

DOCKET NO. D-1990-105 CP-4

DELAWARE RIVER BASIN COMMISSION

Special Protection Waters

**Town of Fallsburg Consolidated Water District
Groundwater Withdrawal**

Town of Fallsburg, Sullivan County, New York

PROCEEDINGS

This docket is issued in response to an Application submitted by the Town of Fallsburg Consolidated Water District (FCWD or docket holder) to the Delaware River Basin Commission (DRBC or Commission) on October 15, 2015 for an increase of an allocation of groundwater and review of a groundwater water withdrawal project (Application). The New York State Department of Environmental Conservation (NYSDEC) issued water supply permit No. WSA 10,620 for Sheldrake No. 2 and WSA 8528 (Draft) for Woodbourne No. 1 on June 29, 2005 and May 31, 1991, respectively. NYS Department of Health (NYSDOH) approved the Sheldrake No. 3 system on December 1, 2011. The NYSDOH is currently reviewing the project and approval is expected shortly.

The Application was reviewed for inclusion in the Comprehensive Plan and for approval under Section 3.8 of the *Delaware River Basin Compact*. The Sullivan County Planning Commission has been notified of pending action on this docket. A public hearing on this project was held by the DRBC on February 10, 2016.

A. DESCRIPTION

1. **Purpose.** The purpose of this project is to approve a total withdraw up to 143.94 million gallons per month (mgm) of groundwater from 14 previously approved wells and one (1) new replacement well (Fallsburg Well No. 1B) to continue to supply water to the FCWD public water distribution system. The total groundwater allocation approved by this docket is an increase in the previously approved allocation of 129.4 mgm. Well Fallsburg No. 1 will be retained for emergency supply in the event that Fallsburg Well No. 1B is taken off line due to electrical or mechanical problems.

2. **Location.** FCWD's groundwater sources are located in the Town of Fallsburg, Sullivan County, New York. Sheldrake Wells Nos. 2 and 3 are open bedrock wells completed in the Walton Formation and all other wells are screened in unconsolidated valley fill deposits. Fallsburg Wells Nos. 1, 1B and 2 and Sheldrake Well No. 3 are located within the Sheldrake

Stream Watershed. Sheldrake Stream, a tributary to Neversink River, is classified by the NYSDEC a Class B waterbody. Fallsburg Wells Nos. 3, 4, 5, 6, and 7 and Woodbourne Wells Nos. 1, 2 and 3 are located in the Neversink River Watershed downstream of the Neversink Reservoir. The Neversink River is classified by the NYSDEC as a Class B(T) waterbody that supports trout populations. The project withdrawals in the Sheldrake Stream and Neversink River Watersheds are located within the drainage area to the section of the non-tidal Delaware River known as the Middle Delaware, which is designated as Special Protection Waters. Sheldrake Wells Nos. 1 and 2 and Hurleyville Well Nos. 1 and 2 are located in the East Mongaup River Watershed. The East Mongaup River is classified by the NYSDEC as a Class B(T) waterbody that supports trout populations. The project withdrawals in the East Mongaup River Watershed are located within the drainage area to the section of the non-tidal Delaware River known as the Upper Delaware, which is designated as Special Protection Waters.

Specific location information has been withheld for security reasons.

3. Area Served. The FCWD serves water to the Fallsburg, South Fallsburg, Hurleyville, Lock Sheldrake and Woodbourne portions of the Town of Fallsburg. The service area is outlined on a map entitled “Project Location Map”, dated January 6, 2014 submitted by the docket holder on December 18, 2015. 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 FCWD system currently serves water to approximately 10,000 persons on 3,152 domestic service connections and 1 commercial service connection and records an existing average and maximum daily water demand of 1.12 million gallons per day (mgd) and 3.84 mgd, respectively. Over the last 5 years, the average and peak monthly total system demand was 42.3 mgm and 96.5 mgm, respectively. The system serves a seasonal population and the peak usage occurs during the summer months. The FCWD projects the 10-year average and maximum daily water demands to increase to 1.75 mgd and 4.80 mgd as a result of residential growth. The allocation of 143.94 mgm should be sufficient to meet the docket holder’s future monthly demands which are projected to increase to 144.0 mgm.

