

DELAWARE RIVER BASIN COMMISSION

MEETING OF JULY 18, 2007

Minutes

The Commission met at the offices of the Delaware River Basin Commission in West Trenton, New Jersey.

Commissioners present: Cathy Curran Myers, Chair, Pennsylvania
Michele Putnam, Vice Chair, New Jersey
Joseph Miri, New Jersey
Mark Klotz, Second Vice Chair, New York
Harry W. Otto, Delaware
Lt. Col. Gwen E. Baker, United States

DRBC Staff participants: Carol R. Collier, Executive Director
Robert Tudor, Deputy Executive Director
Kenneth J. Warren, DRBC General Counsel, Wolf, Block, Schorr &
Solis-Cohen LLP
Pamela M. Bush, Commission Secretary & Assistant General Counsel
Thomas J. Fikslin, Modeling and Monitoring Branch Head
Richard K. Fromuth, Operations Branch Head
Richard C. Gore, Chief Administrative Officer
William J. Muszynski, Project Review Branch Head
Kenneth F. Najjar, Planning and Implementation Branch Head

Ms. Myers convened the business meeting at 2:00 p.m.

Minutes. Ms. Myers asked for a motion to approve the Minutes of the Commission's meeting of May 10, 2007. Dr. Otto so moved, Mr. Klotz seconded his motion, and the Minutes of the May 10, 2007 Commission Meeting were approved by unanimous vote.

Announcements. Ms. Bush announced the following meetings:

- *DRBC Monitoring Advisory Committee and Water Quality Advisory Committee Joint Meeting.* Monday, July 30, 2007 at 9:30 a.m., Commission's office building at 25 State Police Drive, West Trenton, New Jersey. Staff contact: Ed Santoro, (609) 883-9500, ext. 268.
- *DRBC Flood Advisory Committee Meeting.* Wednesday, August 8, 2007, 10:00 a.m., Commission's office building at 25 State Police Drive, West Trenton, New Jersey. Staff contact: Rick Fromuth, (609) 883-9500, extension 232.

- *DRBC Water Management Advisory Committee Meeting.* Thursday, September 13, 2007, 10:00 a.m., Commission's office building at 25 State Police Drive, West Trenton, New Jersey. Staff contact: David Sayers, (609) 883-9500, extension 236.
- *Next Commission Meeting.* Wednesday, September 26, 2007, Commission's office building at 25 State Police Drive, West Trenton, New Jersey.

Hydrologic Conditions. Mr. Fromuth reported on hydrologic conditions in the Basin.

The observed precipitation for the Delaware River Basin above Montague, New Jersey for the period January 1 through July 16, 2007 was 22.40 inches or 0.65 inches below normal. For the same period, rainfall for the Delaware River Basin above Trenton, New Jersey was 23.24 inches or 0.51 inches below normal. The observed precipitation for Wilmington, Delaware was 23.27 inches or 0.28 inches below normal for the same period.

The average observed streamflow of the Delaware River at Montague, New Jersey in June 2007 was 2,142 cubic feet per second (cfs), or 63.7 percent of the long-term average for the month. For the same period, the average observed streamflow at Trenton, New Jersey was 5,629 cfs, or 68.7 percent of the long-term average for the month.

For the period from July 1 through July 16, 2007, the average observed streamflow of the Delaware River at Montague was 2,018 cfs, or 78.3 percent of the long-term average for the month. The average streamflow at Trenton during the same period was 4,914 cfs, or 79.9 percent of the long-term average for the month.

In the Lower Basin, as of July 17, 2007, Beltzville Reservoir contained 13.13 billion gallons (bg) usable, or 101.0 percent of usable storage, and Blue Marsh contained 6.63 bg usable, or 102.0 percent of summer pool usable storage. As of July 16, Merrill Creek contained 15.378 bg usable, or 98.0 percent of usable storage.

In the Upper Basin, as of July 17, 2007, Pepacton Reservoir contained 125.905 bg usable, or 89.8 percent of usable storage. Cannonsville contained 75.196 bg usable, or 78.6 percent of usable storage. Neversink contained 28.455 bg usable, or 81.4 percent of usable storage. Total New York City Delaware Basin reservoir storage was 229.556 bg usable, or 84.8 percent of usable storage.

