

A RESOLUTION amending the *Water Quality Regulations*, *Water Code* and *Comprehensive Plan* to extend through September 30, 2006 the designation of the Lower Delaware River as Special Protection Waters.

WHEREAS, by Resolution No. 2005-2 on January 19, 2005, the Commission temporarily classified as Significant Resource Waters a reach of the main stem Delaware River known as the “Lower Delaware River” (or “Lower Delaware”); and

WHEREAS, pending a rulemaking procedure to establish numeric values for existing water quality in the Lower Delaware, Resolution No. 2005-2 made this section of the river subject to all applicable provisions of the Commission's Special Protection Waters regulations (Section 3.10.3A.2 of the *Water Quality Regulations* and *Water Code*) except those that depend for implementation upon the use of numeric values for existing water quality; and

WHEREAS, Resolution No. 2005-2 provided that absent further amendment of the Commission’s regulations to extend the temporary classification of the Lower Delaware as Significant Resource Waters, the classification would expire on September 30, 2005; and

WHEREAS, before deciding whether to classify certain sections of the Lower Delaware River as Outstanding Basin Waters as originally proposed, and whether to make the temporary Significant Resource Waters classification permanent for some or all of the Lower Delaware River, the Commission wishes to fully evaluate implementation options and establish numeric values for existing water quality based upon analysis of a five-year (2000-2004) data set; and

WHEREAS, extension of the temporary designation will protect the exceptional value of the Lower Delaware from degradation during the period required to complete the evaluation and conduct a notice and comment rulemaking process on the proposed numeric values and permanent classification; and

WHEREAS, on September 26, 2005, the Commission held a duly noticed public hearing on the matter of extending the temporary Special Protection Waters designation of the Lower Delaware River; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that:

1. The last paragraph of Section 3.10.3A.2.g.6) of the *Water Quality Regulations* and *Water Code* is amended by replacing the date “September 30, 2005” with the date, “September 30, 2006.”

2. This amendment shall be incorporated in the Commission's *Comprehensive Plan*.
3. This amendment shall take effect immediately.

/s/ Kevin C. Donnelly

Kevin C. Donnelly, Chairman *pro tem*

/s/ Pamela M. Bush

Pamela M. Bush, Esquire, Commission Secretary

ADOPTED: September 26, 2005