



SUSQUEHANNA RIVER
BASIN COMMISSION

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

NY ■ PA ■ MD ■ USA

January 7, 2021

TO ALL CONCERNED:

At the December 11, 2020, Commission meeting, the draft minutes of the September 18, 2020, Commission meeting were approved as written. Please attach this notice to your copy of the September 18, 2020, minutes.

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

**MINUTES OF THE
SUSQUEHANNA RIVER BASIN COMMISSION
December 11, 2020
#2020-03**

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

ROLL CALL

Commissioners Present

Dr. Suzanne Dorsey, Assistant Secretary, Maryland
Dept. of the Environment (MDE) via conference call
Ms. Aneca Atkinson, Deputy Secretary, Pennsylvania
Department of Environmental Protection (PADEP) via
conference call
COL John T. Litz, *District Engineer*, U.S. Army
Corps of Engineers, Baltimore District 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. Brydon Lidle</i> , Manager, Information Technology
<i>Ms. Marcia Hutchinson</i> , Director, Administration & Finance	<i>Mr. Curtis Sebastian</i> , Assistant Counsel
<i>Mr. Jason Oyler</i> , General Counsel and Secretary	
<i>Mr. Gene Veno</i> , Director, Governmental Affairs & Public Advocacy	
<i>Mr. John W. Balay</i> , Manager, Planning & Operations	

Also Present

Mr. Matthew Marko, NYSDEC, Director, Region 7
via conference call

1. Opening Remarks

Commission Chair Dorsey opened the meeting by outlining the rules of conduct for the meeting. She noted that a public hearing was previously held on November 5, 2020 and the written comment period was open until November 18, 2020. The Commissioners introduced themselves.

2. Executive Director's Report

Andrew Dehoff, Executive Director, provided some timely updates and other information pertinent to Commission operations and the business meeting agenda. Items included acknowledgement of 10 years of Continuous Instream Monitoring in the basin and future refinements, the pending observation of the Commission's 50th anniversary, a proposed update to the basin's Comprehensive Plan and the expected focus areas, recent academic collaboration on climate change, operations under COVID, and recent hydrologic conditions.

3. Minutes of September 18, 2020, Commission Meeting

On a motion by Commissioner Atkinson, seconded by Commissioner Litz, the minutes of the regular business meeting of September 18, 2020, were approved as written by a vote of 3-0.

4. Regulatory Fee Schedule

Director of Administration & Finance Marcia Hutchinson presented Resolution 2020-13 (Exhibit A) adopting the Commission's proposed Regulatory Program Fee Schedule, which will become effective on January 1, 2021.

Resolution #2005-03 provides that the Regulatory Program Fee Schedule be adjusted annually in accordance with changes in the U.S. Consumer Price Index (CPI). Staff recommended waiving the CPI adjustment of 2.0% to Table 1 and Table 2 fees.

Resolution #2008-03 provides that the Consumptive Use Mitigation Fee be adjusted annually in accordance with changes in the U.S. Army Corps of Engineers Civil Works Construction Cost Index System. The CWCCI increased 3.2%, which equates to less than a \$.01 increase in the consumptive use mitigation fee. Staff recommended waiving the CWCCI adjustment of 3.2% to Table 3.

On a motion by Commissioner Litz, seconded by Commissioner Atkinson, Resolution No. 2020-13 was adopted by a vote of 3-0.

5. Contracts and Grants

Ms. Hutchinson presented the following requests:

a. Grant Amendment: Chesapeake Bay Enhanced Nutrient Monitoring and Trends Analysis (Pennsylvania Department of Environmental Protection)

This grant amendment with the Pennsylvania Department of Environmental Protection (PADEP) will extend the grant for one year. The Commission's Bay Nutrient Monitoring

Program and its Non-Tidal Network Monitoring Program are the backbone of the largest non-tidal monitoring programs in the Bay watershed. 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.