As of July 16, 2007 the average ground water level in eight reported USGS observation wells in the Pennsylvania portion of the Basin was slightly below the long-term average. Water levels expressed as 30-day moving averages at four of these wells were within their normal ranges for this time of the year. Water levels at the Wayne, Monroe and Schuylkill County wells were below their normal range while the water levels at the well in Chester County were above their normal range. Water levels at the Cumberland County, New Jersey coastal plain observation well was slightly above their normal range. Water levels at the New Castle County, Delaware coastal plain observation well were within their normal range on April 19, when last observed.

During the month of June 2007, the location of the seven-day average of the 250-parts per million (ppm) isochlor, also known as the "salt line," ranged from river mile (RM) 70 to RM 73. The normal location of the salt line during June is RM 67, a location which is 11 miles downstream of

the Delaware-Pennsylvania state line. As of July 12, 2007, the salt line was located at RM 73, one mile upstream of the normal location for July.

Ms. Myers added that Mr. Fromuth had noted that Pennsylvania is starting to see drought results. Pennsylvania is looking at it very carefully a couple of times per week but for the southeastern part especially in the middle we do look as though we may be clearing a drought watch in the next couple of weeks or so. Pennsylvania is meeting with PEMA, the emergency management people this week.

Executive Director's Report. Ms. Collier's remarks are summarized below:

- *New York Regional Interconnect.* In April the not-for-profit organization American Rivers, which is dedicated to protecting and restoring the rivers of North America, listed the Upper Delaware River as fourth on its list of "most endangered rivers of 2007" because of a proposal by New York Regional Interconnect (NYRI) to construct a high voltage power line through the Upper Delaware Wild & Scenic River corridor. In June the National Trust for Historic Preservation sounded an alarm as well by listing historic places in transmission line corridors, including the Delaware River corridor, as fifth on the Trust's list of "most endangered historic places of 2007." Ms. Collier urged the Commission to monitor the progress of the NYRI proposal.
- *Delaware River Sojourn 2007.* The 2007 Delaware River Sojourn, held during the third week of June, was a successful event attracting a record number of paddlers.
- *Key DRBC Activities.*
 - Staff finalized the Delaware River Basin Interstate Flood Mitigation Task Force Report. DRBC, Pennsylvania and other states issued press releases about the report, a complete copy of which is available on the DRBC website. Included on the website are a summary list of the actions recommended by the task force, the executive summary, and the letter transmitting the report to the governors. Ms. Collier thanked Bob Tudor, who led the task force effort with the help of Laura Tessieri, Rick Fromuth and other members of the DRBC staff.
 - Staff has worked closely with the parties to the U.S. Supreme Court Decree to finalize the Flexible Flow Management Program (FFMP) for New York City Delaware Basin reservoir operations. We are hopeful that a draft of the plan can be posted on the website shortly for the public to review.
 - Staff also has focused on the Special Protection Waters (SPW) program for the portion of the non-tidal Delaware River known as the Lower Delaware. As a presentation during the morning conference session indicated, a rulemaking process to permanently designate the Lower Delaware River a Special Protection Water will be initiated this fall.
 - By Resolution No. 2005-19 in December of 2005, the Commission authorized staff to initiate rulemaking on a uniform criterion for PCBs in the Delaware Estuary, and at the same time directed staff, in collaboration with state and EPA partners, to develop a plan for implementing the new criterion. DRBC staff members have been working with EPA and the estuary states on this assignment and expect to present a plan to the Toxics Advisory Committee (TAC) and the Implementation Advisory Committee (IAC) this fall. Consideration of a plan for implementing

a new PCB criterion also provides the EPA, the states, the DRBC and other IAC members with an opportunity to finalize the IAC report.

