

DOCKET NO. D-2009-002 CP-1

DELAWARE RIVER BASIN COMMISSION

Located in the Drainage Area to Special Protection Waters

**Buck Hill Falls Company
Groundwater & Surface Water Withdrawal
Barrett Township, Monroe County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted to the Delaware River Basin Commission (DRBC or Commission) by Buck Hill Falls Company (BHFC) on May 22, 2006 (Application), for review of an existing groundwater withdrawal and three existing surface water withdrawals.. Supplemental information needed to process this docket was received on May 21, 2009. The Pennsylvania Department of Environmental Protection (PADEP) approved Public Water Supply Permit No. 4592503 for this project on June 9, 1993.

The Application was reviewed for inclusion into the Comprehensive Plan and approval under Section 3.8 of the *Delaware River Basin Compact*. The Monroe County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on March 10, 2015.

A. DESCRIPTION

1. Purpose. The purpose of this docket is to approve an existing groundwater withdrawal (Well No. 2), and three existing surface water intakes (Intake No. 1 and 2), and an existing spring source (Big Spring) to withdraw up to 15.5 million gallons per month (mgm) for public water supply and golf course irrigation. The PADEP's water supply permit for BHFC states that Big Spring provides about 120,000 gallons per day (gpd) and is limited by the 4" irrigation pipe that transports this water to the water filtration plant (WFP).

2. Location. Well No. 2 will continue to withdraw water from the Long Run and Walcksville Members of the Catskill Formation, in the Brodhead Creek Watershed. Intakes Nos. 1 and 2, as well as Big Spring, will continue to withdraw water from Buck Hill Creek. The four withdrawals are located in Barrett Township, Monroe County, Pennsylvania, within the Middle Delaware Special Protection Waters (SPW) area.

Specific location information has been withheld for security reasons.

3. **Area Served.** The docket holder will continue to service the Town of Buck Hill Falls and the golf course. The town's connections consist of 309 homes and 5 businesses. For the purpose of defining Area Served, the Application is incorporated herein by reference consistent with conditions contained in the DECISION Section of this docket.

4. **Physical Features.**

a. **Design criteria.** The docket holder has an existing average and maximum water demand of 4.65 mgd and 12.71 mgd, respectively. The docket holder anticipates business growth during peak months that will result in an increase to the maximum monthly withdrawal demand of 15.5 mgd for the next 10 years. The allocation of 15.5 mgd should be sufficient to meet the docket holder's future demands.

b. **Facilities.** The existing project well, intakes, and spring have the following characteristics:

WITHDRAWAL POINT	DEPTH	CASED DEPTH / CASING DIAMETER	PUMP CAPACITY	YEAR CONSTRUCTED
Well No. 2	300'	68' / 10"	100 gpm	1956
Intake No. 1 (Buck Hill Creek)	---	---	288 gpm	1902
Intake No. 2 (Buck Hill Creek)	---	---	116 gpm	---
Big Spring	---	---	200 gpm	---

All water service connections are metered.

Well No. 2 is metered.

Prior to entering the water distribution system, the water from Buck Hill Creek (Intake No. 1) and Big Spring is treated with soda ash, alum, prechlorine feed, and polymer feed at the docket holder's water filtration plant (WFP). The WFP discharges to a 16,000 gallon backwash holding tank that discharges to the docket holder's wastewater treatment plant (WWTP), which was approved via Docket No. D-2009-001 CP-2 on July 13, 2011.

Water from Well No. 2 is treated with sodium hypochloride prior to entering the water distribution system.

The project well and the WFP that receives water from Intake No. 1 and Spring No. 2 are above the 100-year flood elevation.

Intake No. 1 and Big Spring are gravity fed systems to the WFP. PADEP's Water Supply Permit No. 4592503, approved on June 9, 1993, does not include pass-by restrictions on the docket holder's Intake No. 1 or Big Spring.

