

1/27/2017 1:55 PM

**DOCKET NO. D-2006-018-2**

**DELAWARE RIVER BASIN COMMISSION**

**Special Protection Waters**

**Blue Ridge Country Club  
Groundwater Withdrawal**

**Lower Towamensing Township, Carbon County, Pennsylvania**

**PROCEEDINGS**

This docket is issued in response to an Application submitted by Blue Ridge, LLC to the Delaware River Basin Commission (DRBC or Commission) on October 31, 2016 for renewal of an allocation of groundwater and review of a groundwater water withdrawal project (Application). This docket was previously approved by the Commission on July 19, 2006.

The Application was reviewed for continuation under Section 3.8 of the *Delaware River Basin Compact*. The Carbon County Planning Commission has been notified of pending action. A public hearing on this project was held by the DRBC on February 15, 2017.

**A. DESCRIPTION**

- Purpose.** The purpose of this docket is to renew the approval of an existing withdrawal up to 10.59 million gallons per month (mgm) to irrigate the Blue Ridge Country Club (BRCC) golf course from existing Wells 1, 2, 4 and 5. BRCC is not requesting an increase in groundwater withdrawal allocation from that contained in its prior approval.
- Location.** The project wells are located in the Fireline Creek Watershed, within the drainage area to the Upper Delaware Special Protection Waters, in Lower Towamensing Township, Carbon County, Pennsylvania. Fireline Creek near the project site is designated by the Pennsylvania Department of Environmental Protection (PADEP) as Cold Water Fishes (CWF) and Migratory Fishes (MF). The project wells are completed in the Walcksville Member of the Catskill Formation.

Specific location information has been withheld for security reasons.

3. **Area Served.** The project withdrawals will only be used to supply water to the docket holder's golf course irrigation system.

4. **Physical features.**

a. **Design criteria.** BCC golf course is an 18-hole golf course located on 300 acres, and consists of approximately 27 acres of fairways and tees and 3 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 the clubhouse well which averages approximately 0.06 mgm during the months which the golf course is in operation. Withdrawals from this well are below the Commission's groundwater withdrawal threshold.

The irrigation system is sourced from the wells and on-site collected stormwater. The water is pumped from the wells into the irrigation pond, which also collects water run-off from the golf course. Storage in the irrigation pond is approximately 2.1 million gallons (mg). The irrigation pond is not connected to any creek or stream and is fed solely by pumped groundwater from the wells and stormwater collected from the site. The irrigation pond has a surface area of approximately 2 acres.

The average and maximum demand is 0.043 million gallons per day (mgd) and 0.277 mgd, respectively. The docket holder projects an average and maximum water demand of 0.05 mgd and 0.342 mgd, respectively, by the year 2027. The allocation of 10.59 mgm should be sufficient to meet the future demands of the BRCC irrigation system.

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

WELL NO.	DEPTH (FEET)	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY (GPM)	YEAR DRILLED
1	425	21' / 6"	75	1976
2	450	41' / 6"	75	1976
4	350	100' / 6"	60	1991
5	300	87' / 8"	90	2003

All wells are metered.

Prior to entering the distribution system, the water is not treated.

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

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

c. **Other.** Discharge water from the site and the vicinity is conveyed to on-site septic systems.

- d. Cost. There are no construction costs associated with this renewal.

## 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. The wells providing water supply to the BRCC are located within in the drainage area to the Special Protection Waters. Since this project does not entail additional construction and expansion of facilities or service areas and 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, Special Condition C.II.s. has been included in the Decision section of this docket.

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

This project consists of an existing withdrawal of groundwater from Wells 1, 2, 4 and 5. The docket holder has requested allocations for existing Wells 1, 2, 4 and 5 based on existing water use. These rates are provided in Decision Condition C.II.d. in the Decision Section of this docket. As the existing water withdrawals have already been realized by the local hydrologic system, there should be no significant impacts from continued withdrawals from the existing wells.

BRCC 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*.

### C. DECISION

I. Effective on the approval date for Docket No. D-2006-018-2 below, Docket No. D-2006-018-1 is terminated and replaced by Docket No. D-2006-018-2.

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, and such conditions, requirements, and limitations are incorporated herein, unless they are less stringent than the Commission’s. The wells and operational records shall be available at all times for inspection by the DRBC.

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 and irrigation pond shall not exceed 10.59 million gallons or 63.54 million gallons per year (mgy) (10.59 mgm x 6 months). No well or the irrigation pond shall be pumped above the maximum instantaneous rate and monthly allocation as indicated below:

WELL NO. OR INTAKE NO.	MAXIMUM INSTANTANEOUS RATE (GPM)	MONTHLY ALLOCATION (MGM)
1	75	3.35
2	75	3.35
4	60	2.68
5	90	4.00
Irrigation Pond	1000	10.59

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

f. 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.

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.

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

i. 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.

j. 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).

k. The docket holder shall continue to implement its Water Conservation Plan as approved by 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.

l. The docket holder shall implement to the satisfaction of the PADEP, a drought or other water supply emergency plan.

m. 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.

n. 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.

o. 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*.

p. 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.

q. 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.

r. 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.

s. 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.

t. 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.

u. 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:**

**EXPIRATION DATE: March 15, 2027**