- Richard K. Fromuth, Operations Branch Head, will be retiring from the Commission on August 31, 2007. Rick has been a stalwart of the Commission staff. There will be a retirement party to honor him on August 24.
- The Commission is reorganizing, in part because of the changes in the Operations Branch and also due to the need to better integrate information technology. Effective July 23, 2007, DRBC's five technical branches will be re-combined to create three. The Modeling and Monitoring Branch, headed by Tom Fikslin, will become the Modeling, Monitoring and Assessment Branch. We are adding to the responsibilities of the branch the tasks of data assessment and development of water quality standards. The Operations and Project Review branches will become the Water Resources Management Branch, headed by Bill Muszynski. The two functions will remain separate within the new branch. The Planning and Information Branch will become the Planning and Information Technology Branch, headed by Ken Najjar. This group will provide a home for DRBC's Information Services staff, which has been without a branch head for a number of years. The new branch will have an important role in strategic direction-setting for the organization.
- The Commission is hosting a Brown Bag Lunch discussion on climate change tomorrow, July 19, 2007. Dana Isherwood will offer a presentation on the "global climate crisis". Ms. Isherwood lives in West Windsor, New Jersey and is one of approximately 1,000 people who have been trained by former Vice President Al Gore to offer this presentation. She will be using portions of the former Vice President's original slide show on climate change, which formed the basis for the film, *An Inconvenient Truth*.
- *Upper Delaware Council's 19th Annual Family Recreation Trip.* On August 5, 2007 the Upper Delaware Council will host its 19th Annual Family Recreation Trip.
- *Upper Basin.* On September 12, 2007 the Assistant Secretary of the Army for Civil Works will be touring the Upper Basin, especially in flood-damaged areas.
- *Partnership of the Delaware Estuary Annual Dinner.* On September 27, 2007 the Partnership will hold its annual dinner at Rivertown, the transformed PECO facility in Chester, Pennsylvania.

General Counsel's Report. Mr. Warren reported that the Moyer Packing Company (MOPAC) has withdrawn its appeal of the TDS limitation placed in its docket D-96-21-2, approved by the Commission on September 27, 2006. Mainland Golf Course (MGC) is reportedly pleased with the new public water supply hook-up that MOPAC provided in accordance with a provision of its docket. Also in accordance with the docket, installation of the new water supply earned MOPAC relief from its TDS limit. In light of the formality of MOPAC's appeal, Mr. Warren suggested that there be a motion by one of the Commissioners, adopted by the Commission as a whole, to mark that the appeal is withdrawn. Accordingly, Ms. Myers requested a motion acknowledging MOPAC's withdrawal of its appeal; Lt. Col. Baker so moved, Ms. Putnam seconded the motion, and dismissal of the MOPAC matter was approved by unanimous vote.

In a second matter, Mr. Warren explained that the Commonwealth of Pennsylvania has provided special project monies to the Commission in exchange for services pursuant to Pennsylvania Act 220, the State Water Resources Planning Act. The Act 220 funds are in addition to and not a part of the Commonwealth's equitable share of the Commission's annual operating expenses. Mr. Warren explained that in light of Bill Gast's retirement, the Commission and the Decree Parties share an interest in preserving continuity in the services that Mr. Gast has provided to Pennsylvania. Notably, Mr. Gast was the chief engineer for the State Water Plan and has been Pennsylvania's representative in Decree Party negotiations. In addition, Mr. Gast may be performing services for the Commission in fulfillment of DRBC's Act 220 responsibility. DRBC will retain Mr. Gast as a consultant for these various purposes, utilizing a portion of the monies from Pennsylvania that comprise the Act 220 special project funds. Mr. Warren explained that DRBC wished all signatories and the public to be aware of this. He asked whether there were any objections to the Commission proceeding to engage Mr. Gast as described. Hearing none, Mr. Warren concluded his report.

Public Hearing: Project Review Applications. The hearing included 12 of the 14 dockets that were subjects of the original public hearing notice. Two dockets were postponed to allow additional time for review: hearing item number 5, Reading Area Water Authority, D-2000-59 CP-2; and hearing item number 9, Pocono Manor Investors Pt. 1, L.P., D-2006-43-1. Mr. Muszynski presented the twelve dockets in two of the customary three categories – B and C – with B consisting of docket renewals involving significant changes, such as an increase or decrease in an authorized withdrawal or discharge, and C consisting of projects not previously reviewed by the Commission.

B. Renewals with Substantive Changes (6).

1. South Coatesville Borough D-74-39 CP-2. An application for approval of the rerate of the existing South Coatesville Borough wastewater treatment plant (WWTP). The permitted discharge from the applicant's WWTP will increase from an annual average daily flow of 0.365 million gallons per day (mgd) to 0.381 mgd and will continue to be discharged to the West Branch Brandywine Creek. The facility is located in South Coatesville Borough, Chester County, Pennsylvania.
2. Kent County Levy Court D-77-87 CP-2. An application for approval of the expansion of the existing Kent County Levy Court WWTP. The permitted discharge from the applicant's WWTP will increase from a daily flow of 15.0 mgd to 16.3 mgd and will continue to be discharged to The Gut, a tributary to the Murderkill River. The facility is located in the City of Milford, Kent County, Delaware.
3. Hackettstown Municipal Utilities Authority D-91-30 CP-2. An application to expand a 3.3 mgd wastewater treatment plant to process 3.39 mgd. The plant is located in Washington Township, Morris County, New Jersey. The plant will continue to treat wastewater from the Town of Hackettstown, Mansfield Township, Independence Township and Allamuchy Township, all in Warren County; and Washington Township and Mount Olive Township in Morris County, New Jersey. The additional capacity is needed to serve the service area previously served by the former Diamond Hill Sewer Company. Treatment plant effluent will continue to be discharged to the Musconetcong River in the Musconetcong River Watershed via the existing outfall. The defunct Diamond Hill treatment facility and discharge to Hence's Brook will be abandoned.

