

UPPER DELAWARE COUNCIL MEETING MINUTES June 4, 2015

The Upper Delaware Council held its monthly meeting on Thursday, June 4, 2015 at the Council office in Narrowsburg, NY. Chairperson Alan Henry called the meeting to order at 7:00 p.m. The Pledge of Allegiance and roll call followed.

In attendance: Town of Hancock-Fred Peckham, Town of Fremont-Jim Greier, Town of Delaware-Harold Roeder, Town of Cocheton-Larry Richardson, Town of Tusten-Susan Sullivan, Town of Highland-Debra Conway, Town of Lumberland-Nadia Rajs, Town of Deepark-David Dean, Damascus Township-Steve Adams, Berlin Township-Alan Henry, Shohola Township-Patricia Jeffer, Commonwealth of Pennsylvania-Tim Dugan, Delaware River Basin Commission-Tom Fikslin, National Park Service-Kris Heister. Staff in attendance: Executive Director-Laurie Ramie, Resource Specialist-Travis O'Dell, Secretary-Cindy Odell. Also in attendance: Carla Hahn, NPS, Larry Neal, NPS, Don Hamilton, NPS. Absent: Lackawaxen Township, Westfall Township, State of New York. Media: Dave Hulse, Peter Becker. Guests: Bernie Handler and Alan Roth, Steve Clark, Mike Pickel, and Mark Bubel of Aqua PA.

Presentation by Aqua Pennsylvania Wastewater, Inc. on the operation of the Masthope Mountain Community Wastewater Treatment Plant in Lackawaxen Township: Henry introduced Alan Roth, Director of Operations for Aqua. Roth thanked the Council for inviting Aqua and noted it may have been a little longer than everyone wanted before they had a chance to communicate. Roth said with him this evening are Steve Clark, Northeast Area Manager; Mark Bubel, Senior Project Engineer for wastewater; and Mike Pickel, Aqua's Vice-President of Compliance. Roth provided a handout and showed a PowerPoint presentation regarding the Masthope Mountain Community Wastewater Treatment Plant. The presentation covered the history of Aqua and Masthope, the goals of Aqua, National Pollutant Discharge Elimination System (NPDES) permitting and required reporting, compliance history, capital improvements, and looking forward. Roth said that Aqua executed an agreement with CS Water and Sewer Associates to purchase water and wastewater assets in October of 2004 and became the owners of the Masthope system in January of 2006. Roth stated that typically the systems that Aqua takes over are failing; they've been neglected as was the case with the Masthope system. He noted that the system is 100,000 gallons per day rated capacity on a monthly average daily flow basis. He provided the effluent limits they are required to meet month in and month out. Roth reviewed the required reporting for the plant. Dean questioned "Geo Mean" measurement as related to the Fecal Coliform discharge. It was explained that it is a type of mean or average, which indicates the central tendency or typical value of a set of numbers by using the product of their values. Sullivan questioned how often sampling is done. She was told the pH and effluent chlorine are tested daily. Everything else is tested once a week and compiled and sent to PA DEP monthly. Roth noted that Aqua has recently come to an agreement of information-sharing with the National Park Service for timely notification of actual or potential system compliance concerns. He added that NPS is welcome to sample anything from the plant at any time. Aqua will take a similar sample and the results will be compared. Roth explained that any overage to the NPDES permit is referred to as an excursion. He said that Aqua has had eight excursions on their monthly Discharge Monitoring Report (DMR) since 2006. The handout contained a list of the specific excursions. Roth explained each event. Rajs questioned what happened on the day in January of 2013 to cause the 6,000 count fecal excursion. Roth said he did not have the log book entry from that day, but he would guess that it was a peak flow condition where the chlorine

