



SUSQUEHANNA RIVER
BASIN COMMISSION

4423 N. Front Street | Harrisburg, PA 17110-1788 | 717.238.0423 | srbc.net

NY ■ PA ■ MD ■ USA

December 20, 2022

TO ALL CONCERNED:

At the December 15, 2022, Commission meeting, the draft minutes of the September 15, 2022, Commission meeting minutes were approved as written. Please attach this notice to your copy of the September 15, 2022 minutes.

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

**MINUTES OF THE
SUSQUEHANNA RIVER BASIN COMMISSION
December 15, 2022
#2022-04**

The meeting was held at the Susquehanna River Basin Commission in Harrisburg, Pennsylvania. The meeting was called to order at 9:00 a.m.

ROLL CALL

Commissioners Present

Dr. Suzanne Dorsey, Deputy Secretary, Maryland
Dept. of the Environment (MDE) via Conference Call

Ms. Lisa Daniels, Acting Deputy Secretary, Office of
Water Programs, Pennsylvania Department of
Environmental Protection (PADEP) via Conference
Call

Ms. Amy Guise, Chief, Planning Division, U.S.
Army Corps of Engineers, Baltimore, Maryland via
Conference Call

**Other Commissioners and Alternate
Commissioners Present**

Mr. Matthew Rowe, Assistant Director, Water
and Science Administration, MDE via Conference
Call

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 via Conference Call

Mr. John W. Balay, Manager, Planning &
Operations via Conference Call

Mr. Jeremy Hoffman, Manager, Compliance via
Conference Call

Mr. Todd D. Eaby, Manager, Project Review

Mr. Brydon Lidle, Manager, Information
Technology

Ms. Stacey Hanrahan, Communications and
Outreach Specialist via Conference Call

Mr. Curt Sebastian, Assistant Counsel

Others Present

Ms. Lauren Townley, Section Chief, Bureau of Water Resource Management, NYSDEC via Conference Call

Ms. Sue Weaver, Acting Program Director, Compacts and Commission Support, PADEP via Conference Call

Ms. Valerie Cappola, Planning and Policy Division, USACE, North Atlantic Division via Conference Call

1. Opening Remarks

In the absence of a Commissioner from New York, the Vice Chair from Pennsylvania, Commissioner Daniels, was asked to chair the meeting. The Commissioners and Advisors then introduced themselves.

2. Executive Director's Report

Executive Director Andrew Dehoff offered remarks highlighting two of the actions before the Commission.

The first action being a resolution recognizing the 50th anniversary of the Clean Water Act. The second being an agreement with Maryland for SRBC to serve as a financing authority for funds that Maryland is contributing for implementation of the Watershed Implementation Plan (WIP) for the Conowingo Dam and the nutrient and sediment loadings that are attributed to that segment of the River. The initiative will serve as an avenue into innovative approaches, both financial and scientific, for accomplishing the desired nutrient and sediment reductions that are needed to achieve Chesapeake Bay restoration.

He also highlighted the SRBC's Consumptive Use Mitigation Grant offering. Staff were very pleased with the proposals and projects that came out of the first iteration of the grant program earlier this year. The second round of this grant program opened last month and continues through the end of January. He encouraged all interested parties to consult SRBC's website for more information.

In light of the changes that may occur with the new state administrations, Mr. Dehoff expressed his gratitude for the work of the Commissioners and Advisors, especially for their support and guidance.

3. Hydrologic Conditions Report

Manager of Planning and Operations John Balay provided an update on hydrologic conditions in the Susquehanna River Basin during the last quarter.

4. Minutes of September 15, 2022, Commission Meeting

On a motion by Commissioner Dorsey, seconded by Commissioner Guise, the minutes of the regular business meeting of September 15, 2022 were approved as written by a vote of 3-0.

5. Regulatory Program Fee Schedule for CY2023 (Resolution 2022-07)

Director of Administration and Finance Marcia Hutchinson presented Resolution 2022-07 adopting a regulatory fee schedule. The new fee schedule will be effective January 1, 2023.

On an annual basis the Commission reviews and updates 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 four of the five previous years. For 2023 staff recommends the Commission continue to waive the application of a CPI adjustment to application fees (7.7% for the current year), and the application of the USACE Civil Works Construction Cost Index increase to the Consumptive Use Fee (9.8% for the current year).

The proposed Regulatory Program Fee Schedule was released for public comment on October 13, 2022. A public hearing was held on November 3, 2022 and the fee schedule was available for public comment through November 14. No public comments were received.

By a motion made by Commissioner Dorsey, seconded by Commissioner Guise, Resolution 2022-07 (Exhibit A) was adopted by a vote of 3-0.

6. Contracts and Grants

Ms. Hutchinson presented two items for Commissioner approval.

a. Memorandum of Understanding: Conowingo Watershed Implementation Plan (Maryland Department of the Environment)

Through the Chesapeake Bay Total Maximum Daily Load (Bay TMDL) established by the United States Environmental Protection Agency, watershed states must have practices in place by 2025 to meet the nutrient and sediment load reduction targets necessary to restore the Chesapeake Bay. The Bay TMDL estimated that the Conowingo Dam would trap sediment and associated nutrients through 2025; however, recent estimates show that even after fully implementing the Bay TMDL and the Phase III Watershed Implementation Plans, a significant reduction of nitrogen and phosphorous is still needed in order to mitigate the water quality impacts of Conowingo Reservoir infill.

