

**DOCKET NO. D-1992-009-3**

**DELAWARE RIVER BASIN COMMISSION**

**Southeastern Pennsylvania  
Ground Water Protected Area**

**Waynesborough Country Club  
Groundwater Withdrawal  
Easttown Township, Chester County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an Application submitted by Waynesborough Country Club (WCC) to the Delaware River Basin Commission (DRBC or Commission) on August 28, 2015 (Application), for a renewal and approval of an allocation of groundwater and review of a groundwater withdrawal project in the Ground Water Protected Area of Southeastern Pennsylvania. This docket was previously approved by the Commission on December 7, 2005.

The Application was reviewed for continuation and approval under Section 3.8 and for a withdrawal permit under Section 10.3 of the Delaware River Basin Compact. The Chester County Planning Commission has been notified of pending action on this permit. A public hearing on this project was held by the DRBC on February 10, 2016.

**A. DESCRIPTION**

- 1. Purpose.**-- The purpose of this docket is to renew the approval of an existing supply of groundwater to irrigate the WCC golf course from two existing Wells Nos. 1978 Blue and 15. The total allocation of groundwater will remain 6.2 million gallons per month (mgm). WCC is not requesting an increase in groundwater withdrawal allocation from that contained in its prior approval.
- 2. Location.**-- The project wells are located in the Crum Creek Watershed, in Easttown Township, Chester County, Pennsylvania. Crum Creek near the project site is designated by the Pennsylvania Department of Environmental Protection (PADEP) as supporting High Quality-Cold Water Fishes (HQ-CWF) and Migratory Fishes (MF). Wells Nos. 1978 Blue and 15 are completed in the Wissahickon and Mafic Gneiss Formations.

Specific location information has been withheld for security reasons.

3. **Service area** – The project withdrawals will be used to supply water to the docket holder’s golf course irrigation system only.

4. **Physical features**--

a. **Design criteria**.—WCC golf course is an 18-hole golf course located on 200 acres, and consists of approximately 31.639 acres of fairways and tees and 2.86 acres of greens. The allocation of groundwater herein will serve the golf course irrigation only. The potable water at the golf course’s clubhouse is provided by Aqua Pennsylvania (Aqua PA).

The irrigation system is sourced from the two existing wells and on-site collected stormwater. The water is pumped from the wells into a main irrigation pond, which also collects water run-off from the golf course. Storage in the irrigation pond is approximately 0.75 million gallons (mg).

The average and maximum demand is 0.03 million gallons per day (mgd) and 0.2 mgd, respectively. The docket holder does not estimate an increase in the 10 year average or maximum daily demand. The allocation of 6.2 million gallons per month (mgm) should be sufficient to meet the future demands of the Talamore system.

b. **Facilities**. -- The docket holder’s existing project wells have the following characteristics:

WELL NO.	DEPTH (FEET)	CASED DEPTH (FEET)	PUMP CAPACITY (GPM)	YEAR DRILLED
1978 Blue	248	60’/ 6.25”	90	1978
15	150	Unknown	225	1963

The wells and irrigation pond are metered.

The project facilities are above the 100-year flood elevation.

The irrigation system is presently not interconnected with any other distribution system.

c. **Other**. -- Wastewater from the site is conveyed to the Easttown Township Municipal Authority – Daylesford Pump Station facility which received approval most recently under Section 3.8 of the Compact by DRBC Docket No. D-1971-028 CP on September 30, 1971. The PADEP issued its most recent Water Quality Management Permit No. 1503401 on February 10, 2014 for this treatment facility. The treatment facility has adequate capacity to receive wastewater from the project.

## B. FINDINGS

The project is located within the Southeastern Pennsylvania Ground Water Protected Area delineated by the DRBC pursuant to Compact Section 10.2. The project is designed to

conform to the requirements of the *Water Code, Water Quality Regulations and Ground Water Protected Area Regulations (GWPAR)* of the DRBC.