4. Aqua New Jersey, Inc. D-93-13 CP-3. An application for the renewal of a ground water withdrawal project to increase withdrawal from 198.5 mg/30 days to 237 mg/30 days to supply the applicant's Blackwood District public water supply distribution system from existing Wells Nos. 3, 6, 7, 13, 15, 17 and 20 located within the Delaware River basin and 8 wells located outside of the basin in the Cohansey, Mt. Laurel and Potomac-Raritan-Magothy Formations. The increased allocation is requested in order to meet projected increases in service area demand. The project is located in the Big Timber Creek Watershed in Gloucester Township, Camden County, New Jersey.
6. Borough of Portland D-2003-9 CP-2. An application to modify the proposed WWTP that was approved by DRBC Docket No. D-2003-9 CP on January 19, 2005, but not constructed due to cost considerations. The WWTP design capacity will remain 0.105 mgd, but the modified design involves treatment processes that cost less to construct and maintain than those in the approved design. The proposed membrane ultra-filtration system will eliminate the need for clarifiers and a tertiary filter, while still meeting docket and NPDES permit limitations. The WWTP will provide tertiary treatment of flow from the proposed Portland Industrial Park and from local on-lot septic systems located in Portland Borough, Northampton County, Pennsylvania. The WWTP will be constructed in the southeast corner of Portland Borough and the project outfall diffuser will discharge to the Delaware River. The project is located within the drainage area to a section of the non-tidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.
7. Pennsylvania American Water Company D-2006-33 CP-2. An application for approval of a groundwater withdrawal project to supply up to 7.34 mg/30 days of water to the applicant's public supply distribution system from new Well PW3 and to increase the existing withdrawal from all wells from 15.12 mg/30 days to 18.57 mg/30 days. The increased allocation is requested in order to meet projected increases in service area demand. New Well PW3 is located in the Trimmers Rock Formation in the Brodhead Creek Watershed in Stroud Township, Monroe County, Pennsylvania. The site is located within the drainage area to the section of non-tidal Delaware River known as the Middle Delaware, which is classified as Special Protection Waters.

Mr. Muszynski recommended that the Commission approve the six dockets. Hearing no questions or comments from the Commissioners or the public, Ms. Myers requested a motion to approve the group of dockets consisting of renewals with substantive changes. Lt. Col. Baker so moved, Mr. Klotz seconded her motion, and hearing items 1, 2, 3, 4, 6 and 7 were approved by unanimous vote.

C. *New Projects (6)*. Mr. Muszynski reiterated that the following six projects were either new discharges or withdrawals or were simply new to the Commission:

8. Wissahickon Spring Water, Inc. D-2006-29-1. An application for approval to discharge up to 0.1008 mgd to Kaercher Creek, a tributary of the Schuylkill River, from a bottled water filtration plant. The wastewater currently discharges into sanitary drains within the building. The applicant will install 3 reverse osmosis units and will discharge the rinse water through new Outfall No. 001. The facility is located in the Schuylkill River Watershed in Hamburg Borough, Berks County, Pennsylvania.