Intake No. 2 is used to supply the docket holder's 37 acre golf course with irrigation water. No pass-by restrictions have been placed on this intake.

c. **Other.** Wastewater is conveyed to the docket holder's existing WWTP, approved by DRBC Docket No. D-2009-001 CP-2 on July 13, 2011. The treatment facility has adequate capacity to receive wastewater from the existing project service area.

d. **Cost.** There are no construction costs associated with this existing withdrawal project.

e. **Relationship to the Comprehensive Plan.** Issuance of this docket shall incorporate the three water sources and the WFP into the Comprehensive Plan.

B. **FINDINGS**

The purpose of this docket is to approve existing Well No. 2, Intakes Nos. 1 and 2, and Big Spring to withdraw up to 15.5 mgm for public water supply and golf course irrigation.

The docket holder has provided public water and sewer service for the Town of Buck Hill Falls since the early 1900s. In 2006, the docket holder informed the DRBC of its existence. It has taken a few years to understand how the systems work. The docket holder sent the last piece of information required for initiation of the approval process on May 21, 2009, but Commission staff has been awaiting PADEP field assessments prior to acting on this docket.

In 1992, the DRBC adopted SPW requirements, as part of the DRBC *Water Quality Regulations* (WQR), designed to protect existing high water quality in applicable areas of the Delaware River Basin. One hundred twenty miles of the Delaware River from Hancock, New York downstream to the Delaware Water Gap were classified by the DRBC as SPW. This stretch includes the sections of the river federally designated as "Wild and Scenic" in 1978 -- the Upper Delaware Scenic and Recreational River and the Delaware Water Gap National Recreation Area -- as well as an eight-mile reach between Milrift and Milford, Pennsylvania which is not federally designated. The SPW regulations apply to this 120-mile stretch of the river and its drainage area.

On July 16, 2008, the DRBC approved amendments to its *WQR* that provide increased protection for waters that the Commission classifies as SPW. The portion of the Delaware River and its tributaries within the boundary of the Lower Delaware River Management Plan Area was approved for SPW designation and clarity on definitions and terms were updated for the entire program.

Article 3.10.3A.2.e.1). and 2). of the Commission's *WQR* states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of SPW must submit for approval a Non-Point Source Pollution Control Plan (NPSPCP) that controls the new or increased non-point source loads generated within the portion of the docket holder's service

area which is also located within the drainage area of SPW. The well, intake, and spring providing water supply to the docket holder are located within in the drainage area to SPW. Since this project does not entail additional construction and expansion of facilities/service areas (i.e., there are not any new or increased non-point source loads associated with this approval), the non-point source pollution control plan requirement is not applicable at this time. Accordingly, DECISION Condition II.t. has been included in this docket.

The project is designed to conform to the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

Water Audits for Public Water Supply Systems Serving Greater than 100,000 gpd

Section 2.1.8 of the Water Code states that it is the policy of the Commission to establish a standardized water audit methodology for owners of water supply systems serving the public to ensure accountability in the management of water resources. Voluntary Water Audits were encouraged for public water supply systems through December 31, 2011 (Section 2.1.8.B.). Effective January 1, 2012, the owners of each public water supply system are required to implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding AWWA guidance (Section 2.1.8.C). Water audits shall be submitted annually to the Commission by March 31 (See DECISION Condition II.j.).

The DRBC estimates that the project withdrawals, used for the purpose of public water supply and golf course management, result in a seasonal and non-seasonal consumptive use of 60 percent and 10 percent, respectively, of the total water use. The DRBC definition of consumptive use is defined in Article 5.5.1.D of the *Administrative Manual – Part III – Basin Regulations – Water Supply Charges*.

Since the docket holder has been operating the project withdrawals since the early 1900s, they appear to be eligible for a Certificate of Entitlement (CoE) in accordance with Article 5.2 of the Commission’s “*Basin Regulations – Water Supply Charges*” for their surface water sources (Intakes Nos. 1 and 2 on Buck Hill Creek and possibly Big Spring). A CoE exempts the docket holder from paying Commission water supply charges.

