

A RESOLUTION amending the *Water Quality Regulations*, *Water Code* and *Comprehensive Plan* to extend through May 15, 2008 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 through September 2005 to all applicable provisions of the Commission's Special Protection Waters regulations (Section 3.10.3 A.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, by Resolution No. 2005-15 on September 26, 2005, following a duly noticed public hearing, the Commission extended the temporary classification of the Lower Delaware River as Significant Resource Waters through September 30, 2006; and

WHEREAS, by Resolution No. 2006-22 on September 27, 2006, following a duly noticed public hearing, the Commission extended the temporary classification of the Lower Delaware River as Significant Resource Waters through September 30, 2007; and

WHEREAS, at the Commission’s meeting on July 18, 2007, the commissioners declared their intention to formally propose amendments of the *Water Quality Regulations*, *Water Code* and *Comprehensive Plan* on or before the Commission’s meeting in September of 2007, in order to permanently classify the Lower Delaware River as Significant Resource Waters; establish numeric values for existing water quality at specific Boundary and Interstate Water Quality Control Points in the Lower Delaware River; and clarify certain provisions of the Special Protection Waters regulations, and

WHEREAS an additional extension of the temporary SPW designation for the Lower Delaware is required in order to continue the protections afforded by this designation pending completion of a rulemaking process for permanent designation; and

WHEREAS, on September 26, 2007, 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, 2007” with the date, “May 15, 2008.”

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

/s/ Cathy Curran Myers

Cathy Curran Myers, Chairwoman *pro tem*

/s/ Pamela M. Bush

Pamela M. Bush, Esquire, Commission Secretary

ADOPTED: September 26, 2007