10. Royersford Borough D-2006-45 CP-1. An application for approval to expand the existing Royersford Borough WWTP from a design flow of 0.54 mgd to 0.70 mgd. WWTP effluent will continue to be discharged to the Schuylkill River. The facility is located directly outside of Royersford Borough, in Upper Providence Township, Montgomery County, Pennsylvania.
11. Jackson Township Authority D-2007-4 CP-1. An application for the approval of a new 0.5 mgd WWTP. The applicant's new WWTP will discharge to an unnamed tributary of the Tulpehocken Creek, a tributary to the Schuylkill River, at a point upstream of Blue Marsh Reservoir. The facility will be located in Jackson Township, Lebanon County, Pennsylvania.
12. Cott Beverages Inc. D-2007-6-1. An application for approval to expand the applicant's existing IWTP from 0.023 mgd to 0.070 mgd to serve its beverage (soft drinks and carbonated water) production facility. The IWTP will continue to discharge to the West Branch Chester Creek in the Chester Creek Watershed. The facility is located in Concord Township, Delaware County, Pennsylvania.
13. Bath Borough Authority D-2007-16 CP-1. An application for approval of a ground water withdrawal project to supply up to 15 mg/30 days of water to the applicant's public supply distribution system from new Wells Smith Street, Allen Street and Holiday Hill. The project is located in the Ontelaunee and Martinsburg formations in the Monacacy Creek and East Monacacy Creek watersheds in Bath Borough, Northampton County, Pennsylvania. The project site is located within the drainage area to the section of the non-tidal Delaware River known as the Lower Delaware, which is classified as Special Protection Waters.
14. Altivity Packaging LLC D-2007-20-1. An application for approval of a surface water withdrawal project to supply up to 210 mg/30 days of water to the applicant's industrial operations from existing Intake No. 1. The project is located in the Schuylkill River Watershed in the City of Philadelphia, Pennsylvania.

Mr. Muszynski recommended that the Commission approve the six new projects. Hearing no comments or questions, Ms. Myers requested a motion for approval of the six dockets for new projects. Mr. Klotz moved for approval of hearing items 8, 10, 11, 12, 13 and 14. Dr. Otto seconded his motion, and the six dockets were approved by unanimous vote.

Resolution for the Minutes Increasing the Authorized Value of a Contract with Princeton Hydro, LLC for Modifications to the Site of the Commission's West Trenton Office Building to Improve Stormwater Management. Mr. Gore explained that this resolution for the minutes would approve additional compensation for the engineering and design firm of Princeton Hydro, LLC (PH) and its subcontractor, Pickering, Corts and Summerson, Inc. (PCS). In 2005, following a competitive bid process, the Commission awarded a contract to PH for development of a stormwater management master plan for the Commission's headquarters site. It also tasked PH with developing the engineering design for Phase I of the plan and with preparing bid documents that the Commission then used to solicit bids for construction of Phase I. PH performed the tasks in accordance with its contract, and the Commission published a request for proposal (RFP). However, the bids, opened in June of 2006, all greatly exceeded the estimated cost of construction. The project team recognized that the plans and bid documents would require modification and that the RFP would have to be re-issued at a time of year when contractors would not be in such high demand. When revised bid documents were re-issued in December of 2006, the Commission received bids consistent with the projected costs. Recognizing that the work effort required of PH and PCS was

significantly greater than anticipated, DRBC staff asked the firms to provide documentation to support their additional costs. After further dialogue, staff is comfortable recommending that an additional \$12,000 in compensation be paid. The original budget of approximately \$25,000 was very thin. If the commissioners approve the additional compensation, the total amount payable to PH will be \$36,766.

Ms. Myers said that the proposal in her view sounded reasonable. Hearing no questions or comments, she called for a motion to adopt the proposed resolution for the minutes, increasing the authorized value of a contract with Princeton Hydro, LLC for modifications to the site of the Commission's West Trenton office building to improve stormwater management. Mr. Klotz so moved, Lt. Col. Baker seconded the motion, and the following Resolution for the Minutes was approved by unanimous vote:

RESOLUTION FOR THE MINUTES

A RESOLUTION amending the compensation payable to Princeton Hydro, LLC for professional engineering and landscape design services to implement stormwater Best Management Practices (BMPs) on the Commission's West Trenton property.

WHEREAS, the Commission received a Clean Water Act Section 319(h) program grant from the New Jersey Department of Environmental Protection (NJDEP) for a demonstration project to implement New Jersey's stormwater management regulations, including groundwater infiltration technologies, on an existing office property; and

WHEREAS, the Commission retained the firm of Princeton Hydro, LLC to perform engineering and landscape design for the project; and

WHEREAS, the contract provided for payment totaling \$24,766 to Princeton Hydro, LLC for professional services; and

WHEREAS, in June of 2006 the Commission issued construction bids in accordance with the designs prepared by Princeton Hydro, LLC; and

WHEREAS, the construction bids submitted greatly exceeded the design estimates; and

WHEREAS, the Commission rejected all bids submitted in response to its June 2006 solicitation; and

WHEREAS, the Commission asked Princeton Hydro, LLC to modify the design plans, with the understanding that DRBC would re-bid the project in December of 2006; and

WHEREAS, Princeton Hydro performed the requested services, including the preparation of revised bid documents, which the Commission utilized in soliciting a second round of construction bids; and

WHEREAS, in this second round, the Commission received bids consistent with

the engineering design estimate; and

WHEREAS, the view of the Commission staff is that additional compensation is due Princeton Hydro, LLC for its additional work; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission that the Executive Director is authorized to increase by \$12,000 the amount payable to Princeton Hydro, LLC in recognition of the additional services it provided in connection with this project. The total amount payable to the contractor will be \$36,766.