The combined capacity of the FCWD’s sources (15 wells) is 3,253 gpm (4.68 mgd) and is sufficient to meet the 10-year projected monthly demands of the system. However, the combined well capacity is not sufficient to meet the docket holder’s 10-year projected peak daily demands (4.8 mgd). Additionally, NYSDEC requires that the water supply system is designed to meet peak daily demands with the largest source out of service. FCWD’s largest producer is Fallsburg No. 7 (700 gpm). With this well out of service, the available capacity of the system is reduced to 2,553 gpm, a deficit of 780 gpm compared to the 10-year peak day demand. The docket holder is aware that the 10-year peak day demands cannot be met with the largest source out and is pursuing additional groundwater sources.

b. Facilities. The existing and new project wells have the following characteristics:

| WELL NO. | DEPTH/ DIAMETER | SCREENED INTERVAL | PUMP CAPACITY | YEAR DRILLED |
|-------------------|--------------------|-------------------------|------------------|-----------------|
| Fallsburg No. 1 | 148' / 10" | 110' – 145' | 60 gpm | 1940 |
| Fallsburg No. 1B | 123' / 10" | 110' – 123' | 160 gpm | 2015 |
| Fallsburg No. 2 | 146" / 10" | 104' – 144' | 50 gpm | 1940 |
| Fallsburg No. 3 | 177' / 10" | 147' – 177' | 405 gpm | 1946 |
| Fallsburg No. 4 | 162' / 10" | 132' – 162' | 150 gpm | 1948 |
| Fallsburg No. 5 | 148' / 10" | 128' – 148' | 150 gpm | 1949 |
| Fallsburg No. 6 | 129' / 8" | 109' – 129' | 150 gpm | 1954 |
| Fallsburg No. 7 | 60' / 10" | 45' – 60' | 700 gpm | 1963 |
| Woodbourne No. 1 | 143' / 10" | 121' – 141' | 150 gpm | 1956 |
| Woodbourne No. 2 | 51' / 10" | 41' – 51' | 150 gpm | 1957 |
| Woodbourne No. 3 | 48' / 24" | 40' – 48' | 405 gpm | 1990 |
| Sheldrake No. 1 | 41' / 10" | 31' – 41' | 50 gpm | 1962 |
| Sheldrake No. 2 | 435' / 8" | Open rock 62' casing | 100 gpm | 2003 |
| Sheldrake No. 3 | 515' / 8" | Open rock 55' casing | 200 gpm | 2007 |
| Hurleyville No. 1 | 42' / 10" | 31' – 41' | 150 gpm | 1959 |
| Hurleyville No. 2 | 39' / 10" | 32' – 37' | 150 gpm | 1959 |

All water service connections are metered.

All wells are metered.

Fallsburg No. 1 will be used only as an emergency source if Fallsburg No. 1B is off line due to electrical or mechanical problems.

Prior to entering the distribution system, the water is disinfected with chlorine and the pH adjusted with addition of potassium hydroxide.

Fallsburg Nos. 2, 3 and 4, Sheldrake No. 1, 2 and 3 are located outside FEMA mapped 100-year floodplains. With the exception of Fallsburg No. 7, the rest of the project wells are located within FEMA mapped 100-year floodplains, but the well house floors and well casings were constructed above the highest known flood elevations. Work to raise the well house/casing at Fallsburg No. 7 is scheduled in the near future.

The FCWD water system is not interconnected with any other distribution system.

c. **Other.** Wastewater from the Lock Sheldrake sewer district area is conveyed to the Town of Fallsburg's Lock Sheldrake wastewater treatment plant (WWTP) most recently approved by DRBC Docket No. D-1985-074 CP-3 on March 11, 2015. The NYSDEC issued its most recent SPDES Permit No. NY0024538 on November 4, 2011 (effective December 1, 2011) for this treatment facility. Wastewater from the remainder of the docket holder's service area is conveyed to the Town of Fallsburg's WHO WWTP most recently approved by DRBC Docket

No. D-1994-059 CP-2 on March 6, 2013. The NYSDEC issued its most recent SPDES Permit No. NY0024520 on November 1, 2008 (amended August 1, 2010) for this treatment facility.