DECISION Condition II.f. requires the docket holder to contact the Commission’s Operations Section and to apply for a CoE within three (3) months of docket approval. If the docket holder has not applied for a CoE by June 10, 2015, the docket holder’s surface water withdrawals will be subject to Commission water supply charges for all withdrawals after June 10, 2015 in accordance with Resolution No. 74-6, as amended.

The project does not conflict with the Comprehensive Plan and is designed to prevent substantial adverse impact on the water resources related environment, while sustaining the current and future water uses and development of the water resources of the Basin.

C. DECISION

I. Effective on the approval date for Docket No. D-2009-002 CP-1 below, the project and the appurtenant facilities described in the Section A “Physical Features” shall be added to the Comprehensive Plan.

II. The project and appurtenant facilities as described in the Section A “Physical Features” are approved pursuant to Section 3.8 of the *Compact*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP in its Water Supply Permit and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. The docket holder shall register with and report to the PADEP all surface and ground water sources described in this docket in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).

b. The well, intakes, spring, and all operational records shall be available at all times for inspection by the DRBC.

c. The well, intakes, and spring shall be operated at all times to comply with the requirements of the Commission’s *Water Code* and *WQR*.

d. During any month, the combined withdrawal from Well No. 2, Intakes Nos. 1 and 2, and Big Spring shall not exceed 15.5 million gallons. During any month, the withdrawal from Well No. 2 shall not exceed 4.464 million gallons. During any month, the withdrawal from Big Spring, and Intakes Nos. 1 and 2 shall not exceed 12.855 million gallons.

e. The well shall be equipped with a readily accessible capped port and drop pipe so that water levels may be measured under all conditions.

f. The docket holder shall contact the Commission’s Operations Section and apply for a CoE within 3 months of docket approval. If the docket holder has not applied for a CoE by June 10, 2015, the docket holder’s surface water withdrawals will be subject to Commission water supply charges for all withdrawals after June 10, 2015 in accordance with Resolution No. 74-6, as amended.

g. The project withdrawals shall be metered with an automatic continuous recording device that measures to within 5 percent of actual flow. An exception to the 5 percent performance standard, but no greater than 10 percent, may be granted if maintenance of the 5 percent performance is not technically feasible or economically practicable. A record of daily withdrawals shall be maintained, and monthly totals shall be reported to the PADEP annually and shall be available at any time to the Commission if requested by the Executive Director. Such devices shall be installed within 6 months of docket approval.

h. Each new water service connection shall include a water meter in accordance with the DRBC's Resolution No. 87-7 (Revised).

i. In accordance with DRBC Resolutions No. 87-6 (Revised) and No. 2009-1, the docket holder shall continue to implement to the satisfaction of the PADEP, the systematic program to monitor and control leakage within the water supply system. The program shall at a minimum include: periodic surveys to monitor leakage, enumerate non-revenue water and determine the current status of system infrastructure; recommendations to monitor and control leakage; and a schedule for the implementation of such recommendations. The docket holder shall proceed expeditiously to correct leakages and unnecessary usage identified by the program.

j. In accordance with DRBC Resolution No. 2009-1 and Section 2.1.8 of the Water Code, the docket holder shall implement an annual calendar year water audit program conforming to IWA/AWWA Water Audit Methodology (AWWA Water Loss Control Committee (WLCC) Water Audit Software) and corresponding guidance. Water audits shall be submitted annually to the Commission by March 31.

k. The docket holder shall implement to the satisfaction of the PADEP, the continuous program to encourage water conservation in all types of use within the facilities served by this docket approval. The docket holder will report to the PADEP on the actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

l. No water service connections shall be made to newly constructed premises with plumbing fixtures and fittings that do not comply with water conservation performance standards contained in Resolution No. 88-2 (Revision 2).

