

**DOCKET NO. D-1994-025 CP-2**

**DELAWARE RIVER BASIN COMMISSION**

**Special Protection Waters**

**Village of Wurtsboro**

**Ground Water Withdrawal**

**Village of Wurtsboro, Sullivan County, New York**

**PROCEEDINGS**

This docket is issued in response to an Application submitted by Lehman and Getz Engineering, P.C. on behalf of the Village of Wurtsboro (the Village or Docket Holder) to the Delaware River Basin Commission (DRBC or Commission) on June 2, 2014 for renewal of an allocation of groundwater and review of a groundwater water withdrawal project (Application). The groundwater withdrawal project was approved by the New York State Department of Environmental Protection (NYSDEC) on June 1, 1981 (Permit No. WSA No. 7144) and on August 23, 1995 (Permit No. WSA No. 9127).

The Application was reviewed for continued inclusion in the Comprehensive Plan and for approval under Section 3.8 of the *Delaware River Basin Compact*. The Sullivan County Planning Board has been notified of pending action on this docket. 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 renew the approval of an existing groundwater withdrawal project to supply up to 10.4 million gallons per month (mgm) of water from existing Wells Nos. 3, 4 and 5 for use in the docket holder's public water supply distribution system. The allocation approved by this docket is an increase from the previously approved allocation of 6.0 million gallons per 30 days (6.2 mgm). The docket also approves a previous expansion of the docket holder's service area into a portion of the Town of Mamakating, south of the Village of Wurtsboro.

**2. Location.** Well No. 3 is screened in shallow unconsolidated alluvial deposits and Well No. 4 is completed in the Onondaga Limestone bedrock aquifer in the drainage area to Willsey Brook in the Gumaer Brook-Basher Kill Watershed. Well No. 5 is completed in the Port Ewen through Manlius Limestone, Rondout Dolostone, undifferentiated bedrock aquifer in the Basher Kill Watershed. Willsey Brook and Basher Kill near the groundwater withdrawal locations are

classified by the NYSDEC as a Class B(T) waterbody and a Class C(T) waterbody, respectively. The three groundwater sources are located the Village of Wurtsboro, Sullivan County, New York in the drainage area of the portion of the non-tidal main stem Delaware River known as the Middle Delaware, which the Commission has designated as Special Protection Waters (SPW).

Specific location information has been withheld for security reasons.

**3. Area Served.** The project wells supply water to the Village of Wurtsboro and approximately 42 customers in an adjoining portion of the Town of Mamakating, just south of the Village. The service area is delineated on an aerial photograph entitled “Village of Wurtsboro Water Service Area” submitted with the Application. 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 system currently serves water to a population of 1,350 persons on 466 domestic service connections and records an existing average and maximum water demand of 0.240 million gallons per day (mgd) and 0.300 mgd, respectively. The docket holder projects the 10-year average and maximum water demand to increase to 0.268 mgd and 0.336 mgd, respectively due to an increase in population. The allocation of 10.4 mgm should be sufficient to meet the future demands of the Village of Wurtsboro’s public water supply system.

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

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR COMPLETED
No. 3	30’	25’ / 16” (inner casing) Screened 25’-30’	200 gpm	1981
No. 4	550’	192’ / 8”	75 gpm	1993
No. 5	500’	240’ / 8”	175 gpm	1993

Wells Nos. 3, 4, and 5 denoted above were referred to as Wells Nos. 1 (Linton Lane), 2 (TW-1) and 3 (TW-2) in the previous docket.

Well No. 3 was listed as a standby source in the previous docket. This well is used on a regular basis.

All wells are metered.

All water service connections are metered.

Prior to entering the distribution system, the water is disinfected with chlorine at each pump house. The water from Well No. 3 is also treated with caustic soda for corrosion control.

Existing Wells Nos. 4 and 5 are located within a FEMA mapped 100-year floodplain. The wellheads are equipped with watertight seals and are cased into bedrock.

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

c. **Other.** Wastewater generated from the docket holder's service area is discharged to on-lot septic systems.