The approved combined treatment capacity of the two wastewater treatment plants is 4.273 mgd. The docket holder's 10-year projected daily demand is 4.8 mgd. At the present time, the treatment facilities have adequate capacity to continue to receive wastewater from the project. However, additional capacity will likely be required when the docket holder's projected demands are realized. In addition to the 0.3 mgd expansion of the existing Lock Sheldrake WWTP approved in DRBC Docket No. D-1985-074 CP-3, the docket holder indicated it is proposing a new 0.7 mgd WWTP to serve the growing Woodbourne area. The proposed new WWTP will require Commission approval and the docket holder is encouraged to meet with the Commission early in the planning phase.

d. Cost. The overall cost of the replacement well project is estimated to be \$301,100.

e. Relationship to the Comprehensive Plan. Fallsburg Nos. 1, 2, 3, 5, 6 and 7 were added to Comprehensive Plan as part of Addendum No. 1 adopted July 1962. Sheldrake No. 1 was added to the Comprehensive plan by the Commission in Docket No. D-1972-37 CP approved June 28, 1972. Fallsburg No. 4, Woodbourne No. 1 and No. 2, Hurleyville No. 1 and No. 2 well sources were included in the Comprehensive Plan by the Commission in Docket No. D-90-105 CP approved on May 22, 1991. The Woodbourne No. 3 and Sheldrake No. 2 and No. 3 wells were included in the Comprehensive Plan by the Commission in Docket No. D-1990-105 CP-3 approved on September 10, 2014. One additional well (Brae No. 1) was added to the Comprehensive Plan by DRBC Docket No. D-90-105. This well was never used by the docket holder and it was removed from the Comprehensive Plan by DRBC Docket No. D-1990-105 CP-3. Fallsburg Well No. 1B will be included in the Comprehensive Plan upon the approval date of this docket.

B. FINDINGS

Special Protection Waters

In 1992, the DRBC adopted Special Protection Waters 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 *Water Quality Regulations* that provide increased protection for waters that the Commission classifies as Special Protection Waters. The portion of the Delaware River and its tributaries within the boundary of the Lower

Delaware River Management Plan Area was approved for Special Protection Waters designation and clarity on definitions and terms were updated for the entire program.

Article 3.10.3A.2.e.1). and 2). of the *Water Quality Regulations, Administrative Manual - Part III*, states that projects subject to review under Section 3.8 of the Compact that are located in the drainage area of Special Protection Waters must submit for approval a Non-Point Source Pollution Control Plan 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 Special Protection Waters.

A small portion of the docket holder's westernmost service area including the Hamlet of Hurleyville and the area along Route 52 west of the Hamlet of Lock Sheldrake are located within the drainage area of the Mongaup River above the Swinging Bridge Reservoir. This reservoir is part of the Mongaup Reservoir system listed as one of the major surface water impoundments in Section 3.10.3A.2.g.5) and the docket holder's water supply project in this area is exempt from the NPSPCP requirements, as outlined in Article 3.10.3A.2. of the Commission's WQR.

The rest of the FCWD service area is located within the drainage area of the Neversink River, downstream from the Neversink Reservoir and is not exempt from the NPSPCP requirements discussed above. Accordingly, Special Condition C.II.w. has been included in the Decision section of this docket.

Additionally, Fallsburg Well No. 1B is located within the drainage area to Special Protection Waters. Since this project does entail additional construction and expansion of FCWD's well facilities and there are potential new or increased non-point source loads associated with this approval, the NPSPCP requirement is applicable at this time. The docket holder submitted a copy of the proposed site plan showing the erosion and sediment controls to be implemented during the connection of Fallsburg Well No. 1B to the existing well house. The plan was also submitted to NYSDOH. Because the site disturbance will be less than one half acre, a stormwater management plan was not prepared. The docket holder indicated that all of the existing groundcover will be returned to their exiting conditions after construction. The plan is acceptable and fulfills the Commission's NPSPCP requirement.

