



SUSQUEHANNA RIVER
BASIN COMMISSION

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NY ■ PA ■ MD ■ USA

October 5, 2018

TO ALL CONCERNED:

At the September 7, 2018, Commission meeting, the draft minutes of the June 15, 2018, Commission meeting were approved as written. Please attach this notice to your copy of the June 15, 2018, minutes.

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

**MINUTES OF THE
SUSQUEHANNA RIVER BASIN COMMISSION
September 7, 2018
#2018-03**

The meeting was held at the DoubleTree by Hilton Binghamton, Binghamton, New York. Chairman D'Amato 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. Jennifer Orr, Director, Compact and Commissions Office, Pennsylvania Dept. 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

Staff Present

Mr. Andrew D. Dehoff, Executive Director

Mr. Andrew J. Gavin, Deputy Executive Director

Ms. Marcia Hutchinson, Director, Administration & Finance

Ms. Stephanie L. Richardson, Secretary to the Commission

Mr. Jason Oyler, General Counsel

Ms. Gwyn Rowland, Manager, Governmental & Public Affairs

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

Ms. Paula B. Ballaron, Manager, Policy Implementation & Outreach

Mr. Todd D. Eaby, Manager, Project Review

Mr. Brydon Lidle, Manager, Information Technology

Mr. Eric Roof, Manager, Compliance & Enforcement

Mr. Jamie Shallenberger, Manager, Monitoring & Protection

Also Present

Ms. Heather Cisar, USACE, Baltimore District

Ms. Valerie Cappola, USACE, North Atlantic Division

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 August 2, 2018. The Commissioners introduced themselves.

2. Minutes of June 15, 2018, Commission Meeting

On a motion by Commissioner Orr, seconded by Commissioner Kearney, the minutes of the regular business meeting of June 15, 2018, were unanimously approved as written.

3. Proposed Rulemaking

General Counsel Jason Oyler requested a motion to table the proposed rulemaking and consumptive use mitigation policy approval. This will allow the member jurisdictions' legal representatives to have additional time to review the rulemaking.

On a motion by Commissioner Kearney, seconded by Commissioner Orr, the proposed rulemaking was tabled to be presented at a future business meeting.

4. Update of Investment Policy Statement Addenda

Director of Administration & Finance Marcia Hutchinson presented Resolution No. 2018-11 to update the addenda of the Commission's investment policy statement.

On a motion by Commissioner Kearney, seconded by Commissioner Orr, Resolution No. 2018-11 (Exhibit A) was unanimously adopted.

5. Contracts and Grants

Ms. Hutchinson presented the following requests:

a. Amendment Approval – Flood Study and Hazard Mapping for Blair County, Pennsylvania (U.S. Army Corps of Engineers)

Staff asked to amend the request for authorization to enter into an agreement with the U.S. Army Corps of Engineers (USACE), Baltimore District to participate as a non-federal sponsor in a study to update floodplain mapping for Duncansville Borough and Frankstown Branch Juniata River, Blair County, Pennsylvania. In June, the Commissioners approved the request to enter into this agreement, and to provide support for this study by completing the field survey, and collecting up-to-date data for bridges, culverts, and the stream channel. The USACE would like to expand the study to include stormwater mapping for Duncansville Borough. Under the expanded scope of work, the Commission will also perform a stormwater system survey, and the USACE will use the data collected in the survey to model the stormwater system in the area to identify flood related issues. The initial cost of the project was \$108,000. The cost of the additional work is \$124,000, for a total cost of \$232,000, which will be shared equally among the parties with USACE providing \$116,000 and the Commission providing \$116,000.

b. Grant Amendment Approval – Chesapeake Bay Program (Pennsylvania Department of Environmental Protection)