This Resolution shall take effect immediately.

Resolution Authorizing the Executive Director to Enter into an Agreement for Analysis of Emerging Contaminants in Ambient Waters of the Tidal Delaware River. Dr. Fikslin explained that the proposed resolution would authorize the next step in an initiative of the Commission dating from 2006 to investigate emerging contaminants within the Basin. As an initial step, staff conducted a review of all previous studies of emerging contaminants within the Basin in order to determine which of a very large group of chemicals should be subject to more intensive investigation. The universe of emerging contaminants includes flame retardants, pharmaceuticals, personal care products and agricultural compounds. Formally approved or published analytical methods are lacking for many of these. Staff's report, entitled "Emerging Contaminants of Concern in the Delaware River Basin, Vulnerability Assessment Preliminary Report," is currently posted on the Commission's website at <http://www.state.nj.us/drbc/EmergingContaminantsFeb2007.pdf>. The report identifies 42 compounds of concern, including pharmaceuticals, personal care products, a group of flame retardants and several perfluorooctanoic acid compounds that have been in the news in connection with Teflon-related products. These have been detected both in fish and in ambient water samples collected in the Basin. Mr. Tudor said that although the Commission called its report a "vulnerability assessment," it is essentially an inventory of the work on emerging contaminants in the Delaware that is either underway or has already been completed by the states and federal agencies such as USGS.

The proposed resolution would authorize staff to conduct a screening survey, entailing the analysis for selected emerging contaminants of samples collected in the course of toxicity sampling that is routinely performed during low flow periods. Approximately \$20,000 is available in 2007-2008 for the proposed survey. The Commission received three bids in response to an RFP issued on June 8, 2007, with a deadline of Friday, July 13, 2007. The responses are currently being evaluated. The resolution would authorize the Executive Director to enter into a contract for laboratory analysis of ambient water samples for selected compounds for an initial period of three years, with an option to renew for two additional years.

Ms. Myers asked whether Dr. Fikslin was aware of a study of emerging contaminants being conducted by Pennsylvania with the USGS. She noted that Pennsylvania completed Phase 1 of that study in 2006 and is proceeding currently with Phase 2. Dr. Fikslin confirmed that he is aware of this work. He noted that results had been presented at a meeting of Pennsylvania's Water Resources Advisory Committee (WRAC) and that members of his staff would be attending a second presentation on the work to take place in Harrisburg on July 26, 2007. He noted that a number of studies are referenced in the DRBC staff report for which the results were not available at the time of

publication. An update to the report is planned. Noting that the study of emerging contaminants is an important area of investigation, Ms. Myers urged that Pennsylvania and the DRBC ensure that their efforts in this area are complementary.

Mr. Gore noted that the bids had not yet been opened, as a technical evaluation of the three proposals was ongoing. Dr. Otto asked whether the cost was expected to be \$20,000 for the first year. Dr. Fikslin confirmed that it is, noting that the sum of \$20,000 was included for this purpose in the current EPA Section 106 grant. The next Section 106 grant will be for the two-year period from 2008 through 2009. A proposal for that grant will be submitted sometime this fall. Dr. Otto asked whether the cost of laboratory analysis in the subsequent years would be subject to renegotiation. Mr. Gore explained that the objective is to lock in pricing for a minimum of three years.

Hearing no further questions or comments, Ms. Myers called for a motion to approve the proposed resolution authorizing the Executive Director to enter into an agreement for analysis of emerging contaminants in ambient waters of the tidal Delaware River. Dr. Otto so moved, Mr. Klotz seconded his motion, and Resolution No. 2007-11 was approved by unanimous vote.

