



SUSQUEHANNA RIVER
BASIN COMMISSION

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NY ■ PA ■ MD ■ USA

September 22, 2021

TO ALL CONCERNED:

At the September 17, 2021, Commission meeting, the draft minutes of the June 17, 2021, Commission meeting were approved as written. Please attach this notice to your copy of the June 17, 2021 minutes.

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

**MINUTES OF THE
SUSQUEHANNA RIVER BASIN COMMISSION
September 17, 2021
#2021-03**

The meeting was held at the Susquehanna River Basin Commission in Harrisburg, Pa. Commission Chair Guise called the meeting to order at 9:15 a.m.

ROLL CALL

Commissioners Present

Dr. Suzanne Dorsey, Assistant Secretary, Maryland
Dept. of the Environment (MDE)
Ms. Aneca Atkinson, Deputy Secretary, Pennsylvania
Department of Environmental Protection (PADEP)
Ms. Amy Guise, Chief, Planning Division, U.S.
Army Corps of Engineers, (USACE) Baltimore
District
Ms. Diane English, Chief, Water Quality
Management, New York State Department of
Environmental Conservation (NYSDEC) via
Conference Call

**Other Commissioners and Alternate
Commissioners Present**

Mr. Saeid Kasraei, Program Administrator, Water
Supply Program (MDE) via conference call
Mr. Ben Grumbles, Secretary, Maryland
Department of the Environment

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 Venno, Director, Governmental Affairs &
Public Advocacy
Mr. John W. Balay, Manager, Planning &
Operations

Mr. Todd D. Eaby, Manager, Project Review
Mr. Brydon Lidle, Manager, Information
Technology
Mr. Curtis Sebastian, Assistant Counsel

1. Opening Remarks

Commission Chair Guise opened the meeting by outlining the rules of conduct for the meeting. She noted that a public hearing was previously held on August 12, 2021 and the written comment period was open until August 23, 2021. The Commissioners introduced themselves.

Secretary Ben Grumbles of the Maryland Department of the Environment spoke on behalf of Governor Hogan of Maryland. Mr. Grumbles stressed how important the mission, the people, and strategies of the Commission are for the Susquehanna River watershed. Mr. Grumbles urged the signatory members of the Commission to pay their full allotment to support the important work of the Commission. Maryland is proud to be contributing to this effort and encourages their partners to do the same.

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.

The Commission has seen the successful closure of its first technical assistance grant program. The water level monitoring grant initiative was created to help regulated entities secure and install instruments to collect data on the level of water in their groundwater wells. Thirty-four (34) eligible entities applied and were offered grants. In total, the Commission funded grant requests amounting to more than \$110,000. Every environmental justice community that applied for the grant received an award, totaling \$16,500.

Mr. Dehoff shared that the next round of Public Water Supply Assistance Workshops are starting soon. In recent years, the workshops have drawn almost 200 participants to each workshop.

In the aftermath of Hurricane Ida, the Commission saw an opportunity to work with our partners at Harrisburg University using their advanced drone technology to collect information focusing on the Swatara Creek in Dauphin County. The information will be useful to enhance the flood mapping in local communities that are often threatened by the rising of the Swatara Creek.

Mr. Dehoff welcomed Diane English of the New York State Department of Environmental Conservation as an alternate commissioner for the State of New York.

3. Minutes of June 17, 2021, Commission Meeting

On a motion by Commissioner Atkinson, seconded by Commissioner Dorsey, the minutes of the regular business meeting of June 17, 2021, were unanimously approved as written.

4. Proposed Final Rulemaking and Related Policies

Secretary of the Commission and General Counsel presented Resolution 2021-09 (Exhibit A) adopting and promulgating a final rulemaking action amending its regulations and adopting three groundwater related policies (Exhibits B, C & D) and providing for implementation.

By motion of Commissioner Atkinson, seconded by Commissioner Dorsey, Resolution 2021-09 was adopted unanimously.

