



SUSQUEHANNA RIVER
BASIN COMMISSION

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January 12, 2022

TO ALL CONCERNED:

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

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

**MINUTES OF THE
SUSQUEHANNA RIVER BASIN COMMISSION
December 17, 2021
#2021-04**

The meeting was held at the Susquehanna River Basin Commission in Harrisburg, Pa. Commission Chair Guise 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)
Ms. Aneca Atkinson, Deputy Secretary, Pennsylvania
Department of Environmental Protection (PADEP)
COL Estee S. Pinchasin, Commander, 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**

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 Veno, 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 Pinchasin opened the meeting by outlining the rules of conduct for the meeting. She noted that a public hearing was previously held on December 2, 2021, and the written comment period was open until December 13, 2021. The Commissioners introduced themselves.

2. Executive Director's Report

Andrew Dehoff, Executive Director, provided timely updates and other information pertinent to Commission operations and the business meeting agenda. One item in particular pertained to public report of a violation settlement executed by Mr. Dehoff under the authority delegated to the Executive Director by the commissioners through adoption of Resolution No. 2018-08. Sunset Golf Club, Oneida Township, Huntingdon Township, Pa., was found to have operated its approved surface water withdrawal for six days when it should have been discontinued due to low streamflow conditions. The violation was closed at a settlement of \$5,000.

3. Minutes of September 17, 2021, Commission Meeting

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

4. Proposed Policy: Fee Incentives for the Withdrawal and Consumptive Use of AMD Impacted Waters and Treated Wastewater

Secretary of the Commission and General Counsel Jason Oyler presented Resolution 2021-13 adopting a proposed policy encouraging the use and reuse of impacted water, specifically waters impacted by abandoned mine drainage and treated wastewater, through the use of fee and timing review incentives. The Commission is to offer incentives to projects using these impacted waters, to the extent such projects conform with any criteria established by the Commission as part of this policy and that the use of these waters avoids adverse impacts to waters of the Basin.

By motion of Commissioner Atkinson, seconded by Commissioner Dorsey, Resolution 2021-13 (Exhibit A) and Policy 2021-04 (Exhibit B) were adopted unanimously.

5. Regulatory Fee Schedule for CY2022

Director of Administration and Finance Marcia Hutchinson presented Resolution 2021-14 adopting a regulatory fee schedule. The new fee schedule will be effective January 1, 2022.

On an annual basis the Commission reviews and makes updates to its Regulatory Program Fee Schedule. Updates may include clarifications and application of inflation indices provided for in previously adopted resolutions. The Commission has waived inflationary adjustments to its fee schedule in three of the four previous years. For 2022 staff recommended the application of a CPI adjustment of 2.6% to most application fees and recommend waiving the application of the USACE Civil Works Construction Cost Index increase of 1% to the Consumptive Use Mitigation Fee.

The proposed fee schedule was released for public comment on October 28, 2021. A public hearing was held on December 2, 2021, and the fee schedule was available for public comment through December 13, 2021. We have not received any public comments.

On a motion made by Commissioner Dorsey, seconded by Commissioner Atkinson, Resolution 2021-14 (Exhibit C) was adopted unanimously with agreed upon changes in paragraph five and resolve No. 2.

6. Contracts and Grants

Ms. Hutchinson presented two grant amendments and one grant agreement for Commissioner approval.

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 six months. 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. PADEP will supply \$220,906; SRBC will provide \$203,906; for a total of \$424,812.

b. Grant Amendment: Chesapeake Bay Technical Assistance and Implementation Grant (Pennsylvania Department of Environmental Protection)

This grant amendment with the Pennsylvania Department of Environmental Protection (PADEP) will continue SRBC's assistance to PADEP for an additional 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 \$160,000.

c. Interagency Agreement: Juniata River Flood Study (U.S. Army Corps of Engineers)

The U.S. Army Corps of Engineers has requested Commission assistance with Phase 2 and Phase 3 of the Juniata River Flood Study. SRBC completed Phase 1 work on this project in June, 2021. Similar to Phase 1 efforts, SRBC staff will undertake data collection to support an ongoing FEMA flood study in the Juniata river basin in Pennsylvania. Commission staff will collect channel elevation data at up to 300 locations using a combination of RealTime Kinematic and acoustic Doppler survey techniques.

The study will provide updated hydrology and hydraulics for up to 300 miles along the mainstem Juniata River and its tributaries.

An updated and cutting-edge hydraulic model will support development of new regulatory mapping and facilitate implementation of appropriate risk reduction measures to bolster community preparedness and resiliency in the face of changing climatic conditions and the associated increased flood risk. USACE will provide the total budget of \$91,000.

A motion was made by Commissioner Dorsey and seconded by Commissioner Atkinson to ratify the grant amendments and grant agreement. Approval to enter into these amendments and agreement was given by a unanimous vote.

7. Letter of Understanding with PADEP (A. Gavin)

Deputy Executive Director Andrew Gavin presented Resolution 2021-15 (Exhibit D) adopting a Letter of Understanding (LOU) with Pennsylvania Department of Environmental Protection (PADEP). This LOU will provide for an outline of the procedures for joint review and coordination concerning permits and dockets for projects before both agencies, among other things.

On a motion made by Commissioner Atkinson, seconded by Commissioner Dorsey, Resolution 2021-15 was adopted unanimously.

11. Docket Actions

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

1. Artesian Water Company, Inc., Chester County, Pa.
2. Chesapeake Appalachia, L.L.C. (Susquehanna River), Bradford County, Pa. (Exhibit E1)
3. Clearfield Municipal Authority, Clearfield County, Pa. (Exhibit E2)
4. Deep Woods Lake LLC, Luzerne County, Pa.
5. Municipal Authority of the Township of East Hempfield, Lancaster County, Pa.
6. Farmers Pride, Lebanon County, Pa.
7. Glenn O. Hawbaker, Inc. (Quarry Pit), Mifflin County, Pa. (Exhibit E3)
8. Hydro Recovery-Antrim LP (Antrim No. 1 Mine Discharge and Backswitch Mine Discharge), Tioga County, Pa. (Exhibit E4)
9. Mifflin County Municipal Authority (McCoy Well 1, McCoy Well 2, & Milroy Well), Mifflin County, Pa. (Exhibit E5)
10. Nature's Way Purewater Systems, Inc., Luzerne County, Pa. (Exhibit E6)
11. Shippensburg Borough Authority, Cumberland County, Pa. (Exhibit E7)
12. Walker Township Water Association, Inc. (Zion Well 2, Hecla Well 1), Centre County, Pa.
13. Chester Water Authority, Chester County, Pa.
14. Elkview Country Club (Crystal Lake), Lackawanna County, Pa. (Exhibit E8)

Highlight = tabled.

Commissioner Atkinson moved and Commissioner Dorsey seconded a motion that the Commission adopt the recommendations of staff for the 14 project applications, including one Commission initiated modification and five tabled projects. The motion was approved unanimously.

ADJOURNMENT

Commissioner Dorsey moved and Commissioner Atkinson seconded a motion to adjourn the meeting. Commission Chair Pinchasin adjourned the meeting at 9:29 a.m.

March 17, 2022

Date Adopted



Jason E. Oyler
Secretary to the Commission