Fallsburg Well No. 1B Pumping Test

Fallsburg No. 1B was completed in March 2015 to provide a supplemental source of water to the South Fallsburg area of the FCWD distribution system and will replace existing Fallsburg No. 1. Historically, Fallsburg's existing wells in this area experience decreasing well yields due to sand production and plugging of the well screens. Fallsburg No 1B is located approximately 100 feet north of existing Fallsburg No. 1. Wells in this area tap an unconsolidated valley-fill aquifer that is over 100 feet thick (146 feet at Well No. 1B) and is comprised of stratified well-rounded sand and gravel outwash with varying amounts of clay. Based on the presence of thick clay layers above the well screen and the results of the pumping test, the aquifer in vicinity of the Fallsburg wells is under confined to semi-confined conditions.

Beginning on April 27, 2015, a 72-hour pumping test was conducted on Fallsburg Well No. 1B at a constant pumping rate of 158 gpm. Prior to the start of the pumping test, the static

water level was 9.82 feet below top of casing (btoc). Total drawdown at the end of the pumping test was 83.18 feet (water level of 93.00 feet btoc) resulting in a 72-hour specific capacity of 1.9 gpm/foot of drawdown. The 180-day extrapolated drawdown at a continuous pumping rate of 158 gpm and no recharge was projected to be 93 feet (water level of 102.8 feet below top of casing). Under these extrapolated conditions approximately 9.5 feet of available water column would be maintained above the top of the well screen.

During the pumping test, water levels were measured in three observation wells including Well TW-1B (9 feet from the pumping well), TB-1 (150 feet from the pumping well) and TW-2C (1,250 feet from the pumping well). At the completion of the 72-hour pumping period, drawdown in Wells TW-1B, TB-1 and TW-2C were measured at approximately 59.3 feet, 46.0 feet and 24.2 feet respectively. Water levels were also measured in Sheldrake Stream, at Pleasant Valley Road (approximately 110 feet from the pumping well) and at Elm Drive approximately 2,200 feet upstream from the pumping well. Stream water levels did not fluctuate by more than 0.01 feet during the pumping or recovery periods indicating that the withdrawals had no discernable effects on the stream flow.

The closest active well to Fallsburg Well No. 1B is FCWD's Fallsburg No. 2, which is located approximately ¼ mile north of the pumping well and is completed in the same outwash sand and gravel deposit. During the Well 1B pumping test, Fallsburg No. 2 was in continuous operation at a rate of 50 gpm. Water levels measured in Well TW-2C (located approximately 150 feet from Fallsburg No. 2 experienced 24.2 feet of drawdown from the withdrawals at Fallsburg 1B.

According to the Aquifer Test Report and supplemental information submitted by FCWD to the Commission, all properties proximal to Fallsburg Well No. 1B within the valley fill aquifer boundaries are served by public water. The nearest private domestic wells are located over 2,000 feet to the west along Whittaker Road and are located outside of the aquifer limits. The pumping test report indicted no conflicts or impacts to these groundwater users are anticipated. Additionally, no private water supply wells were identified within the aquifer boundaries and at a distance from Well F-1B that would result in adverse effects from the Pumping of Fallsburg No. 1B. FCWD also indicated that this well site has been in use for many years with no known or reported adverse effects on properties outside its district. Staff reviewed information in the file that indicated Fallsburg Well No. 1 had been operated in the past at rates up to 179 gpm. Also, staff are not aware of any previous well interference complaints. The Fallsburg No. 1B withdrawal rate is limited to the pumping test rate of 158 gpm as specified in Condition c.II.d. Additionally, Fallsburg Well No. 1 shall only be used for emergency purposes when Fallsburg No. 1B is not in operation.