Output from sampling efforts is used to improve nutrient and suspended-sediment load and trend estimations, as well as improve calibration and verification of Chesapeake Bay watershed models in support of Chesapeake Bay restoration activities.

Overall, the project enables the states and SRBC to determine effectiveness of past/existing practices by serving as a report card on progress to date, and provides guidance on needed adjustments to implementation plans/strategies to improve the quality of local waters and the Bay. The total budget is \$650,637. PADEP will provide \$441,812 with SRBC providing \$208,825.

b. Chesapeake Bay Enhanced Nutrient Monitoring and Trends Analysis Grant (PADEP)

This grant amendment with the Pennsylvania Department of Environmental Protection (PADEP) 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 restoration agreement with the U.S. Environmental Protection Agency and its Phase 3 Watershed Implementation Plan.

Staff will provide modeling scenario support to county stakeholders for choosing the most effective implementation strategies to meet 2025 pollutant reduction goals. Staff will also act as a technical advisor to PADEP by participating in a multitude of Bay issue-focused work groups, expert panels, and outreach activities.

Technical support and outreach will enhance stakeholder capacity for achieving pollutant reduction goals for the improvement of local water quality and the Bay. PADEP will provide the total budget of \$200,500.

c. Drought and Flood Mitigation Grant (Pennsylvania Emergency Management Agency)

The Pennsylvania Emergency Management Agency (PEMA) has requested Commission assistance with hazard mitigation planning in the Susquehanna River Basin. Through funds obtained by PEMA from the Federal Emergency Management Agency's Flood Mitigation Assistance Program, PEMA and the Commission will focus on ten Pennsylvania counties in the Middle Susquehanna and West Branch subbasins, including Bradford, Columbia, Lackawanna, Luzerne, Montour, Northumberland, Snyder, Susquehanna, Tioga, and Wyoming.

The purpose of the project is to develop mitigation strategies and to obtain data to prioritize, select and develop a minimum of five projects eligible for annual FEMA grant funding. Commission staff will coordinate outreach and provide technical assistance to PEMA

and other key stakeholders. The Commission's technical assistance will include assessing county plans, including Hazard Mitigation Plans. Staff will also provide GIS and flood modeling support.

Ultimately, the implemented projects will help ensure Basin communities are more resilient to flooding under existing conditions, as well as any changing conditions brought about by climate change, and advance the Commission's mission for reducing flood damage to communities. PEMA will provide the budget of \$200,000.

d. Juniata River Flood Study (U.S. Army Corps of Engineers)

The U.S. Army Corps of Engineers has requested Commission assistance with data collection to support a FEMA flood study in the Juniata river basin, PA. Commission staff will collect channel elevation data at up to 500 locations using a combination of RealTime Kinematic and acoustic Doppler survey techniques.

The study will provide updated hydrology and hydraulics for 500 miles of the mainstem Juniata River and tributaries.

An updated and cutting-edge technology hydraulic model will support development of new regulatory mapping and facilitate implementation of appropriate risk reduction measures. USACE will provide the total budget of \$100,000.

A motion was made by Commissioner Litz and seconded by Commissioner Atkinson to separate Item "d" from the items above and approve the remaining three. Item "d" was tabled for consideration at a later date. The remaining grant and grant amendments were approved by a vote of 3-0.

6. Policy Incentivizing the Use of Impaired Waters

Staff recommended that this item be tabled until the March 2021 business meeting.

7. Remediation Operations General Permit

General Counsel and Secretary of the Commission Jason Oyler presented Resolution 2020-04 (Exhibit B) adopting General Policy GP-01. The Commission's first general permit covers withdrawals and consumptive uses of water for groundwater remediation projects that meet the jurisdictional limits of 18 CFR § 806.4(a). The permit contains standard general conditions related to metering, monitoring and reporting of data and other notification requirements.

By a motion made by Commissioner Atkinson, seconded by Commissioner Litz Resolution 2020-04 was adopted by a vote of 3-0.