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

e. **Relationship to the Comprehensive Plan.** Well No. 3 (previously referred to as Well No. 1 or the Linton Lane Well) was included in the Comprehensive Plan by the Commission in Docket No. D-81-28 CP on July 22, 1981. Wells Nos. 4 and 5 (previously referred to as Wells Nos. 2 and 3) were included in the Comprehensive Plan by the Commission in Docket No. D-94-25 CP on February 28, 1996.

## 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 Village of Wurtsboro are located within in the drainage area to the Special Protection Waters. Since this project does

not entail additional construction or expansion of facilities and the expansion of service area has already occurred (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, Special Condition II.z. has been included in the Decision section of this docket.

### **Allocations**

This project consists of an existing withdrawal of groundwater from Well Nos. 3, 4 and 5. The individual instantaneous rates approved by this docket are based on the NYSDEC and NYSDOH approved capacities. The exception to this is Well No. 3, which was limited to the installed pump capacity of 200 gpm. The monthly well allocations are based on the docket holder's requested rates. Based on water usage records, the docket holder typically withdraws between 5 and 7 mgm of water and periodically operates the system at monthly withdrawal rates of up to 9 mgm. This docket approves an allocation of up to 10.4 mgm, which is equal to the docket holder's 10-year projected demands. As a significant portion of this allocation has already been realized by the local hydrologic system and the monthly allocation approved by this docket is less than 40 percent of the state-approved combined well capacity, there should be no significant impacts from the increased withdrawals from the existing system wells.

### **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 Condition II.i. in the Decision section of this docket). Village of Wurtsboro is required to submit a Water Audit for calendar year 2014 by March 31, 2015.

### **Flood Plain Regulations**

Existing Wells Nos. 4 and 5 and the Pennsylvania Avenue Pump House are located within FEMA mapped 100-year floodplain areas. The wells are flood proofed and no construction, additions or modifications to the water supply facility are included with this approval; therefore, the existing project complies with the DRBC, *Administrative Manual – Part III, Basin Regulations – Floodplain Regulations*.

### **Other**

The Village has made improvements to its water system including the installation of meters at all of its service connections. The Village has initiated a water rate analysis and expects to have a water conservation billing rate structure in place by spring 2015. The village also plans to incorporate by code, water conservation performance standards for all new service connections. In the future, the Village plans to replace a section of water main and upgrade one of its storage tanks.

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-1994-025 CP-2 below:

a. The project described in Docket Nos. D-81-28 CP RENEWAL-2, D-81-28 (CP) (RENEWAL), D-81-28 CP and D-94-25 CP are removed from the Comprehensive Plan to the extent that it is not included in Docket No. D-1994-025 CP-2; and

b. Docket Nos. . D-81-28 CP RENEWAL-2, D-81-28 (CP) (RENEWAL), D-81-28 CP and D-94-25 CP are terminated and replaced by Docket No. D-1994-025 CP-2.

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 10.4 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
3	200 gpm	8.9 mg
4	75 gpm	3.3 mg
5	160 gpm	7.1 mg

e. The wells shall be equipped, where possible, with readily accessible capped ports and minimum ½ inch inner diameter (ID) drop pipes as repairs or modifications are made at each existing well so that water levels may be measured under all conditions.

f. 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.

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

h. 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.

i. 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. The docket holder shall submit the water audit for calendar year 2014 by March 31, 2015.

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. 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.

l. 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.

m. 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*.

n. 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.

o. 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.

p. If the monitoring required herein, or any other data or information demonstrates that the operation of this project significantly affects or interferes with any domestic or other existing uses of ground or surface water, or if the docket holder receives a complaint by any existing ground or surface water users within the zone of influence of the withdrawal, the docket holder shall immediately notify the Executive Director of any complaints by any ground or surface users 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 Section 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 ground or surface water user which is substantially adversely affected, rendered dry or otherwise diminished 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.

q. 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.

r. 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.

s. 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.

t. 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.

u. The docket holder owes a remaining balance of \$2,000 for this docket renewal. The balance shall be paid within sixty (60) days of issuance of this docket (by May 10, 2015) or fees may be assessed in accordance with the Commission's Penalty Matrix.

**BY THE COMMISSION**

**APPROVAL DATE: March 11, 2015**

**EXPIRATION DATE: March 11, 2025**