5. Current Expense Budget for FY2023

Director of Administration and Finance Marcia Hutchinson presented Resolution 2021-10 adopting the current expense budget for FY2023, which will cover the period July 1, 2022 to June 30, 2023.

On a motion made by Commissioner Atkinson, seconded by Commissioner Dorsey, Resolution 2021-10 (Exhibit E) was adopted unanimously.

6. Member Allocation for FY2023

Ms. Hutchinson presented Resolution 2021-11 (Exhibit F) apportioning among the signatory parties the amounts required for the support of the Current Expense Budget for the fiscal year ending June 30, 2023 (July 1, 2022 through June 30, 2023).

By motion of Commissioner Atkinson, seconded by Commissioner Dorsey, Resolution 2021-11 was unanimously adopted via roll call vote.

7. Contracts and Grants

Ms. Hutchinson presented the following grant agreement and letter of understanding for ratification:

a. Water Quality Protection and Pollution Prevention (USEPA)

Through this grant, staff work to identify aquatic resources that are in need of protection or restoration and to coordinate with member state agencies on similar water resource management efforts aligned with the Clean Water Action Section 106 program. On-the-ground activities within the Basin include assessments and studies of small stream and large river systems, ongoing eel restoration efforts, dam removal impacts, abandoned mine restoration successes, and harmful algal bloom monitoring tools. Water quality, biological, and habitat data collected as part of these activities are provided to member state agencies and USEPA. Staff also coordinate source water protection efforts with member state agencies, assist member state agencies with data collection, use existing data as a resource to bolster new initiatives, and analyze data for climate change signals. Commission staff also participate in resource-agency sponsored programs, coalitions, and working groups, as well as public outreach and education events. USEPA will provide \$761,875 with SRBC providing \$47,847.

b. Letter of Agreement: Conowingo Watershed Implementation Plan Financing Authority

The purpose of this Letter of Understanding (LOU) is to establish the terms under which the Susquehanna River Basin Commission (SRBC) will serve as the financing authority for initial implementation of the Conowingo Watershed Implementation Plan (CWIP) which is part of the overall 2010 Chesapeake Bay Total Maximum Daily Load (Bay TMDL) established by the U.S. Environmental Protection Agency (EPA). The letter is between the Commonwealth of Pennsylvania, the Commission, and the other states in the Chesapeake Bay Program partnership.

Commission activities under this agreement involve the following roles and expectations:

- enter into contracts to receive and distribute funds to implement the CWIP, including associated administrative costs,
- finance best management practices that implement the CWIP with input from the Chesapeake Bay Program partnership, subject to the terms and conditions of contracts, including grant agreements, which the SRBC enters into,
- the work to be performed by the SRBC and the selection and approval of projects to be implemented will be guided by the CWIP in close consultation with the Chesapeake Bay Program partnership,
- the LOU will sunset on December 31, 2025 unless renewed by mutual agreement of the Signatory CWIP Partners and the SRBC.

The joint and coordinated efforts of SRBC and the Bay partnership are designed to reduce nutrient and sediment loadings to the Chesapeake Bay, in pursuit of the TMDL goals established by EPA and the partnership:

- current science and information have revealed that the Conowingo Reservoir is subject to scour events that result in more nitrogen and phosphorous entering the Chesapeake Bay than was estimated when the Bay TMDL was established. The Chesapeake Bay Program partnership estimates that, even after fully implementing the Bay TMDL and the jurisdictions' Phase III Watershed Implementation Plans, a significant reduction of nitrogen and phosphorous is still needed in order to mitigate the water quality impacts of the Conowingo Reservoir infill.
- the CWIP initial implementation is designed to incorporate innovations in financing that leverage both private capital and market forces to reduce restoration costs, and as such the SRBC, as the financing authority, may solicit and receive private funding, including grants, to finance best management practices for initial implementation of the CWIP in order to demonstrate the efficacy of innovative financing approaches in meeting the TMDL goals in a timely and cost-effective fashion.