Review and analysis of the application pursuant to Section 6d. of the *Ground Water Protected Area Regulations (GWPAR)* result in the following:

1. The withdrawal is consistent with the Commission's Comprehensive Plan and the policies and purposes of these regulations.
2. Opportunities to satisfy water requirements on a timely basis from existing available supplies and facilities have been explored and found infeasible.
3. The withdrawal, in conjunction with other withdrawals in the applicable ground water basin, should not exceed withdrawal limits of the groundwater basin, aquifer or aquifer system.
4. The withdrawal should not significantly impair or reduce the flow of perennial streams in the area.
5. Existing ground and surface water withdrawals should not be adversely impacted, or will be otherwise assured of adequate supplies in accordance with the requirements of Section 10 of the *GWPAR*. There have been no reported complaints of well interference since the first approval of this renewal project. No adverse impact is anticipated due to continued operation of this project.
6. The withdrawal should not cause substantial, permanent adverse impact to the overlying environment.
7. The docket holder adopted and will implement conservation and management programs as required by Section 7 of the *GWPAR*.

The WCC is located in the Upper Reach Crum Creek subbasin, where total net annual ground water withdrawal (54.27 mgy) is less than the withdrawal limit set in Section 6.I of the *GWPAR* (1,721 mgy). The applicant is requesting a monthly allocation of 6.2 mgm, which equates to 37.2 mgy (6 months x 6.2 mgm), a fraction of which will be returned to ground water. However, even if no water from this project were returned to ground water, the total net annual ground water withdrawal from this subbasin would remain below the withdrawal limits set in Section 6.I of the *GWPAR*. Therefore, the withdrawals from the project wells, in conjunction with other withdrawals in the subbasin, are in accordance with the requirements of Section 6.I of the *GWPAR*.

WCC shall pay for surface water use in accordance with the provisions of *Administrative Manual Part III Basin Regulations – Water Charges*.

The DRBC estimates that the project withdrawals, used for the purpose of golf course irrigation, result in a consumptive use of 90 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 docket holder's withdrawals were approved by the Commission in Docket No. D-1992-009-1 and continued in Docket No. D-1992-009-2 on August 10, 1994 and December 7, 2005, respectively. Issuance of this docket will continue the approval of this groundwater withdrawal project.

**C. DECISION**

I. Effective on the approval date for Docket No. D-1992-009-3 below, Docket No. D-1992-009-2 is terminated and replaced by Docket No. D-1992-009-3.

II. The project as described in the Section A "Physical features" is approved pursuant to Section 3.8 of the *Compact* and is granted this withdrawal permit pursuant to Section 10.3 of the *Compact* and *GWPAR*, subject to the following conditions:

a. Docket approval is subject to all conditions, requirements, and limitations imposed by the PADEP, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission's. Within 60 days (May 16, 2016), the permit holder shall provide written confirmation to the Commission that it has registered and reported with PADEP all surface and groundwater sources described in this permit in accordance with the Pennsylvania Regulations (Title 25 - Environmental Protection, [25 PA. CODE CH. 110], Water Resources Planning).

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 total withdrawal from the wells and irrigation pond shall not exceed 6.2 mgm or 37.2 mgy (6.2 mgm x 6 months). The wells and irrigation pond shall not be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

WELL OR INTAKE NO.	INSTANTANEOUS RATE (GPM)	MONTHLY ALLOCATION (MILLION GALLONS)
1978 Blue	90	3.1
15	225	3.1
Irrigation pond	600	6.2

e. 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 annually by June 30, to the PADEP. Withdrawal records shall be available at any time to the Commission if requested by the Executive Director.

f. The docket holder shall pay for surface water use in accordance with *Administrative Manual – Part III Basin Regulations – Water Supply Charges*.

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

h. The docket holder shall implement to the satisfaction of the PADEP, a 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.

i. The docket holder shall incorporate and implement reasonable conservation practices and measures consistent with efficient utilization of water resources.

j. 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.

k. 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 permit. 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* and the *GWPAR*.

l. 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.

m. 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.

n. 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.

o. 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.

p. For the duration of any drought emergency declared by either Pennsylvania or the Commission, water service or use by the docket holder pursuant to this approval shall be subject to the prohibition of those non-essential uses specified by the Governor of Pennsylvania, the Pennsylvania Emergency Management Council, PADEP, or the Commonwealth Drought

Coordinator, to the extent that they may be applicable, and to any other emergency resolutions or orders adopted hereafter by the Commission.

q. 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**