Staff requested that the Commission approve the signing of this grant amendment. Under this amendment, staff will continue to assist the Pennsylvania Department of Environmental Protection (PADEP) in its Total Maximum Daily Load (TMDL) program and the Sediment and Nutrient Assessment (SNAP) component of its Chesapeake Bay Watershed program. Specifically, staff will continue developing and working on TMDLs as well as pilot new, TMDL-alternative approaches to addressing impaired streams within the Susquehanna River Basin. The Commission will also continue to conduct monthly and periodic high flow stormwater quality sampling at Pennsylvania's six Susquehanna River Basin SNAP monitoring sites and to analyze and report flow-adjusted trends for sediment and nutrient loads within the Susquehanna River Basin. This scope of work also includes support of Abandoned Mine Drainage/Waterways Assessment activities. PADEP will provide the entire amount of \$538,000 for this project.

c. Grant Amendment Approval - Water Quality Protection and Pollution Prevention (U.S. Environmental Protection Agency)

Staff requested that the Commission approve the signing of this grant amendment. Under the amendment, staff will continue to establish and maintain adequate measures for the prevention and control of surface water pollution and implement U.S. Environmental Protection Agency (USEPA) approved Clean Water Act Section 106 program activities. Some of these activities include performance of subbasin surveys and large waters assessments, Total Maximum Daily Load (TMDL) coordination, interstate stream monitoring, GIS and data management, water quality coordination, public participation and outreach, integrated reporting of monitoring results, and migratory fish and eel restoration. The Commission will also participate in the National Lakes Assessment this year. USEPA will cover \$700,000 of the cost of this project, with the Commission providing \$47,847.

d. Joint Funding Agreement Ratification – StreamStats Database Upgrade (U.S. Geological Survey)

Staff requested that the Commission ratify a joint funding agreement with the U.S. Geological Survey (USGS) to upgrade the StreamStats database. StreamStats is a national, web-based application developed by the USGS that provides a variety of water resource related information used by water and environmental managers, emergency managers, and transportation officials. StreamStats was developed in 2003. Since then datasets have greatly improved, and the StreamStats database is in need of updating. This upgrade will provide more accurate elevation model and streamflow accumulation data for water managers and government officials in Pennsylvania. USGS will provide \$7,000. The Commission's cost share of the project is \$25,000, which will be provided by its Sustainable Water Resources Fund.

e. Agreement Approval – Water Resources Support (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) to provide water resources support for flood mapping. Under the agreement, staff will collect bathymetric data in support of detailed flood studies being undertaken on the Raystown Branch Juniata River in Huntingdon and Bedford Counties in Pennsylvania, and on the Patuxent River in Maryland. The total cost for data collection for these two studies is \$33,000, with USACE providing the funds.

f. Purchase Approval – Trimble R10 GNSS Receiver and Accessories

Staff requested approval to purchase a Trimble R10 GNSS System to enable collection of survey grade elevation data to support various mapping efforts across the basin at a cost of \$28,240.00. With the equipment purchase, staff will have the capacity to collect elevation data of a quality acceptable for Federal Emergency Management Agency (FEMA) flood studies, Commission and U. S. Army Corps of Engineers (USACE) flood inundation mapping projects, and high water mark data collection after flood events. Additionally, the purchase will support other Commission data collection efforts including consumptive use mitigation project investigations, instream flow studies and modeling, Remote Water Quality Monitoring Network analyses, aquatic resource surveys, fluvial geomorphic investigations, and general hydrologic and hydraulic studies.

On a motion by Commissioner Orr and seconded by Commissioner Kearney, the acceptance of the amendments to the agreements, ratification of joint funding and the approval to purchase equipment were unanimously approved.

6. Report on Delegated Settlements

Manager of Compliance and Enforcement Eric Roof reported on one delegated settlement completed over the previous quarter. Pursuant to Commission Resolution No. 2018-10, the Executive Director entered into the following settlement to resolve compliance and enforcement matters:

A settlement with Moxie Freedom LLC:

- Moxie operates in Luzerne County, Pennsylvania under Docket No. 20150907.
- Water was obtained from an unapproved source by construction contractor.
- Source of water was a public water supplier.
- No indications of environmental harm were identified
- This is a second violation.
- The settlement is \$1,200 for a total of two days of violation.

