



SUSQUEHANNA RIVER
BASIN COMMISSION

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September 16, 2022

TO ALL CONCERNED:

At the September 15, 2022, Commission meeting, the draft minutes of the June 16, 2022, Commission meeting minutes were approved as written. Please attach this notice to your copy of the June 16, 2022 minutes.

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

**MINUTES OF THE
SUSQUEHANNA RIVER BASIN COMMISSION
September 15, 2022
#2022-03**

The meeting was held at the Kimpton Hotel Monaco in Baltimore, Maryland. 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)
Mr. Joseph Adams, Acting Executive Deputy Secretary for Programs, Pennsylvania Department of Environmental Protection (PADEP) via Conference Call
COL Estee S. Pinchasin, U.S. Army Corps of Engineers, (USACE) Baltimore District
Mr. James Tierney Assistant Commissioner for Water Resources New York State Department of Environmental Conservation (NYSDEC) via Conference Call

Other Commissioners and Alternate Commissioners Present

Mr. Matthew Rowe, Assistant Director, Water and Science Administration, MDE
Ms. Amy Guise, Chief, Planning Division, USACE

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. Jamie Shallenberger, Manager, Monitoring & Protection via Conference Call

Mr. Jeremy Hoffman, Manager, Compliance via Conference Call
Mr. Todd D. Eaby, Manager, Project Review
Mr. Mike Sweitzer, Systems Administrator, Information Technology
Mr. Curtis Sebastian, Assistant Counsel via Conference Call
Ms. Stacey Hanrahan, Communications and Outreach Specialist via Conference Call

Others Present

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

Mr. Matthew Marko, Director, Region 7, NYSDEC via Conference Call

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

1. Opening Remarks

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A motion to was made by Commissioner Tierney and seconded by Commissioner Dorsey to waive the Commission By-Laws pertaining to the conduct of public meetings and designate the member from the federal government, COL Estee Pinchasin to preside over today's meeting as Chair. This was agreed to by unanimous assent.

2. Executive Director's Report

Executive Director Andrew Dehoff offered remarks regarding priorities that will shape activities for the coming year as staff continues to implement the 2021 Comprehensive Plan. Notable focus areas include increasing the climate resiliency of basin communities and the ongoing efforts to restore the Chesapeake Bay. Mr. Dehoff thanked the Commissioners for their support of the staff as they face the issues before them.

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 June 16, 2022, Commission Meeting

On a motion by Commissioner Tierney, seconded by Commissioner Dorsey, the minutes of the regular business meeting of June 16, 2022 were unanimously approved as written.

5. Compliance Policy and Civil Penalty Matrix

General Counsel and Secretary of the Commission Jason Oyler presented Resolution 2022-05 (Exhibit A) adopting policies 2022-01 Policy and Guidance Statement for the Settlement of Civil Penalties/Enforcement Actions (Exhibit B) and 2022-02 Civil Penalty Matrix (Exhibit C) related to enforcing compliance with Commission regulations. These policies are revisions of existing policies and are designed to provide transparency with respect to the process by which the Commission reaches settlement agreements and assesses penalties. These policies were put out for public comment. One comment was received. A comment response document was created to answer the questions asked by the commenter.

By a motion made by Commissioner Dorsey, seconded by Commissioner Tierney, Resolution 2022-05 was adopted unanimously.

6. Expense Budget for FY2024

Director of Administration and Finance Marcia Hutchinson presented Resolution 2022-04 (Exhibit D) adopting the proposed budget for FY2024, which will cover the period July 1, 2023 to June 20, 2024.

On a motion made by Commissioner Dorsey, seconded by Commissioner Tierney, the resolution was adopted by unanimous vote.

7. Member Allocation for FY2024

Ms. Hutchinson presented Resolution 2022-06 (Exhibit E) apportioning among the signatory parties the amounts required for the support of the Expense Budget for the fiscal year ending June 30, 2024 (July 1, 2023 through June 30, 2024).

By motion of Commissioner Dorsey, seconded by Commissioner Adams, Resolution 2022-06 was unanimously adopted.