pump could not keep up with the flow moving through the plant. He feels it would have most likely been precipitation related. Roth noted that Aqua samples from the outflow of their plant, not the river. He added there is a large equalization tank at the front of the plant that helps to mitigate surges, however, during high precipitation events, even with the size tank that they have, it is hard to keep up. Roth referred to the handout and the list of capital spent by the year. In the last nine years, over \$1.5 million has been spent. He explained some of the improvements and showed photos of them. Roth stated he feels Aqua runs a successful operation at Masthope. He spoke of the ongoing capital program, and reiterated that Aqua would like to enhance communications with local partners and stakeholders. Richardson asked if the residents of the district are allowed to connect basement pumps to the sewer. Roth said no. Richardson asked if they “smoke” the lines or how they enforce this. Roth said it is very hard to enforce. Roth noted that Aqua does televise its lines periodically. It was noted that Aqua does have smoke testing equipment, but because Masthope is a seasonal community, it is difficult to use there. Dean questioned if the whole Masthope network has been televised. He was told that 75% has been done. Sullivan asked if the plant is manned seven days a week. Roth said that an employee is there seven days a week for two to three hours. He added that the plant is alarmed. Henry asked why there is such a discrepancy between Aqua’s test results and the National Park Service’s. Roth said there were events where the plant had to be put in storm mode and the perception could have been that there was raw sewage coming from the plant. He said it is not the quality they typically see, the discharge is grey, but it has been settled and disinfected. He added that if those events are happening and they’re sampling, they are certainly reporting that. He stated they will advise the NPS if the plant needs to go into storm mode and sampling can be done at that time. Hulse said that the NPS has been contacted because of the smell at the plant during holiday weekends. He questioned where the smell is coming from. Roth stated that the community is a resort community and when the material has been sitting in the pipes over a period of time; once residents arrive and start using facilities again, everything gets pushed out. It was noted that the equalization tank is an open one that sits on top of a hill. Hulse said one would think this would explain a smell every weekend, but it only seems to be happening on holiday weekends. Roth said there could be sections of the system that are not used as much as others. He said that residents could document the time and duration they are experiencing the smell and Aqua could try and pin point the issue. Hulse asked how many homes are hooked up to the system in Masthope. Roth believes there are close to 1,000. O’Dell questioned where the Masthope residents’ water comes from. He was told that all of the residents are on the public water system and all are metered. O’Dell noted that there is a daily 100,000 gallon limit going out and questioned what the max is that can come in. Roth said that design of the system during peak flow is about two times the flow. He added that the 100,000 gallons is a monthly average. He stated that the monthly average is 45,000, but they may see spikes of 125,000 or 150,000. He said they typically see residential flow of about 175 to 200 gallons per day per home. Hamilton stated that he wanted to be clear on Roth’s explanation of the effluent discharge limitations for fecal coliform bacteria on Aqua’s permit. He noted that it is a dual requirement not to exceed a geometric mean of 200 colonies per 100 ml, or an instantaneous maximum of 1,000 colonies per 100 ml. As was acknowledged by Roth during the presentation, Hamilton added, there have been excursions or violations of the effluent limitations at the Masthope plant which the NPS has documented also. Hamilton stated that in the meeting held with Aqua last winter, Aqua talked about installing screens which would take care of some of the discharge of solids such as toilet paper and feminine hygiene products into the stream channel leading to the river during storm events. He questioned if that screen has been installed. Bubel said he has researched it and found there are some problems with that. He said that Aqua is talking about repurposing a piece of equipment from one of its facilities in central Chester County at Masthope. They think this piece of equipment might work better than some of the other options that he has researched. Hamilton said he would like to be kept apprised of progress on this issue. Roth agreed and said they’ve also agreed that after an event when there is higher than normal flow, they will walk their area and make sure they are catching any residual that they can. Henry expressed the appreciation of the Council to the representatives from Aqua for taking the time to come and speak with the group.

Approval of May 7 Meeting Minutes: A motion by Jeffer seconded by Adams to approve the May 7 meeting minutes was carried with Richardson, Roeder, and Rajsz abstaining.

Public Comment on the Agenda: None

Committee Reports: Committee reports were provided based on the meeting minutes. They were: May 19 Water Use/Resource Management by Jeffer, May 26 Project Review by Richardson and May 26 Operations by Henry.

Rajsz asked where the Sullivan County Trails Committee meets. Ramie told her they meet at the Sullivan County Government Center in Monticello. Rajsz questioned if there are trails being developed in particular towns. Ramie said the Committee wants to promote the existing trails and talk about the maintenance and operation of them. She added that Sullivan County has never had a trails committee before. Rajsz questioned who leads the committee. Ramie said Legislator Alan Sorensen started the committee and it came out of the 2008 Open Space Plan as a recommendation. Rajsz asked when the next meeting is. Ramie said they meet the second Tuesday of the month at 3:00 in the Legislative meeting room.