Resolution Authorizing the Executive Director to Enter into an Agreement with the Susquehanna River Basin Commission for DRBC to Perform Tasks in Connection with Water Conservation Aspects of Pennsylvania's State Water Planning Act. Dr. Najjar explained that the proposed resolution would authorize the Commission to accept funds from the Commonwealth of Pennsylvania to perform tasks relating to the conservation element of Pennsylvania Act 220, the Water Resources Planning Act ("the Act"). The Susquehanna River Basin Commission (SRBC) and DRBC jointly submitted an application under the Growing Greener Grant Program to develop the concept and programs for the Water Resources Technical Assistance Center required by the Act. The proposal was successful and was awarded a grant of \$100,000. SRBC is the lead contractor. DRBC would receive \$35,000 as a subcontractor for performing specific tasks over a three-year period from July of 2007 through April of 2009. Among other things, DRBC would develop a voluntary water use reduction plan, compile a set of conservation principles and practices, design and promote the voluntary reduction of water loss, and establish a state-wide water conservation promotion effort. The work dovetails with recent efforts of the Water Management Advisory Committee (WMAC) presented during the morning conference session by David Sayers of the DRBC.

Dr. Najjar explained that the Commission has already laid the ground work for a Water Resources Technical Assistance Center through the work of the Philadelphia Water Department and the subcommittee to the WMAC. The concept is a web-based technical assistance center that will inform households, industries and other water users about methods for conserving water and using water most efficiently.

Ms. Myers noted that Pennsylvania thought this a particularly appropriate project for the river basin commissions. She added that at this point, the Commonwealth is not planning any new regulations in connection with the conservation initiative. However, the project will allow water users to begin registering their practices voluntarily, presumably with the view that some day, if water users are required to conserve, they will receive credit for the things they already have done. The project also provides for technology transfer by collecting information about effective practices and making that

information available to others. The river basin commissions are well-suited to gathering information about efficiencies, best practices and technologies across the different sectors.

Ms. Myers noted that Pennsylvania is hopeful that the Great Lakes Compact will soon be finalized, with Pennsylvania as a member. This compact has a mandatory water conservation program, which is another reason for Pennsylvania's eagerness to move forward in this area. The Water Resources Technical Assistance Center will make the issue of conservation more visible and will engender discussion of the subject. Although some important initiatives are already underway, Ms. Myers noted that there is little general awareness of effective practices and technologies. Dr. Najjar noted that DRBC staff is coordinating closely with John Booser and other PADEP staff to ensure consistency between elements of the Great Lakes initiative and the work product of the Commission. Ms. Myers said that the web-based center ultimately would provide a forum for sharing information among 12 states and two Canadian provinces.

Hearing no further questions or comments, Ms. Myers called for a motion to approve the resolution authorizing the Executive Director to enter into an agreement with SRBC for DRBC to perform tasks in connection with water conservation aspects of Pennsylvania's State Water Planning Act. Mr. Klotz so moved, Dr. Otto seconded the motion, and Resolution No. 2007-12 was approved by unanimous vote.

Resolution for the Minutes Authorizing the Executive Director to Enter into an Agreement to Provide Support to the Commonwealth of Pennsylvania on Water Resources Issues. This item was withdrawn from consideration and was addressed instead through the General Counsel's report.

Resolution Honoring the Career and Retirement of Richard K. Fromuth. During the morning conference session Mr. Fromuth was honored with the following resolution recognizing his outstanding and dedicated years of service to the Commission:

RESOLUTION

WHEREAS, Richard K. Fromuth began his career with the Delaware River Basin Commission in 1980 as a Water Resources Engineer in the Project Review Branch; and

WHEREAS, Rick left the Commission in 1985, but to the DRBC's great fortune he returned in 1987 as a Water Resources Engineer in the Operations Branch; and

WHEREAS, through outstanding and dedicated service, Rick was promoted in 2003 to his current position as Operations Branch Head; and

WHEREAS, Rick is held in high regard by other water supply professionals and has served as a role model, mentor and teacher to many of his DRBC colleagues over the years; and

WHEREAS, Rick consistently has earned the affection and admiration of his staff and colleagues at the Commission because of his professionalism, high ethical standards, fairness, patience and gift for creating an open and collaborative work environment; and

WHEREAS, Rick's understanding of complex hydrologic events and his

clear and detailed explanations are second to none; and

WHEREAS, Rick has played an important role in the Commission's flow management programs over the years, most recently supporting efforts to craft a Flexible Flow Management Plan; and