8. Contracts and Grants

Ms. Hutchinson presented two agreements for Commissioner approval.

a. Services for Billmeyer Quarry Pumping Operation (Modern Pump & Equipment)

In April, 2022 the Commission issued a Request for Proposals for Consumptive Use Mitigation Operations at Billmeyer Quarry (the RFP). The RFP requires the contractor to provide all pumps, generators, piping, labor, and related equipment to pump water from the quarry to the river based on the specifications outlined in the RFP.

Modern Pump & Equipment submitted a bid of \$1,363,000 for the first year and \$50,000 annually thereafter for the Stand-by Fee, for total Stand-by Fees of \$1,813,000. The daily Operations Fee for year one is \$10,125 (excluding fuel) and escalates 10% each year. Fuel costs are not included in this fee and will be paid by the Commission.

The daily Operations Fee will only be paid if low flow conditions trigger the need to pump water from the quarry, and will be authorized through the Commission's annual budgeting process.

By motion made by Commissioner Dorsey and seconded by Commissioner Tierney, the Commissioners unanimously agreed to give authorization to enter into this agreement with Modern Pump & Equipment.

b. Interagency Agreement: Susquehanna Flood Warning Response Expansion and Enhancements

The Commission and the U.S. Army Corps of Engineers, Baltimore District will enter into a Planning Assistance to States (PAS) agreement to continue development of the Susquehanna Flood Warning Response System.

The project will deliver an updated tool with improved reporting capabilities and provide stage-based damage assessments for two additional at risk communities in the Susquehanna basin.

The Commission's approved FY2023 budget included an estimated third party contractual cost of \$225,000 for this project. Staff is asking for authorization to invest an additional \$75,000 in the project to include Commission staff efforts and contractor oversight. All costs will be covered by the Sustainable Water Resources fund.

On a motion made by Commissioner Dorsey, seconded by Commissioner Tierney, the Commission was given authorization to enter into this agreement with the U.S. Army Corps of Engineers, Baltimore District.

9. Docket Actions

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

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| 1. Aqua Pennsylvania, Inc., Snyder County, Pa. (Exhibit F1) | 11. Pennsylvania Grain Processing LLC, Clearfield County, Pa. (Exhibit F10) |
| 2. Brunner Island, LLC, York County, Pa. (Exhibit F2) | 12. Pine Grove Borough, Schuylkill County, Pa. |
| 3. Chesapeake Appalachia, L.L.C., Athens Township, Bradford County, Pa. (Exhibit F3) | 13. Seneca Resources Company, LLC, Tioga County, Pa. (Exhibit F11) |
| 4. Chesapeake Appalachia, L.L.C., Burlington Township, Bradford County, Pa. (Exhibit F4) | 14. Shrewsbury Borough, York County, Pa. (Exhibit F12) |
| 5. Chesapeake Appalachia L.L.C., Leroy Township, Bradford County, Pa. (Exhibit F5) | 15. South Middleton Township Municipal Authority, Cumberland County, Pa. (Exhibit F13) |
| 6. Coterra Energy Inc., Springville Township, Susquehanna County, Pa. (Exhibit F6) | 16. Susquehanna Gas Field Services, LLC, Wyoming County, Pa. (Exhibit F14) |
| 7. Dover Township, York County, Pa. | 17. SWN Production Company, LLC, Bradford County, Pa. (Exhibit F15) |
| 8. Edgewood by Sand Springs, LLC, Luzerne County, Pa. (Exhibit F7) | 18. Town of Conklin, Broome County, N.Y. (Exhibit F16) |
| 9. Lancaster County Solid Waste Management Authority, Lancaster County, Pa. (Exhibit F8) | 19. Town of Oneonta, Otsego County, N.Y. (Exhibit F17) |
| 10. Maplemoor, Inc, Luzerne County, Pa. (Exhibit F9) | 20. Village of Horseheads, Chemung County, N.Y. (Exhibit F18) |
- Highlight** = Tabled

Commissioner Dorsey moved and Commissioner Adams seconded a motion that the Commission adopt the recommendations of staff for the 20 project applications, including two tabled projects. The motion was approved unanimously.

ADJOURNMENT

Commissioner Dorsey moved and Commissioner Tierney seconded a motion to adjourn the meeting. Commission Chair Pinchasin adjourned the meeting at 9:38 a.m.

December 15, 2022

Date Adopted

Jason E. Oyler

Secretary to the Commission