Status Reports

Delaware River Basin Commission: Fikslin said he wanted to update the UDC members on a number of significant activities and had prepared some slides to illustrate. Referring to the NYC Delaware River Basin Storage Trend graph, he noted that combined total storage as of June 1st was at 95%. Fikslin noted that in March, storage was almost to the drought watch. He explained this was due to the fact that snow hadn't melted and lower precipitation. In terms of stream flow, Fikslin reported they have gotten very low. Under the Flexible Flow Management Plan (FFMP), meeting the objectives of Trenton would have required releasing from lower basin reservoirs. That did not happen, he noted. He provided current flows at both Trenton and Montague. In terms of water temperature, the goal of the FFMP is to maintain 68 degrees and minimize any excursions above 75 degrees. He provided current water temperatures noting they are down from the end of May. He said that low precipitation and higher air temperatures made for higher water temperatures. Fikslin noted that no releases were occurring in the program in May. As of June 1st 400 cfs is available, but he learned earlier in the day that NYC will be releasing 435 cfs.

Fikslin stated that regarding implementing the Special Protection Waters, regulations were adopted in 1992 for the Upper and Middle Delaware River. They require that projects demonstrate that they will not measurably change existing water quality (EWQ). EWQ is currently defined by reach-wide average concentrations. Data was monitored from 2007 to 2011 to see if WQ has measurably changed and for possible use in developing control points for tributaries and the mainstem. DRBC and the National Park Service (NPS) partner in this effort to monitor and manage the water quality in the Special Protection Waters and National Wild and Scenic River segments of the Upper Delaware Scenic and Recreational River (UPDE). Throughout the river, many sites are sampled between May and September and analyzed for nutrients, dissolved oxygen and other conventional pollutants, solids, bacteria, macroinvertebrates, periphyton (algae), and flow. Preliminary results show that current concentrations are less, in some cases considerably less, than the reach-wide concentrations for several parameters such as nutrients. Boundary control points are set up on tributaries right before it enters the mainstem Delaware. The intent is to protect the water quality of the mainstem. Any project that occurs within the watershed will be evaluated against that particular point. State permits evaluate the tributaries themselves. Fikslin noted that data is available on parameters associated with natural gas flowback water as a result of work done several years ago in anticipation of drilling in the river basin. Reports on the Upper and Middle Delaware River will be forthcoming in the next couple of years.

Fikslin stated that the One Process/One Permit initiative was started March 11, 2015. It was initiated to implement a process for wastewater discharges and water withdrawals that would incorporate both state and DRBC requirements into a single instrument. The intent is to promote collaboration, achieve program efficiencies, simplify the process and reduce confusion for regulated entities and the public. Administrative agreements will be developed with each state agency, he stated. The agreements will cover water withdrawals and wastewater discharges. In terms of water withdrawals, DRBC will still do water withdrawal permitting for New York State and Pennsylvania. They will still issue dockets, as these two states do not. In terms of waste water discharges, that will be covered by the state permits. The Process will have no impact on DRBC's authority or the standards of DRBC, including all the program requirements under the Special Protection Waters Program. The more stringent of the DRBC or state requirements will still be included in the permit, Fikslin noted. He said that rule changes are needed to authorize the One

Process/One Permit program. The proposed rule published on May 7, 2015 and the comment period closes on July 1, 2015. More information is available at www.state.nj.us/drbc. Fikslin noted that the Commission is involved with a demonstration program with New Jersey to basically see if this is going to work. Information on this demonstration program is also available on-line.

A brief discussion about the Masthope Wastewater Treatment Plant took place. Fikslin explained that until new standards are adopted, tests only need to meet the current reach values concentrations. The values that were established in 1992 are the ones in regulation until if and when they're changed. Hulse questioned when the standards may change. Fikslin explained discussion still has to take place with the commissioners. DRBC said when Special Protection Waters were established they wanted to maintain the quality from 1992. He noted the problem is that the data that was collected is not as extensive as what they have now. He added it will need to be a decision among the commissioners whether they want to change from the reach-wide value to individual point approaches.