Sheldrake Well No. 3 Monitoring

Docket No. D-1990-105 CP-3, approved September 10, 2014, required FCWD to monitor water levels and usage at the Park Slope Well No. 1 to confirm that the withdrawals from Sheldrake No. 3 do not adversely impact the Park Slope water supply. FCWD measures water levels in Park Slope Well No. 1 and No. 2 on a monthly basis (April through September, inclusive). This data along with the Sheldrake No. 3 water levels and pumping rates recorded by FCWD is reported to the Commission annually. Data for the 2015 period was submitted to the

Commission on December 18, 2015 and is under review by Commission Staff. The docket holder is planning to redevelop Sheldrake No. 3 to restore the production rate to the initial and approved rate of 200 gpm. The docket holder shall continue to measure water levels at Park Slope Wells Nos. 1 and 2 at a minimum frequency of once per month from April through September and report this data to the Commission annually.

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. The FCWD submitted their most recent Water Audit on March 4, 2014.

Other

The DRBC estimates that the project withdrawals, used for the purpose of public water supply, result in a consumptive use of 10 percent 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*.

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

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-1990-105 CP-4 below:

- a. The project described in Docket No. D-1990-105 CP-3 is removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1990-105 CP-4; and
- b. Docket No. D-1990-105 CP-3 is terminated and replaced by Docket No. D-1990-105 CP-4.
- c. 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 NYSDEC and NYSDOH, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. The docket holder shall also satisfy annual withdrawal, capacity and conservation reporting requirements in the form and manner prescribed by NYSDEC’s Division of Water in accordance with NYCRR Part 601.5(a).

b. The wells and operational records shall be available at all times for inspection by the DRBC.

c. The wells shall be operated at all times to comply with the requirements of the *Water Code* and *Water Quality Regulations* of the DRBC.

d. During any month, the combined withdrawal from all well sources shall not exceed 143.94 million gallons. No well shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

| WELL NO. | MAXIMUM INSTANTANEOUS RATE | MONTHLY ALLOCATION |
|-------------------|----------------------------|--------------------|
| Fallsburg No. 1B | 158 gpm | 6.80 mg |
| Fallsburg No. 2 | 70 gpm | 3.13 mg |
| Fallsburg No. 3 | 400 gpm | 16.80 mg |
| Fallsburg No. 4 | 150 gpm | 6.70 mg |
| Fallsburg No. 5 | 150 gpm | 6.70 mg |
| Fallsburg No. 6 | 150 gpm | 6.70 mg |
| Fallsburg No. 7 | 700 gpm | 31.25 mg |
| Woodbourne No. 1 | 150 gpm | 6.70 mg |
| Woodbourne No. 2 | 200 gpm | 8.93 mg |
| Woodbourne No. 3 | 405 gpm | 18.08 mg |
| Sheldrake No. 1 | 70 gpm | 3.13 mg |
| Sheldrake No. 2 | 200 gpm | 8.93 mg |
| Sheldrake No. 3 | 200 gpm | 8.93 mg |
| Hurleyville No. 1 | 100 gpm | 4.46 mg |
| Hurleyville No. 2 | 150 gpm | 6.70 mg |

Additionally, Fallsburg Well No. 1 shall only be used for emergency purposes when Fallsburg No. 1B is not in operation.

e. The wells shall be equipped with readily accessible capped ports and minimum ½ inch inner diameter (ID) drop pipes so that water levels may be measured under all

conditions. Existing wells are to be similarly equipped, where possible, with readily accessible ports and ½ inch ID drop pipes as repairs or modifications are made at each existing well.

f. A groundwater monitoring program is required to obtain data on groundwater conditions in the vicinity of Sheldrake No. 3. The docket holder shall continue to implement the groundwater monitoring program as submitted by the docket holder in a letter dated December 10, 2014. This program will include the following:

1. **Ground Water Level Monitoring** - Water levels in the Park Slope Wells Nos. 1 and 2 shall be measured to estimate ground water fluctuations caused by seasonal changes and/or production well pumping and detect water level declines that may adversely affect groundwater levels in the project area. Water levels shall be measured on a monthly basis during the months of April through September (a total of 6 measurements). The docket holder shall also record the daily water levels and pumping rates at Sheldrake No. 3 using its data acquisition system.