WHEREAS, Rick exhibited superior leadership, negotiation and editing skills in his role as staff manager of the Flow Needs Study project, in which he worked together with the parties to the U.S. Supreme Court Decree to develop a consensus final report; and

WHEREAS, Rick played an important role in the development and use of reservoir operation and salinity models to determine impacts of alternative reservoir management scenarios on the salt front in the Delaware Estuary; and

WHEREAS, residents of the Upper Basin have benefited from Rick's persistent efforts in connection with the Delaware Ice Diversion Project; and

WHEREAS, Rick has guided the Flood Advisory Committee since its creation in 2000, working diligently with federal and state agency officials and local emergency managers to assess, re-evaluate and recommend improvements to the Basin's flood warning system; and

WHEREAS, during three major flood events in less than two years, residents of the Basin have benefited from Rick's hydrologic expertise, his efforts to respond with compassion and accuracy to questions from the public, his scientific analysis of events and his well-considered recommendations for reducing flood loss in the Delaware Basin in the future; and

WHEREAS, as chair of the Reservoir Operations Subcommittee of the Delaware River Basin Interstate Flood Mitigation Task Force, Rick contributed in a vital way to development of the action agenda set forth by the Task Force; and

WHEREAS, Rick will officially retire on September 1, 2007; now therefore,

BE IT RESOLVED by the Delaware River Basin Commission:

Commissioners and staff extend their deepest appreciation to Rick Fromuth for his outstanding record of public service to the basin community and wish him and his family good health, long life and happiness. May Rick have many awesome weather events – preferably outside of the Delaware Basin – to forecast and analyze as the next chapter in his life unfolds.

Public Dialogue. Ms. Myers announced that Pennsylvania finally passed its budget, including a new tax credit of importance to water resource professionals. Pennsylvania adopted a small but important version of a program promoted by the Chesapeake Bay Foundation and others concerned about non-point sources of pollution. The tax credit promotes the use of agricultural best management practices (BMPs) by providing tax credits for specific agricultural BMPs. BMP standards will be defined by the State Conservation Commission. A 75% tax rebate – essentially a tax liability credit – will be awarded for installing a 50-foot forested riparian buffer and for implementing a new management plan. A 50% credit will be awarded for a 35-foot buffer, among other BMPs. A credit of 25% will be awarded for legacy sediment projects. The latter entail stream

restoration mechanisms for addressing sediments that were deposited between 1730 and 1850 behind mill ponds, especially in the Piedmont region of Pennsylvania. Today, many streams in the Commonwealth are perched on filled-in mill ponds. These ponds are associated with legacy sediments created by colonial settlers when they took down trees, plowed their fields, built small dams and began sawing up logs and grinding grain. As streams cut through the old sediments, they dislodge the sediment and transport it to the Chesapeake and other bays. The sediment was previously thought to be coming from farms and hillsides. An engineering solution is needed for the problem. Pennsylvania will issue \$10 million dollars in tax credits for this year only in what is essentially a pilot program. Interestingly, the program allows corporations to sponsor farmers to participate by advancing them the money required to install BMPs. The corporations then collect the tax credits. Tax credits can also be sold in the marketplace. Many corporate sponsors with ongoing environmental improvement obligations or ISO 14,000 certifications, or which customarily put several hundred thousand dollars into the community or into environmental improvements may want to introduce farmers to this program and use the tax credits against their bottom lines. If the program works and can be documented, more money will be made available for it in Pennsylvania next year. Although the program is being championed by those concerned about the Chesapeake Bay, it is available state-wide, including in the Wissahickon and other nutrient-impaired watersheds.

To honor the career and retirement of Rick Fromuth, Lt. Col. Baker presented him with a U.S. Army Corps of Engineers Coin of Excellence. According to Army tradition, every unit has a coin imprinted with a logo that is unique to that unit. Lt. Col. Baker explained that the coin presented to Mr. Fromuth was that of Brigadier General Semonite, the North Atlantic Division Commander, DRBC Commissioner representing the United States, and her boss. Lt. Col. Baker thanked Mr. Fromuth for his service to the DRBC and for his fine work with the engineers of her staff over the years. She wished him Godspeed in his retirement, enjoyment of life and the best of luck.

Hearing no further requests to comment, Ms. Myers requested a motion to adjourn. Lt. Col. Baker so moved, Mr. Klotz seconded the motion and the Commission's business meeting was adjourned at 3:15 p.m.

/s/ Pamela M. Bush

Pamela M. Bush, Esquire, Commission Secretary