NYS Dept. of Environmental Conservation: No report in the absence of Representative Bill Rudge.

PA Dept. of Conservation & Natural Resources: Dugan reported that John Quigley and Cindy Dunn have been confirmed as secretaries of the Department of Environmental Protection and the Department of Conservation and Natural Resources, respectively.

Dugan noted that the Commonwealth's budget should be in place by July 1st. He will provide more information when it becomes available.

Dugan stated that the Bureau of Forestry State Forest Resource Management Plan, referred to as the SFRMP, is currently under revision. The SFRMP is the Bureau's comprehensive document for guiding the management of the state forests. The plan is typically revised every five to seven years. The revision process will allow for increased opportunities for public comment and input, and allow the bureau to more effectively anticipate and respond to changing issues, understandings, technologies, and forest conditions. He noted there will be a number of ways for individuals to learn of the updates including a town hall forum. He will keep members updated as to dates, times and venues for any such meeting taking place in Northeast Pennsylvania.

Dugan noted that Bureau of Forestry lands are FSC (Forest Stewardship Council) certified. The FSC is an independent organization supporting environmentally appropriate, socially beneficial, and economically viable management of the world's forests. In that certification, there are certain herbicides and pesticides that can not be used. One of particular interest is the chemical they've been using for Emerald Ash Borer (EAB) control. The FSC has determined that it should not be used. Dugan noted there are 84,000 acres in his district and the decision has been made to treat 150 trees. They have gone out and assessed some areas they feel they have good potential to retain a natural population post EAB. Dugan feels some sort of effort needs to be made. His goal is to keep a small population of ash trees alive following a potential infestation so that they might be able to reproduce naturally. Dean asked how much of the forest is infested. Dugan said EAB has not been positively identified in Northeast Pennsylvania. He believes there are ten counties left where it hasn't been confirmed. Dean asked what percentage of ash is affected in the rest of the state. Dugan said looking at individual trees all the way back to Michigan, you're looking at 98-99%. He asked members to provide him with feedback if they hear of the EAB in the area.

Dugan noted that the Northern Long-Eared Bat is one of the species of bats most impacted by the disease White Nose Syndrome. Due to declines caused by White Nose Syndrome as well as continued spread of the disease, the Northern Long-Eared Bat will now receive protection as a threatened species under the Endangered Species Act. The listing became effective May 4th by the U.S. Fish and Wildlife Service. Also effective May 4 is an interim 4(d) rule that provides flexibility to landowners, land managers, government agencies and others as they conduct activities in Northern Long-Eared Bat habitat. Given the significant number of comments received in response to the 4(d) rule as proposed on January 15, 2015, a 90-day comment period was opened and further input on the interim rule will be accepted through July 1, 2015. More information is available on the U.S. Fish and Wildlife website. Dugan noted there will most likely be impacts to timber harvesting and tree felling activities. These restrictions would take place in June and July. Dugan said his agency, along with the Pennsylvania Game Commission, is going through the process to establish a Habitat Conservation Plan (HCP) through the Fish and Wildlife Service that will establish a set of guidelines for how they can operate. Adams expressed his concern for the possible tree

falling restriction in regards to township work that may need to be accomplished. Dugan stated that would be a good concern to express during the open comment period.

National Park Service-Upper Delaware: Heister reported on Earth Day, April 22, someone dumped eight bags of trash on Glen Road in Damascus Township into Schoolhouse Creek. The NPS high angle rescue team rappelled down to retrieve the garbage. NPS coordinated with the Pennsylvania Game Commission, investigated what was in the trash, and issued the perpetrator a \$1,500 fine.

Heister noted that Memorial Day weekend was basically uneventful.

Heister thanked Ramie for presenting at their seasonal training. She reported that all the summer staff is on. Between seasonal staff, interns, and volunteers, 22 individuals have come on in the last couple of weeks.

Heister said that Lauren Hauptman has been hired as the Upper Delaware's new museum technician. She said she has been long awaiting her arrival. Hauptman's priorities will be to sort through her new office, the oral history tapes, working with Delaware Water Gap to move the UPDE's museum storage over to the Gap, and finding some resources for the new visitor center being planned.

