote of 3-0.

ADJOURNMENT

Commissioner D’Amato made a motion to adjourn, seconded by Commissioner Dorsey. Commission Chair Atkinson adjourned the meeting at 9:45 a.m.

June 19, 2020
Date Adopted

Jason E. Oyler
Secretary to the Commission