2. **Reports** - All monitoring data, including records required in Condition f.1. herein shall be submitted to the Commission annually by January 1. The docket holder is encouraged to submit the annual report electronically. The report shall be prepared by a hydrogeologist and shall assess the effects of well withdrawals on the local hydrogeologic system. This report shall include an evaluation of the monitoring data required by this docket approval and such information as deemed appropriate by the hydrogeologist or required by the Executive Director.

3. The Executive Director may modify or extend the monitoring program or temporarily suspend or modify this docket at any time if review of the hydrologic data and/or any other information indicates such action is necessary or appropriate.

g. Within 30 days of completion of construction of the approved project, the docket holder is to submit to the attention of the Project Review Section of DRBC a Construction Completion Statement (“Statement”) signed by the docket holder’s professional engineer for the project. The Statement must (a) either confirm that construction has been completed in a manner consistent with any and all DRBC-approved plans or explain how the as-built project deviates from such plans; (b) report the project’s final construction cost as such cost is defined by the project review fee schedule in effect at the time application was made; and (c) indicate the date on which the project was (or is to be) placed in operation. In the event that the final project cost exceeds the estimated cost used by the applicant to calculate the DRBC project review fee, the statement must also include (d) the amount of any outstanding balance owed for DRBC review. Such outstanding balance will equal the difference between the fee paid to the Commission and the fee calculated on the basis of the project’s final cost, using the formula and definition of “project cost” set forth in the DRBC’s project review fee schedule in effect at the time application was made.

h. This approval of the construction related to the facilities described in this docket shall expire three years from the approval date below unless prior thereto the docket holder has commenced operation of the subject project or has expended substantial funds (in relation to the cost of the project) in reliance upon this docket approval.

i. 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 NYSDEC annually and shall be available at any time to the Commission if requested by the Executive Director.

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

k. 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 NYSDEC, 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.

l. 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.

m. 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).

n. Sound practices of excavation, backfill and reseedling shall be followed to minimize erosion and deposition of sediment in streams from any new facilities or repair related construction.

o. 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.

p. 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.

q. 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*.

r. 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.

s. 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.

t. If the monitoring required herein or any other relevant data or information demonstrates that the operation of this project is interfering with or otherwise impairing existing uses of ground or surface water, or if the permit holder receives a complaint from an existing ground or surface water user within the zone of influence of the withdrawal alleging such interference or impairment, the permit holder shall immediately notify the Executive Director, and unless excused by the Executive Director, shall investigate the demonstrated or alleged impacts. For purposes of this condition, notification shall mean either (a) electronic transmittal of written notice to the Executive Director via email (using addresses posted on the DRBC website); or (b) written notice to the Executive Director and a telephone call to the Project Review Section at 609-883-9500, ext. 216. (Oral notification must always be accompanied by immediate written notification directed to the Executive Director.) In addition, the permit holder shall provide written notice to all potentially affected water users of the permit holder's responsibilities under this condition. **Any well or surface water supply that is impaired as a result of the permit holder's project withdrawal shall be repaired, replaced or mitigated at the permit holder's expense.** The scope of the options to consider for repair, replacement and/or mitigation shall not be limited solely to those that are owned, operated, or controlled by the project sponsor. An investigation report and/or mitigation plan prepared and certified by a licensed professional engineer and/or a licensed professional geologist shall be submitted to the Executive Director as soon as practicable following notice of the demonstrated or alleged impairment consistent with this paragraph. The Executive Director shall make the final determination regarding the scope and sufficiency of the investigation and the extent of any mitigation measures that may be required. Where ground and surface waters are rendered unavailable, unusable, or unsuitable for the pre-existing use, the Executive Director may direct the permit holder to take interim actions to mitigate such impacts, pending completion of the investigative report and any long-term repair, replacement or mitigation

u. 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.

v. For the duration of any drought emergency declared by either New York or the Commission, water service or use by the docket holder pursuant to this approval shall be subject to the prohibition of those nonessential uses specified by the Governor of New York, to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

w. 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 Non-Point Source Pollution Control Plan (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.

x. 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 16, 2016

EXPIRATION DATE: March 16, 2026