7. Resolution for Billmeyer Quarry Consumptive Use Water Storage and Mitigation Project

Planning and Operations Manager John Balay asked that action on a resolution for Billmeyer Quarry consumptive use water storage and mitigation project be tabled until a future business meeting.

A motion was made by Commissioner Kearney and seconded by Commissioner Orr to table the resolution until the December 2018 business meeting. The motion was unanimously approved.

8. Docket Actions

Project Review Manager Todd Eaby presented a staff memorandum containing details and recommendations regarding the following list of project applications:

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| <ul style="list-style-type: none"> 1. Aqua Pennsylvania, Inc. (Beech Mountain Well 1) Luzerne County, Pa. 2. Aqua Pennsylvania, Inc. (Beech Mountain Well 2) Luzerne County, Pa. 3. Aqua Pennsylvania, Inc. (Beech Mountain Well 3) Luzerne County, Pa. 4. ARD Operating, LLC (Pine Creek) Lycoming County, Pa. (Exhibit B1) 5. BKV Operating, LLC (East Branch Wyalusing Creek) Susquehanna County, Pa. (Exhibit B2) 6. Cabot Oil & Gas Corporation (Tunkhannock Creek) Wyoming County, Pa. (Exhibit B3) 7. Columbia Water Company (Dugan Well 4) York County, Pa. (Exhibit B4) 8. Eclipse Resources-PA, LP (Cowanesque River) Tioga County, Pa. (Exhibit B5) 9. Eclipse Resources-PA, LP (Pine Creek) Tioga County, Pa. 10. Elizabethtown Area Water Authority (Well 5) Lancaster County, Pa. (Exhibit B6) | <ul style="list-style-type: none"> 11. Inflection Energy (PA) LLC (Loyalsock Creek) Lycoming County, Pa. (Exhibit B7) 12. Lancaster County Solid Waste Management Authority,(Conoy Township) Lancaster County, Pa. (Exhibit B8) 13. Repsol Oil & Gas USA, LLC (Susquehanna River) Bradford County, Pa. (Exhibit B9) 14. Repsol Oil & Gas USA, LLC (Wappasening Creek) Bradford County, Pa. (Exhibit B10) 15. SWEPI LP (Cowanesque River) Tioga County, Pa. (Exhibit B11) 16.-17 Togg Mountain (Town of Fabius) Onondaga County, N.Y. (Exhibit B12) 18.-20. Towanda Municipal Authority (Church PW 1, Roberts PW 1 & 2) Bradford County, Pa. Exhibit B13) |
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- Highlight = Staff recommended tabling.
Highlight = Withdrawn.

Commissioner Kearney moved and Commissioner Orr seconded a motion that the Commission adopt the recommendations of staff for the 20 project applications. The motion was unanimously approved.

9. Lycoming County Water & Sewer Authority Request for Waiver of 18 CFR §806.31(b)

Mr. Eaby presented a request from Lycoming County Water and Sewer Authority (Authority) to waive the regulation that automatically expires an approved withdrawal if not commenced within 3 years of the approval date. The basis for the waiver request was that the Authority was working since the time of approval to advance the construction of the facilities to place Well PW-3 into production.

The delay in completion of this project was precipitated due to unforeseen circumstances during construction. Staff reviewed this request and recommended that the Commission waive 18 Code of Federal Regulations § 806.31(b) and approve an extension of the deadline to commence withdrawal to two years.


On a motion by Commissioner Orr and seconded by Commissioner Kearney, the motion was adopted unanimously.

ADJOURNMENT

Commissioner Kearney moved and Commissioner Litz seconded a motion for adjournment. The meeting was adjourned at 9:31 a.m.

December 6, 2018

Date Adopted



Jason E. Oyler