



Delaware River Basin Commission

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Steven J. Tambini, P.E.
Executive Director

October 13, 2020

Via E-mail - KCampbell@mankogold.com

Kathleen B. Campbell, Esquire
Manko, Gold, Katcher and Fox LLP
401 City Ave., Suite 901
Bala Cynwyd, PA 19004

Re: Docket D-2017-009-2, Gibbstown Logistics Center Dock 2

Dear Ms. Campbell:

I am writing at the request of the Commissioners of the Delaware River Basin Commission (“DRBC” or “Commission”) in response to your letter to the Commissioners dated September 11, 2020. Your letter discusses the Commission’s decision to temporarily stay Docket D-2017-009-2 (the “Docket”) issued to your client Delaware River Partners LLC (“DRP”) for the Gibbstown Logistic Center Dock 2 project (“Gibbstown project”). As you acknowledge, the stay is in effect while the Commissioners review the hearing record and reach a determination resolving the administrative appeal of the Docket in accordance with the DRBC’s Rules of Practice and Procedure. As such, it preserves the status quo at the Gibbstown project site until a final determination resolving the appeal is reached.

Your letter states your expectation that the Commission will not accept or consider new information from outside the record before rendering a final decision on the Hearing Officer’s Recommendation. The Commission confirms that its determination will be based on the record, which closed on August 31, 2020 with the interested parties’ final post-hearing submissions under the applicable rules.

The Commissioners understand DRP’s desire for final Commission action as soon as possible. Nevertheless, a deliberative decision addressing this appeal requires full consideration of the extensive record. Such a review is in the public interest and fulfills the Commission’s responsibilities under the Delaware River Basin Compact and Rules of Practice and Procedure. The Commissioners informed me that they anticipate completing their review in time to take action at the next regularly scheduled business meeting of the Commission on December 9, 2020. In the interim, the Commission appreciates DRP’s patience and compliance with the terms of the stay.

Sincerely,

Steven J. Tambini
Executive Director

- c: DRBC Commissioners
- Kenneth J. Warren, Esquire, Warren Environmental Counsel LLC, DRBC General Counsel
- Pamela M. Bush, Esquire, DRBC Secretary and Assistant General Counsel