A motion was made by Commissioner Atkinson and seconded by Commissioner Dorsey, to ratify the grant agreement and letter of understanding. Both were ratified by a unanimous vote.

8. Report on Delegated Settlements

Compliance Manager Jeremy Hoffman reported on one delegated settlement staff completed over the past quarter pursuant to Commission Resolution No. 2018-08. The settlement was with Chetremon Golf Course, LLC for \$3,700.

9. Settlement of Regulatory Violations

Mr. Hoffman sought action to accept a settlement offer from Mott's LLP to resolve passby violations that occurred at its Aspers Plant.

- Mott's is approved to withdrawal water from several on site groundwater wells and consume water in support of beverage manufacturing at its Aspers Plant under several Commission dockets and modifications.
- In December of 2020, based upon a review of third quarter monitoring data submitted by Mott's, Commission staff issued a Notice of Violation (NOV) citing sixty-two (62) passby violations for Mott's operating its groundwater withdrawals when the withdrawals should have been shut down due to low streamflow conditions.
 - Upon further review of the third quarter monitoring data and review of the fourth quarter monitoring data, Commission staff determined an additional seventeen (17) passby violations that were not captured in the NOV.
 - In total, Commission staff determined Mott's accumulated seventy-nine (79) passby violations between July 1, 2020 and December 31, 2020.
 - Aside from these violations, Mott's has a clean compliance history with the Commission and has been compliant with Commission staff requests during the settlement process.
 - Mott's proactively notified Commission staff of the passby violations and has been compliant with Commission staff requests during the settlement process.

Mott's shall pay to the commission the sum of \$35,000 for full and final settlement of the matters described.

On a motion made by Commissioner Atkinson and seconded by Commissioner Dorsey, this settlement agreement with Mott's LLP was accepted.

10. Emergency Certificate Extension – Mott's LLP

Project Review Manager Todd Eaby presented a request for an extension of an emergency certificate previously issued to Mott's LLP – Asper's Plant.

By motion of Commissioner Dorsey and seconded by Commissioner Atkinson, Resolution 2021-12 (Exhibit G) was unanimously adopted. This resolution extends the certificate until the Commission acts on the submitted renewal applications for Wells 7, 9, 10 and 11, unless terminated by the Executive Direction in accordance with 18 CFR § 806.34(e).

11. Docket Actions

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

1. Aqua-ETC Water Solutions, LLC (West Branch Susquehanna River) Lycoming County, Pa. (Exhibit H1)
2. ARD Operating, LLC (Loyalsock Creek) Sullivan County, Pa. (Exhibit H2)
3. Blossburg Municipal Authority, Tioga County, Pa. (Exhibit H3)
4. East Hempfield Township Municipal Authority, Lancaster County, Pa.
5. Glenn O, Hawbaker, Inc., Mifflin County, Pa.
6. Village of Greene, Chenango County, N.Y. (Exhibit H4)
7. New York Office of State Parks, Recreation and Historic Preservation, Steuben County, N.Y. (Exhibit H5).
8. Pennsylvania State University, Centre County, Pa. (Exhibit H6)
9. Selinsgrove Municipal Authority, Snyder County, Pa. (Exhibit H7)
10. SUEZ Water Pennsylvania, Inc., York County, Pa. (Exhibit H8)
11. Transcontinental Gas Pipe Line Company, LLC (Susquehanna River) Luzerne County, Pa. (Exhibit H9)
12. Knouse Foods Cooperative, Inc. Gardners Plant, Adams County, Pa. (Exhibit H10)

Highlight = tabled.

Commissioner Atkinson moved and Commissioner Dorsey seconded a motion that the Commission adopt the recommendations of staff for the 12 project applications, including one Commission initiated modification and two tabled projects. The motion was approved unanimously.

ADJOURNMENT

Commissioner Atkinson moved and Commissioner Dorsey seconded a motion to adjourn the meeting. Commission Chair Guise adjourned the meeting at 9:53 a.m.

December 17, 2021

Date Adopted



Jason E. Oyler
Secretary to the Commission