8. Delegated Settlement

Executive Director Andrew Dehoff 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 Aqua-ETC Water Solutions, LLC (Aqua-ETC) – West Branch of the Susquehanna River in Lycoming County, Pa.:

- Aqua-ETC operates a surface water withdrawal on the West Branch of the Susquehanna River in Lycoming County under Commission Docket No. 20120302 (Docket) in support of natural gas drilling activities.
- In July of 2020, Aqua-ETC withdrew water on four occasions when the withdrawal should have been shut down due to low streamflow conditions. A Notice of Violation was issued by Commission staff.
- A \$4,000 settlement was made with the following considerations: 1) Aqua-ETC has a clean compliance history with the Commission; 2) the violations occurred over a holiday weekend when part-time staff were managing the site; 3) Aqua-ETC reported the violations to Commission staff once they became aware of the issue; 4) Aqua-ETC is reprogramming the supervisory control and data acquisition (SCADA) system to avoid similar violations in the future; and 5) while no indications of environmental harm were noted, passby violations pose a greater likelihood of causing harm to the environment.

9. Emergency Certificate Extension – Hastings Municipal Authority

Manager of Project Review Todd Eaby presented a request for an Emergency Certificate extension.

An emergency certificate was issued by the Executive Director to the Hastings Municipal Authority on October 21, 2020 to allow withdrawal of groundwater from Mine Spring Well 1 for use as a public water supply source. By regulation, the Emergency Certificate expires on December 11, 2020 unless extended by the Commission. Hastings has submitted a groundwater withdrawal application for Mine Spring Well 1, which is administratively incomplete, but is expected to be noticed for action at the March 12, 2021 Commission business meeting.

Staff is recommending that this extension be granted. Commissioner Litz made a motion that was seconded by Commissioner Atkinson to adopt Resolution 2020-14 (Exhibit C) granting the Emergency Certificate extension. The resolution was adopted by a vote of 3-0.

10. Docket Actions

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

1. Cabot Oil & Gas Corporation (Susquehanna River) Susquehanna County, Pa. (Exhibit D1)
2. Chesapeake Appalachia, L.L.C. (Towanda Creek) Bradford County, Pa. (Exhibit D2)
3. Denver Borough (Well 4) Lancaster County Pa. (Exhibit D3)
4. Elmira Water Board (Wells PW-41 and PW-42) Chemung County, N.Y. (Exhibit D4)
5. Goodyear Lake Hydro, LLC (Town of Milford) Otsego County, N.Y. (Exhibit D5)
6. Hastings Municipal Authority, Cambria County, Pa. Highlight = tabled.
7. Borough of Middletown (Wells 1, 2,3, & 4) Dauphin County, Pa. (Exhibit D6)
8. New York State Office of Parks (Irrigation Pond) Steuben County, N.Y.
9. Seneca Resources Company, LLC (Cowanesque River) Tioga County, Pa. (Exhibit D7)
10. JKLM Energy, LLC (Ohio River Basin) Potter County, Pa. (Exhibit D8)
11. Lycoming County Recreation Authority (Well 2) Lycoming County, Pa. (Exhibit D9)

Commissioner Atkinson moved and Commissioner Litz seconded a motion that the Commission adopt the recommendations of staff for the 11 project applications, one of which is an into-basin diversion and two which were tabled. The motion was approved by a vote of 3-0.

ADJOURNMENT

Commissioner Atkinson moved and Commissioner Litz seconded a motion to adjourn the meeting. Commission Chair Dorsey adjourned the meeting at 9:48 a.m.

After adjournment, the Commission heard public testimony from Eric Epstein, offering Three Mile Island Alert, Inc.'s comments on the TMI nuclear plant and its decommissioning. The Commission committed to append Mr. Epstein's written testimony to the minutes of this meeting, which is hereto attached (Exhibit E).

March 12, 2021
Date Adopted

Jason E. Oyler
Secretary to the Commission