Heister said that UPDE began their Centennial celebration at the Scranton-Wilkes Barre Railriders game on May 30th. She shared a photo of NPS employee Brandon Diefenbach with the Railrider's mascot and said Diefenbach spoke about the Centennial and threw out the game ball.

Heister reported that the NPS Upper Delaware Centennial Celebration Photo Contest has begun. Between June 1 and October 31, 2015, photographs can be submitted by anyone over the age of 13 in four categories: scenery, plants and animals, recreation, and youth. A full description of the official contest rules, instructions for submission, and a list of frequently asked questions can be found on the park website at <http://www.nps.gov/upde/getinvolved/2015-photo-contest.htm>. Heister added that she would like if the towns and townships could share the link for the contest on their own web pages to try and get the word out. Conway said she will add it to the Scenic Byway's Facebook page. Conway asked if the scenic pictures include cultural resource shots. Heister said yes.

Heister said that the Associate Regional Director for Resource Stewardship will be visiting the Upper Delaware on June 12th and getting a tour.

Staff from the Harpers Ferry Center was in the UPDE for the last two days. Two options for the design of the visitor's center at the Zane Grey House were reviewed.

Heister reported that bi-weekly sampling for the Delaware River Basin Commission Scenic Rivers Monitoring program has begun. This sampling will take place from May through September.

UDC Executive Director's Report: Ramie reported that correspondence was received from Senator Bonacic in which he enclosed an email he received from Margaret Zanger, president of the Roscoe-Rockland Chamber of Commerce, complaining about how the low reservoir releases and flows, combined with sustained high air temperatures, are shutting down river-related economic activity. Bonacic asked if the UDC could directly respond to his constituent. Ramie noted we appreciate Fikslin's report from earlier in the meeting and stated that there are other people and groups working on this issue. Enclosed in members' packets is a Letter to the Editor that was published in the June 1st *River Reporter*, Ramie said. The letter is from Hancock area individuals including Town Supervisor Sam Rowe expressing the same business-related concern. That letter was included at WU/RM Committee Chairman Tony Ritter's request. Ramie said the Friends of the Upper Delaware River held an emergency meeting on May 31 to discuss the current river conditions. They will be meeting again on June 15th at 10:00 a.m. at their office in Hancock. Ramie suggested referring the correspondence that has been received to the Water Use/Resource Management Committee to take up at their June 16th meeting. Peckham said he understands release requests were made, but not in a timely matter for New York City to respond. Fikslin said New York State, Pennsylvania, New Jersey, Delaware, and the City of New York announced on May 29 that they have unanimously approved a one-year extension of the current Flexible Flow Management Program (FFMP) intended to meet water supply demands, protect fisheries habitat downstream of the New York City (NYC) Delaware Basin reservoirs, enhance flood mitigation, and repel the upstream movement of salt water in the Delaware Estuary. Fikslin noted that the extension contains some editorial changes, but nothing significant. Additional details, including the FFMP agreement and OST background information, can be viewed on the web site of the Office of the Delaware River Master, which administers the provisions of the 1954 U.S.

Supreme Court Decree, at <http://water.usgs.gov/osw/odrm/>. Greier referred to an editorial column titled “Delaware’s low flows bad for business” by Morgan Lyle in the March 29, 2015 edition of *New York Outdoor News*. He read a few excerpts from the article regarding high water temperatures and low levels and referred to the *New York Outdoor News* as a “bible” to sportsmen across a large area. He said the article is not good publicity for the area. He would like to get the word out that the conditions are not as bad as the article portrays. Greier said we try and promote our region and all it takes is one negative article in the paper to set back all the efforts. A lengthy discussion took place about the best way to respond to this article. After much discussion, a motion was made by Greier for Ramie to prepare a letter to the editor of the *New York Outdoor News* stating that the conditions of the Upper Delaware are improving and the river is still open for business for all types of recreational activity. That motion was seconded by Dean and carried.

Ramie said the National Park Service was contacted to find out whether the UDC may obligate funds to contract for a particular project in one fiscal year and complete the work in the next fiscal year. The answer back from UPDE Administrative Officer Karen Henry is yes, as long as we anticipate that the project will be completed in the first few months of the new fiscal year.

Ramie reminded members that any comments on the draft Staff Performance Appraisal forms emailed out to the full Council membership on May 27th are due to Personnel Subcommittee Chairperson Debra Conway by June 23rd.

