

DOCKET NO. D-1994-081-3

DELAWARE RIVER BASIN COMMISSION

**Sealed Air Corporation
Ground Water Withdrawal
City of Reading, Berks County, Pennsylvania**

PROCEEDINGS

This docket is issued in response to an Application submitted by Entech Engineering, Inc. on behalf of Sealed Air Corporation to the Delaware River Basin Commission (DRBC or Commission) on March 13, 2014 for renewal of an allocation of groundwater and review of a groundwater water withdrawal project (Application).

The Application was reviewed for approval under Section 3.8 of the *Delaware River Basin Compact*. The Berks County Planning Commission 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 project is to renew the approval to withdraw up to 4.0 mgm of groundwater from existing wells Nos. PW-1 and PW-2 for industrial use at the docket holder's recycled paper mill. The allocation provided in this docket is a reduction from the total groundwater allocation of 8.0 mg/30 days approved in the previous docket.

2. **Location.** The project wells are completed in the Buffalo Springs Formation and are located in the Angelica Creek – Schuylkill River Watershed in the City of Reading, Berks County, Pennsylvania. The Schuylkill River near the project site is designated by the Pennsylvania Department of Environmental Protection (PADEP) as supporting Warm Water Fishes and Migratory Fishes (WWF-MF).

Specific location information has been withheld for security reasons.

3. **Area Served.** The project wells supply water to the Sealed Air Corporation's paper mill facility only. 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.** Industrial process water is supplied by the docket holder's wells and an interconnection with the Reading Area Water Authority (RAWA). Groundwater is used in the paper making process and potable water and boiler water is supplied by the RAWA. The docket holder records an existing average and maximum groundwater demand of 0.068 million gallons per day (mgd) and 0.098 mgd, respectively. The docket holder projects the 10-year

average and maximum groundwater demand to increase to 0.088 mgd and 0.127 mgd, respectively. The docket holder indicated that the allocation of 4.0 mgm of groundwater is sufficient to meet the future demands of the facility.

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

WELL NO.	DEPTH	CASED DEPTH/ CASING DIAMETER	PUMP CAPACITY	YEAR DRILLED
PW-1	400'	118' / 8"	75 gpm	1994
PW-2	400'	60' / 8"	110 gpm	1994

All wells are metered.

Groundwater is not treated prior to entering the distribution system.

The existing project wells are located within the 100-year floodplain. The wells are equipped with water-tight well plugs.

The docket holder also purchases an annual average of 0.077 mgd and a peak monthly average of 0.124 mgd from the RAWA.

c. **Other.** Wastewater is conveyed to the City of Reading sewage treatment facility most recently approved by DRBC Docket No. D-1986-028 CP-3 on September 10, 2014. The PADEP issued its most recent NPDES Permit No. PA0026549 on November 25, 2013 for this treatment facility. The treatment facility has adequate capacity to continue to receive wastewater from the existing project.

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

B. FINDINGS

This project consists of an existing withdrawal of groundwater from Well Nos. PW-1 and PW-2 for use at the docket holder's recycled paper mill. The total allocation granted herein (4.0 mgm) is based on the ten-year maximum daily groundwater demand as stated in the application. The individual well instantaneous rates are based on the previously conducted pumping test discharge rates. The total and individual well allocations are provided in Condition II.d. in the Decision Section of this docket. There should be no significant impacts from continued withdrawals from the existing system wells.

Flood Plain Regulations

Well Nos. PW-1 and PW-2 are existing wells that are located within the 100-year floodplain. The wells are flood proofed using watertight, sanitary seal well plugs installed at the wellheads. The project complies with the DRBC, *Administrative Manual – Part III, Basin Regulations – Floodplain Regulations*.

In its Application, the docket holder requested to continue the previous allocation of 8 mg/30 days (0.267 mgd). However, the estimated ten-year projected maximum water use as stated in the Application is 0.127 mgd (approximately 4.0 mgm). The Commission bases water allocations on ten-year projected maximum use estimates and the docket holder agrees that the allocation of 4.0 mgm (0.129 mgd) granted herein satisfies the docket holder's ten year projected maximum use estimates.

The docket holder reports that the project withdrawals, used for the purpose of paper processing, results in a consumptive use of 89 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-1994-081-3 below, the project described in Docket No. D-94-81-2 is terminated and replaced by Docket No. D-1994-081-3.

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 docket holder shall register with and report to the PADEP all groundwater 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 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 4.0 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
PW-1	75 gpm	3.348 mg
PW-2	110 gpm	4.0 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 PADEP annually and shall be available at any time to the Commission if requested by the Executive Director.

g. 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).

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

i. 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.

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 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*.

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 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.

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 nonessential 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 11, 2015

EXPIRATION DATE: March 16, 2025