Through this MOU with the Maryland Department of the Environment (MDE), the Commission will receive the authority and funding necessary to implement the Maryland portion of the CWIP on the state's behalf. The Commission will solicit, review, assess and select proposals for Pay-for-Success projects that comply with criteria developed by MDE. Contracts will include performance metrics and outcome-based payment terms.

MDE will provide \$25 million of funding. The Commission will receive a fixed fee of 7.5% (\$1,875,000) to administer the program.

b. Software License: Amplifund Grants Management Software (StreamLink Software)

The Commission has initiated two grant programs over the last two years. Through two cycles of the Water Level Monitoring Grant program the Commission has awarded 49 grants totaling \$227,000. In the spring of 2022 the Commission awarded a total of \$6,588,000 to 14 Consumptive Use Mitigation Grant applicants. Additional Consumptive Use Mitigation grants will be awarded in Spring, 2023.

The management and administration of these grant programs has identified the need for grants/project management software to support: development and submission of grant applications by applicants; receipt and review of grant applications through the scoring and award process; a centralized storage location for all grant agreements, award letters and other correspondence and documents; submission of reports, invoices and other deliverables and budget and payment tracking.

Staff evaluated nine software programs and received demonstrations for three potential options. References were checked for two software vendors. Amplifund grants management software was deemed the best fit for Commission needs. The cost of the agreement over 3 years will be \$60,000.

On a motion made by Commissioner Dorsey, seconded by Commissioner Guise, the Commission was given authorization to enter into the Memorandum of Understanding with the Maryland Department of the Environment and to proceed with the purchase of the Amplifund Grants software. The motion was approved by a vote of 3-0.

7. Recognizing the 50th Anniversary of the Clean Water Act (Resolution 2022-08)

Deputy Executive Director Andrew Gavin presented Resolution 2022-08 recognizing the 50th anniversary of the Clean Water Act and its role in preventing, reducing or eliminating pollution to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters”.

By a motion made by Commissioner Dorsey and seconded by Commissioner Guise, Resolution 2022-08 (Exhibit B) was adopted by a vote of 3-0.

8. Motion to Approve Presiding Officer Report – *In re: Appeal of Greenfield Township Municipal Authority*

General Counsel Jason Oyler asked for a motion to adopt as written the “Finding and Recommendations Report” by the Presiding Officer in the administrative Appeal of Greenfield Township Municipal Authority, Appeal of Grandfathering Certificate No. GF-202011130, SRBC Docket No. 2020-02. No objections have been filed to the Report.

In 2020, Greenfield Township Municipal Authority appealed staff’s grandfathering determination for its Well 1 in Grandfathering Certificate No. GF-202011130. Commission staff assembled an administrative record for the appeal. Greenfield waived a hearing on the appeal and opted to have the appeal decided on paper submissions only. To allow Greenfield additional time to get a new well source operational, the Executive Director did partially stay the

Grandfathering Certificate to allow a higher amount of water to be used from the grandfathered sources during this transition time to a new well.

Executive Director Andrew Dehoff acted as the Presiding Officer for the appeal. On August 2, 2022, he produced a Finding and Recommendations Report based on the administrative record. His recommendation is to deny Greenfield's appeal.

On a motion from Commissioner Dorsey, seconded by Commissioner Guise, the "Findings and Recommendation Report" was adopted by a vote of 3-0.

9. Docket Actions

Project Review Manager Todd Eaby presented a staff memorandum containing details and recommendations regarding the following list of project applications:

1. Blossburg Municipal Authority, Tioga County, Pa. (Exhibit C1)
2. BlueTriton Brands, Inc., Schuylkill County, Pa. (Exhibit C2)
3. Constellation Energy Generation, LLC, Dauphin County, Pa. (Exhibit C3)
4. Corning Incorporated, Steuben County N.Y (Exhibit C4)
5. Dover Township, (Well 8) York County, Pa.
6. Dover Township, (Well 10) York County, Pa. (Exhibit C5)
7. Hughesville Borough Authority, Lycoming County, Pa. (Exhibit C6)
8. Municipal Authority of the Township of East Hempfield, Lancaster County, Pa. (Exhibit C7)
9. Repsol Oil & Gas USA, LLC, Lycoming County, Pa. (Exhibit C8)
10. State College Friends Limited Partnership, Centre County, Pa. (Exhibit C9)
11. SWN Production Company, LLC, Lewis Township, Lycoming County, Pa. (Exhibit C10)
12. SWN Production Company, LLC, McIntyre Township, Lycoming County, Pa (Exhibit C11)
13. The United States Department of Veteran Affairs, Lebanon County, Pa (Exhibit C12)
14. Veolia Water Pennsylvania, Inc., Cumberland County, Pa. (Exhibit C13)
15. BlueTriton Brands, Inc., Schuylkill County, Pa. (Exhibit C2)

Highlight = Tabled

Commissioner Dorsey moved and Commissioner Guise seconded a motion that the Commission adopt the recommendations of staff for the above project applications (26 separate actions), including one diversion and one tabled project. The motion was approved by a vote of 3-0.

ADJOURNMENT

Commissioner Dorsey moved and Commissioner Guise seconded a motion to adjourn the meeting, which passed unanimously. Commission Vice Chair Daniels adjourned the meeting at 9:40 a.m.

March 16, 2023

Date Adopted



Jason E. Oyler

Secretary to the Commission