Ramie reported that the 28th annual round of the Technical Assistance Grants program opened on June 1, with applications being accepted through August 28. A funding pool of \$35,000 has been budgeted for FY 2016. The FY 2015 TAG project completion deadline is August 21, she added. A copy of the press release that was sent out on June 1 was included in members’ packets.

Additional handouts in members’ packets included: a May 20th letter to PennDOT reiterating the UDC’s offer to facilitate a public meeting on the Narrowsburg Bridge Rehabilitation Project promised for July, with suggested dates, location, and format; the day plan itineraries for the Upper Delaware section of the Delaware River Sojourn for June 20-23; two handouts related to the “Magical History Tour” sponsored by The Delaware Company on June 20th; and a news release from the Upper Delaware Scenic Byway, Inc. supporting the trial launch of the Upper Delaware River Valley Eagle Express bus service from Manhattan to here.

Ramie referred members to the June calendar of UDC Meetings, Activities and Deadlines. She stated there was some confusion over an allegedly new rule requiring registration and launch permits for non-motorized boats using Upper Delaware River accesses owned by the PA Fish and Boat Commission. As it turns out, this applies only to commercial users and not the general public. This confusion prompted us to set up a presentation for the July 2nd UDC meeting about which policies and regulations are in effect at the access managed by both states. The PA Fish and Boat Commission has accepted and we await confirmation from NYS DEC.

Old Business:

Resolution 2015-11: Authorizing an Amendment to the Health Insurance Section of the Personnel Policy: Ramie noted that this resolution was passed by an email proxy vote due to the fact that it was a time sensitive issue with an open enrollment deadline for a healthcare plan. She thanked members for their prompt responses. She reported that the ultimate vote was 12 yes and 1 abstention. She referred members to the original personnel policy regarding health insurance and the amendments provided in their packets. Also included were a policy amendment justification and draft language for a statement to attach to Resolution 2015-11. Ramie reviewed all the documents. She proposed the language of the Medical Insurance Provision Amendment be less specific so anytime a change comes about, we don’t have to go through the whole process. Ramie suggested that this proposed document be deferred until the Council finds out what the situation is for the renewal of the health insurance. A motion to refer the discussion of the UDC Medical Insurance Provision Amendment to the June 23 Operations Committee meeting was made by Richardson, seconded by Conway and carried.

Other: None

New Business:

UDC Outside Consulting Services Projects Discussion: Ramie said there is funding available for projects that we feel can't be accomplished in-house due to lack of resources. A list of potential ideas was circulated on May 27th. Members were asked to add any others that would fulfill our obligations and organizational mission goals, and rank the priority in which they suggest we address the ideas that they support. Comments were due to Ramie by June 3rd. She referred to the report in members' packets which contained the three responses received by June 3rd and an additional list presented tonight by Dean. A motion to use the rankings recommended by Richardson and Henry was made by Henry, seconded by Rajszyk. The ranking of that list was as follows: 1. Website Upgrade; 2. Records Management; 3. GIS Mapping of Land Use Changes; 4. Substantial Conformance Reviews; 5. Business/Fund Raising Plan; 6. Study Economic Impact of the designation; 7. River Management Plan Evaluation. Ramie said available funding is approximately \$13,000 this fiscal year. She plans to draft Requests for Proposals for as many projects she feels can be accomplished with the funding. A vote was taken and the motion carried with Dean opposed.

Other: Henry shared a letter copied to Berlin Township from Pennsylvania Department of Environmental Protection regarding the Rosencranse Sanitary Landfill located in Berlin Township. Rosencranse notified the DEP on January 27, 2015 that after the end of the first quarter of 2015, they will no longer have sufficient funds for post-closure costs of the landfill, thereby abandoning the operation of the facility. The DEP currently holds a cash collateral bond. Based on their findings, the DEP declares the cash collateral bond forfeited. Henry said he was contacted by a concerned citizen who was inquiring who will be monitoring the landfill now. Henry said copies of the letter will be available.

Public Comment

Adjournment: A motion by Rajszyk, seconded by Greier, to adjourn the meeting at 9:20 p.m. was carried unanimously.

Minutes prepared by Cindy Odell 6/12/15