m. The docket holder shall continue to implement its Water Conservation Plan as approved by the PADEP, and shall report to the PADEP on actions taken pursuant to this program and the impact of those actions as requested by the PADEP.

n. No new water service connections shall be made to premises connected to sewerage systems which are not in compliance with all applicable effluent limits contained in State permits and the *Water Quality Regulations* of the Commission.

o. Nothing herein shall be construed to exempt the docket holder from obtaining all necessary permits and/or approvals from other State, Federal or local government agencies having jurisdiction over this project.

p. The docket holder is permitted to provide the water approved in this docket to the areas included in Section A.3. Area Served of this docket. Any expansion beyond those included in Section A.3. Area Served is subject to DRBC review and approval in accordance with Section 3.8 of the *Compact*.

q. Unless an extension is requested and approved by the Commission in advance, in accordance with paragraph 11 of the Commission's Project Review Fee schedule (Resolution No. 2009-2), the docket holder is responsible for timely submittal of a docket

renewal application on the appropriate DRBC application form at least 12 months in advance of the docket expiration date set forth below. The docket holder will be subject to late charges in the event of untimely submittal of its renewal application, whether or not DRBC issues a reminder notice in advance of the deadline or the docket holder receives such notice. In the event that a timely and complete application for renewal has been submitted and the DRBC is unable, through no fault of the docket holder, to reissue the docket before the expiration date below (or the later date established by an extension that has been timely requested and approved), the terms and conditions of the current docket will remain fully effective and enforceable against the docket holder pending the grant or denial of the application for docket approval.

r. The issuance of this docket approval shall not create any private or proprietary rights in the water of the Basin, and the Commission reserves the rights to amend, alter or rescind any actions taken hereunder in order to insure the proper control, use and management of the water resources of the Basin.

s. If the operation of this project significantly affects or interferes with any domestic or other existing wells or surface water supplies, or if the docket holder receives a complaint by any user of wells or surface water supplies within the zone of influence of the withdrawal, the docket holder shall immediately notify the Executive Director of any complaints by users of wells or surface water supplies within the zone of influence of the withdrawal, and unless excused by the Executive Director, shall investigate such complaints. The docket holder should direct phone call notifications of potential well or surface water interference or complaints of interference to the DRBC Project Review Branch at 609-883-9500, extension 216. Oral notification must always be followed up in writing directed to the Executive Director. In addition, the docket holder shall provide written notification to all potentially impacted users of wells or surface water supplies of the docket holder's responsibilities under this condition. Any well or surface water supply which is substantially adversely affected, or rendered dry or otherwise unusable as a result of the docket holder's project withdrawal, shall be repaired, replaced or otherwise mitigated at the expense of the docket holder. A report of investigation and/or mitigation plan prepared by a hydrologist shall be submitted to the Executive Director as soon as practicable. The Executive Director shall make the final determination regarding the validity of such complaints, the scope or sufficiency of such investigations, and the extent of appropriate mitigation measures, if required.

t. The Executive Director may modify or suspend this approval or any condition thereof, or require mitigating measures pending additional review, if in the Executive Director's judgment such modification or suspension is required to protect the water resources of the Basin.

u. Prior to allowing connections from any new service areas or any new developments, the docket holder shall either submit and have approved by the Executive Director of the DRBC a NPSPCP in accordance with Section 3.10.3.A.2.e, or receive written confirmation from the Executive Director of the DRBC that the new service area is in compliance with a DRBC approved NPSPCP.

v. Any person who objects to a docket decision by the Commission may request a hearing in accordance with Article 6 of the *Rules of Practice and Procedure*. In accordance with Section 15.1(p) of the Delaware River Basin Compact, cases and controversies arising under the Compact are reviewable in the United States district courts.

BY THE COMMISSION

APPROVAL DATE: March 11, 2015

EXPIRATION DATE: March 11, 2025